

San Francisco Human Services Agency

Family and Children’s Services Handbook

Effective Date:6/6/07

Revised Date: 10/21/08

Administrative Support

Section 50-9

Civil Rights: Interpreters for Clients

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Civil Rights: Interpreters for Clients

HSA/FCS Policy Statement

10/14/08

Date of Approval

(signature on file)

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“Agencies shall ensure that effective bilingual services are provided to serve the needs of the non-English-speaking population.” –State of California CDSS Manual Section 21-115.

The San Francisco Human Services Agency (SFHSA) is mandated by the State, and it is good social work practice, to offer an interpreter to any individual whose primary language is not English, or who is deaf or hearing-impaired, and to provide, if possible, forms in the client’s requested primary language.

In order to align Family and Children’s Services’ (FCS) practice with City/County, State and Federal laws and guidelines, all staff who serve clients must inquire about the client’s language preference (both oral and written) and ethnic identity, at the staff person’s first contact with each client.

If a client identifies his/her primary language as other than English, the PSW is to speak with his/her Supervisor regarding the availability of Program staff (waivered staff) to assume casework responsibilities in the client’s language of preference, and the availability of translated forms.

State regulations require that the offer of language appropriate services and its result, be documented in the case record. In the FCS Division, this documentation is done on Language Service Needs Request, Form 8072 (FCS), as well as being entered into the CWS/CMS system.

Past state audits have shown that more attentiveness is needed in this area. In reviewing cases for future audits, the Quality Assurance Unit will look for required forms and documentation to insure that interpreters have been offered and provided.

Roles & Responsibilities

Protective Services Worker

[Language Service Needs Request, Form 8072 \(FCS\)](#) is the Family and Children's Services Division language services needs request form which should be introduced to each new client at the initial contact or as soon as circumstances allow. Emergency Response staff must introduce the form to the client, requesting that the client complete the form. The applicant/recipient and FCS staff person must sign the back page of the form.

Case-carrying workers in all FCS programs (Emergency Response, Court Dependency, Family Services and Transitions to Permanency) may have numerous occasions to utilize the required form, as family members and friends come forward to offer placement for the children or become otherwise involved in the case.

Form 8072 (FCS) must be introduced to all clients to be completed, and signed with the appropriate staff person or worker. Care and support to encourage the client to fill out the form, indicating the language spoken in their home, their primary language, should be sensitively utilized. **For the purpose of providing interpreter services or language service needs, all foster care providers are considered "clients" and must complete Form 8072.**

NOTE: Form 8072 (FCS) should be filed in Section II of the FCS case file.

Documentation and CWS/CMS

Please note that Form 8072 (FCS) asks the client to identify his/her ethnicity. The client's response is optional. The ethnicity defined by the client is to be entered in CWS/CMS on the ID page of the Client Notebook in the Client Management Section (Blue Button), immediately adjacent to the field where primary language is entered.

Protective Services Staff are required to provide equal access of services to clients who are non-English speaking or deaf/hearing impaired. FCS workers must document the provision of such services on CWS/CMS and Form 8072 (FCS), Language Service Needs. The following must be documented:

- Client's primary language preference (oral and written) and ethnic identity preference, as stated by the client on the signed Form 8072 (FCS), is to be kept in the case file folder in Section Two of the case file folder and entered into CWS/CMS on the ID page of the Client Notebook in the Client Management Section (Blue Button).

**Protective
Services
Workers (cont'd)**

- If information is provided by mail, rather than in person, [Form Letter 134](#), [“Information Regarding “Your Rights”](#)”, copies of [Publication OCR 1, “The Americans with Disabilities Act: Your Right To HSA Programs and Services”](#), and [State Publication 13, “Your Rights Under California Welfare Programs”](#), should be provided to clients. The worker should file a copy of Form 134 in Section 2 of the 6-part case folder to document that the brochures were provided.
- The [OCR 2](#) allows clients to disclose a disability or medical condition that they believe may prevent them from accessing HSA programs or services. When meeting with clients in person, the Protective Services Worker must provide this to the client for their completion, as well as document the accommodation or special assistance provided to the client. The OCR 2 is filed in Section 2 of the 6 part case folder.
- Whenever a PSW or other HSA staff provides services by speaking the language of a client, the Contact Entry in CMS must begin: “In Spanish (or whatever the language)...I spoke with (name of client).” **This announcement must be used every time a Contact Entry is made.**
- Whatever interpretive services are utilized, a Contact Entry must begin: “In Spanish (or whatever the language) by (name of interpreter) this interview was conducted regarding...” **This announcement must be used every time a Contact Entry is made when an interpreter has been used.**
- Indicate how bilingual or hearing-impaired services were provided, including name of the interpreter and his or her agency, the date and the number of hours billed, on a [1015 Special Payment Request](#), with a copy kept in the case.
- Any other circumstances relevant to showing how the client’s needs were met, including the assignment of the case to a staff person who speaks the preferred language must be clearly documented.
- If forms were provided to the client in the client’s requested language for written materials, this provision of forms in a specific language must be documented.
- All case transfers should be reviewed by the sending and receiving unit supervisors to insure adherence to the required practices of this Handbook Section.
- PSWs must secure a signed Form 8072 (FCS) from the foster care provider and send a copy to the Eligibility Worker informing that language interpretation services may be provided.

Protective Services Workers (cont'd)	Bilingual Requirements
	<p>A) Minors (under 18) shall not be allowed to interpret except under extenuating circumstances, or at the client’s specific request. In all instances, use of a child/youth as an interpreter should be temporary, only until a county interpreter is available. The child/youth may only be used to determine the language of the client and 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.</p> <p>NOTE: Whenever a child/youth or client’s own interpreters are used due to extenuating circumstances or documentation of the staff persons informing the recipient of potential problems for ineffective communications shall be documented in the case record. The client, interpreter and worker must fill out the Form OCR 3, “Client Consent: Release of Information and Use of Non-HSA Interpreters.” which should be filed in Section II of the FCS case file.</p> <p>B) Clients may use their own interpreter, but SFHSA must not require this. It is the responsibility of public contact staff to offer an interpreter if the client’s primary language is not English.</p> <p>NOTE: If the client would like to have a friend or family member as interpreter, the worker must evaluate that person’s ability to interpret in an objective way under the circumstances of the present case.</p> <p>C) Primary language is a determination that should be made jointly by the client and SFHSA.</p> <p>NOTE: Under stress, English comprehension may diminish.</p> <p>D) As Program staff may not be available to manage the casework in the client’s language of preference, the services of an interpreter may be necessary.</p> <p>E) The CDSS Manual 21-115.2, specifies: “Forms and other written material required for the provision of aid or services shall be available and offered... in the individual’s primary language.”</p> <ul style="list-style-type: none"> • Spanish, Chinese and Vietnamese versions of the most widely used forms are available on the HSA intranet website by accessing “Forms Central.” • If a State form is not on the shelves in the language needed, it may be ordered from Support Services at 170 Otis Street. • Funds are available to have county forms translated by a private firm if there is sufficient need. For information about how to get a form translated, call the Office of Civil Rights at 557-5950, or 558-1214.

**Protective
Services
Workers (cont'd)**

Finding an Interpreter

The following steps may be helpful in finding an interpreter:

- 1) If a client identifies his/her primary language as other than English, staff should speak with the Unit Supervisor regarding the availability of other Program staff to assume casework responsibilities in the family's language of preference.
- 2) A Form OCR 3 – Client Consent: Release of Information and Use of Non-HSA Interpreters shall be included in the case record signed by the client when interpreters are used. Releases are available in Spanish, Chinese, and Vietnamese.
- 3) To schedule an interpreter, contact Jane Kinzler, Civil Rights Program Support Analyst, at 558-1214 or Magaly Fernandez, Civil Rights Officer, at 557-5950 for all in-person interpretation requests and services.
- 4) The names of the interpreter and the agency, the date and the number of hours billed for the service should be recorded and sent on a Form 1015 to the Unit Supervisor for signature. The bill and the signed 1015 are then stapled together and sent to the Rate Setter. The 1015's are kept in the case folder for future audit.
- 5) Advance scheduling for interpreters is recommended when possible: HSA workers who provide interpretation services do so as an additional duty, and outside agencies need advance notice to coordinate the needed service. (In ER cases, advance scheduling may not always be possible.)
- 6) If more information about interpreters is needed, please call the Civil Rights Officer, at 557-5950 or the Civil Rights Program Support Analyst, at 558-1214.
- 7) The new provider for telephone interpretation services is the Language Line, 1-866-874-3972, Client ID Number 501641 and the FCS Program Access Code is HS3. Additional information on telephone interpretation can be found on the HSA Intranet under the Reference tab (Telephone Interpretation Services).

Best practices and immigrant advocates indicate a preference to use in-person interpretation services whenever possible. Consequently, over the phone interpretation services are not intended to replace bilingual staff interactions or in-person interpreters for prolonged or multiple party interactions.

Protective Services Workers (cont'd)	Requirements for the Hearing Impaired
	<p>SFHSA's responsibility to offer an interpreter under Part II-B above applies also to persons with hearing difficulties. Just as in the case of spoken non-English languages, the offer and its result must be documented on Form 8072 (FCS) (FCS) and in CMS, Language Service Needs. See above Part I for documentation requirements.</p> <ul style="list-style-type: none"> A) Written notes are an ineffective means and should only be used to determine the form of preferred communication, e.g., lip-reading, signing or American Sign Language (a.k.a. Ameslan or ASL). B) Staff should contact the Civil Rights Officer, Magaly Fernandez at 557-5950 or Civil Rights Program Support Analyst, Jane Kinzler at 558-1214 to arrange for an ASL interpreter. If staff is unable to contact either of the above, they can make their request directly to ICS at the number provided. ASL interpreters may be found through Interpreting and Consulting Services (ICS), telephone number: (707) 747-8200. When staff cannot reach the Office of Civil Rights and need to contact ICS directly for ASL services, staff should also contact the OCR (Magaly or Jane) to let them know that the request has been made directly, so OCR can track the service request. Billing and documentation procedures are the same as for spoken language interpreters. See Parts I and II-E.4 above. C) California Relay Service provides telephone accessibility for persons who are deaf or hearing-impaired. Workers can dial 711 or 1-800-735-2922 to contact a client by TTY (Text Telephone). D) Deaf or hearing-impaired persons can telephone HSA workers via the Telecommunication Device for the Deaf (TDD), the telephone: 558-2222. The information will be relayed to staff as needed. E) Please contact the Civil Rights Unit for help in locating an interpreter.