

July 8, 2022

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

**EXECUTIVE SUMMARY**

**ALL COUNTY LETTER NO. 22-56**

The purpose of this All-County Letter is to remind counties and agencies of their responsibilities to Limited English Proficient claimants prior to administrative hearings, in relation to providing notice of the availability of language services for sight translation of the county or agency's Statement of Position.



**KIM JOHNSON**  
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**  
744 P Street • Sacramento, CA 95814 • [www.cdss.ca.gov](http://www.cdss.ca.gov)



**GAVIN NEWSOM**  
GOVERNOR

JULY 8, 2022

ALL COUNTY LETTER NO. 22-56

**TO:** ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY STATE HEARING REPRESENTATIVES  
ALL COUNTY SPECIAL INVESTIGATIVE UNIT COORDINATORS  
ALL COUNTY COUNSELS  
ALL ADMINISTRATIVE LAW JUDGES  
DEPARTMENT OF HEALTHCARE SERVICES  
DEPARTMENT OF HEALTHCARE SERVICES CONTRACTORS

**SUBJECT: COUNTY AND AGENCY HEARING REPRESENTATIVES' PRE-HEARING RESPONSIBILITIES REGARDING PROVIDING THE STATEMENT OF POSITION TO LIMITED ENGLISH PROFICIENT CLAIMANTS**

**REFERENCES:** [Government Code Section 11135](#), [Government Code Sections 7290 – 7298](#); [Welfare and Institutions Code Sections 10952.5, 14029.91, 14029.92, and 14727](#); [45 Code of Federal Regulations Section 92.101](#); [Manual of Policies and Procedures Sections 21-115, 22-001\(c\)\(5\), 22-073.25](#); [22 California Code of Regulations Section 50953](#); [All County Letters No. 08-65, No. 17-102](#); [California Community Transitions Letter CCT GL #15-004](#); [All Plan Letter 21-011](#)

## **INTRODUCTION**

The purpose of this All-County Letter (ACL) is to remind counties and agencies of their responsibilities to Limited English Proficient (LEP) claimants prior to administrative hearings. This ACL specifically addresses the counties' and agencies' responsibility to (1) provide information on how to request language assistance with the Statement of Position (SOP); and (2) provide an oral interpretation, also known as a sight translation, of the SOP prior to the administrative hearing, if requested by the claimant or their LEP Authorized Representative.

For California Department of Social Services (CDSS) programs and Department of Health Care Services (DHCS) programs administered by the counties, the responsibility to provide information on how to request language assistance with the SOP is accomplished by enclosing the CDSS [GEN 1365](#) "Notice of Language Services" form with the SOP. For non-county administered DHCS programs, this responsibility is accomplished by enclosing information regarding the [DHCS Non-Discrimination Policy and Language Access process](#).

The CDSS GEN 1365 form will be modified to reference fair hearing specific information and will list the hearing representative's contact information. That modified form will be named the GEN 1365A. Once published by CDSS forms management, counties shall be required to use the fair hearing specific GEN 1365A form.

As used in this ACL, the term "agency" refers to DHCS and its contractors, when participating in the state hearing process as the entity responsible for taking the action that is the subject of the state hearing, which is conducted in accordance with CDSS regulations and procedures. ([22 California Code of Regulations Section 50953](#))

### **COMMUNICATIONS WITH LIMITED ENGLISH PROFICIENT CLAIMANTS**

As stated in [ACL No. 17-102](#) and [Manual of Policies and Procedures Section 21-115](#), when an applicant/recipient has indicated to a county or agency that their primary language or preference for communication is a non-English language, that county or agency is required to offer forms and documents translated into the applicant's/recipient's preferred language when such translations are made available by the CDSS or DHCS, respectively.

For **counties** administering CDSS or DHCS programs, when a form or document is not available in the applicant's/recipient's preferred language, the form/document must be accompanied by the CDSS [GEN 1365](#) "Notice of Language Services" form (or the GEN 1365A once released). The form instructs the applicant/recipient to contact the county or agency to obtain language assistance.

For **DHCS and its non-county contractors** administering DHCS programs, when a form or document is not available in the applicant's/recipient's preferred language, the DHCS and its non-county contractors must provide the applicant/recipient with information regarding the DHCS Non-Discrimination Policy and Language Access process.

Counties and agencies are further required to provide bilingual/interpretive services to LEP claimants, including oral interpretation services. ([Manual of Policies and Procedures Section 21-115](#)) Oral interpretation of a document may also be described as "sight translation" services.

The requirement that counties or agencies provide the GEN 1365 or information regarding the DHCS Non-Discrimination Policy and Language Access process and, upon request, oral interpretation of a form or document, extends to non-standardized forms and individually tailored documents, such as an SOP.

Therefore, when providing an SOP to an LEP claimant, the county or agency must attach the GEN 1365 or information regarding the DHCS Non-Discrimination Policy and Language Access process, as applicable. Further, if requested, the county or agency must provide an oral interpretation of the SOP, including any exhibits attached to the SOP, prior to the administrative hearing.

Counties and agencies must also ensure that a copy of the GEN 1365 or the DHCS Non-Discrimination Policy and Language Access process is attached to the SOP that the county or agency uploads into the case file in the Appeals Case Management System, and that the SOP, with the attached GEN 1365, is made available to the claimant (and their representative if applicable), at least two business days in advance of the hearing. Likewise, the county or agency shall provide oral interpretations of the SOP, if requested, at least two business days in advance of the hearing. ([Manual of Policies and Procedures Section 22-073.252](#))

Where the county is aware of the need for assistance in a language that is not listed on the GEN 1365, the county or agency must attach the GEN 1365 or the DHCS Non-Discrimination Policy and Language Access process to the SOP. In these instances, the county or agency should also attempt to inform the claimant, in the claimant's preferred language, of how to obtain a free oral interpretation of the SOP and any attached exhibits. Such attempts may be made orally or in writing, and should be noted in the claimant's file.

#### **CONTACT INFORMATION**

Additional inquiries can be directed to the State Hearing Division Policy and Rehearing Branch at [SHDPRB@dss.ca.gov](mailto:SHDPRB@dss.ca.gov).

Sincerely,

***Original Document Signed By:***

JULIET MACAULAY,  
Deputy Director/Chief Administrative Law Judge  
State Hearings Division