

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



June 30, 2006

ALL COUNTY LETTER NO. 06-20

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CIVIL RIGHTS COORDINATORS

SUBJECT: INTERPRETIVE SERVICES

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order or Settlement Agreement
- Clarification Requested by One or More Counties
- Initiated by CDSS

The purpose of this All-County Letter (ACL) is to remind counties of their continued obligation to comply with the California Department of Social Services (CDSS) Manual of Policies and Procedures (MPP) Division 21 regulations regarding the provision of effective language services to all applicants/recipients in their primary language. The provision of effective language services shall be prompt, without undue delay. These requirements apply regardless of whether the county provides an interpreter (qualified bilingual employees, paid interpreters, qualified employees of other agencies, or use of community resources) or the applicant/recipient chooses to provide his/her own interpreter.

Counties must comply with MPP Section 21-107 regarding the dissemination of information and ensure that applicants/recipients are advised of their right to free interpretive services. It is always the county's obligation to affirmatively offer interpretive services (Section 21-115.15). Once the county has been informed that the applicant/recipient needs an interpreter, the county must offer and provide an interpreter at each client contact. The county's obligation to provide interpretive services may be met using a variety of methods, which may include bilingual staff, county interpreters, and contracted interpreters (including language line).

Applicants/recipients may use their own interpreter, but must not be compelled or encouraged to do so (Section 21-115.16). Before applicants/recipients decide to use their own interpreter, the county is required to advise them at initial intake and at each redetermination of (1) the right to free interpretive services; (2) potential problems of using the client's own interpreter, including the possibility of ineffective communication, inaccurate interpretation, and the need to disclose private information to the interpreter; (3) the availability of county-provided interpretive services, whether or not a client chooses to provide his own interpreter; and (4) the right to accept county-provided interpretive services at any time, even when a client-provided interpreter is present.

If the applicant/recipient chooses to provide his or her own interpreter, but at any time informs the county that he or she wishes to utilize the county-provided interpreter, the county must provide free interpretive services, without undue delay. The county *shall not* conduct substantive, program-related conversations with the applicant/recipient until qualified interpretive services are available.

The county may allow a minor to temporarily act as interpreter only at the request of the applicant/recipient, or under other extenuating circumstances. The county must document the use of a minor and the reason(s) for it in the case record. Examples of extenuating circumstances warranting the temporary use of a minor as interpreter include, but are not limited to:

- The County Welfare Department (CWD) telephones or visits the applicant/recipient's home for initial contact and finds a non-English or limited-English speaking client, while a minor in the home speaks English. Under these circumstances, the CWD contact may use the minor as an interpreter only to determine the language of the client and to schedule a date and time to return with a county provided interpreter. When the matter is time sensitive, the county is encouraged to use a telephone interpreter.
- A non-English or limited-English speaking applicant/recipient enters the CWD with a minor child who speaks English and the county does not immediately have access to a county provided interpreter in the applicant/recipient's primary language. Under these circumstances, the minor may only be used as a temporary interpreter to schedule a date and time to return to the CWD when a county provided interpreter will be available. When the matter is time sensitive, the county is encouraged to use a telephone interpreter.
- When a CWD employee encounters a health and safety issue such as a car accident or crime scene, where immediate communication is imperative, a minor may be used temporarily until a qualified interpreter arrives at the scene or communicates with the applicant/recipient via telephone, cell phone, etc.

In all instances, the use of a minor as the applicant's/recipient's interpreter should be temporary, only until a county interpreter is made available.

In addition to providing free interpretive services, the county must document the following in the case record file for each contact with the applicant/recipient:

- The county offered free interpretive services;
- Who provided the interpretive services;

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- The county informed the applicant/recipient of potential problems for ineffective communication when using the applicant's/recipient's own interpreter;
- The county offered county-provided interpretive services if the applicant/recipient provided interpreter is not available;
- A minor temporarily acting as an interpreter did so at the specific request of the applicant/recipient or there were other extenuating circumstances, with an explanation of those circumstances;
- The applicant/recipient signed a consent for the release of information when using his or her own interpreter;
- The county informed the applicant/recipient of his/her right to accept county-provided interpretive services at any time, even when a client provided interpreter is present. (Section 21-115.16; 116.22 through .24)

If you have any questions regarding this letter, you may contact the Civil Rights Bureau at (916) 654-2107, or toll free at 1-866-741-6241.

Sincerely,

Original Document Signed By:

TOM LEE
Acting Deputy Director
Human Rights and Community Services Division