



THE CENTER FOR
IMMIGRATION
AND CHILD WELFARE

LANGUAGE ACCESS

*Alan J. Dettlaff, PhD & Caitlin O'Grady, MSW
March 2015*

EMERGING POLICIES TO ADDRESS THE NEEDS OF IMMIGRANT CHILDREN AND FAMILIES IN THE CHILD WELFARE SYSTEM

ABOUT THIS SERIES

As the population of children in immigrant families increases in the United States, child welfare agencies will need to develop policies that respond to their unique needs. To facilitate policy development, the Center on Immigration and Child Welfare conducted a statewide survey of county child welfare agencies in California to identify emerging and innovative policies that address the unique issues that arise in child welfare cases with immigrant families. These policies may be used as examples for other California counties, as well as other states and jurisdictions, to build their capacity to meet the needs of this growing population.

Each brief in this series provides an analysis of policies that address topics unique to issues concerning immigrant children and families. Topics include:

- Memoranda of Understanding with Foreign Consulates
- Placement of Children with Parents or Relatives in a Foreign Country
- Placement of Children with Undocumented Relatives in the U.S.
- Case Planning for Parents Residing in a Foreign Country
- Immigration Relief Options for Undocumented Youth in Care
- Financial Eligibility including Permanent Residence Under Color of Law (PRUCOL)
- Language Access

This brief focuses on language access policies. Research suggests that when child welfare-system involved families do not have access to linguistically appropriate services, successful completion of their case plan is impeded. Language access policies address this issue by outlining agency protocol to ensure that limited English proficient (LEP) families receive appropriate interpretation and translation services.

Of the 46 counties that participated in this project, five provided language access policies. Fourteen categories of provisions were observed across these policies, including: 1) auxiliary aids and services, 2) mandate to offer language services, 3) identifying language preference, 4) notifying client of right to language services, 5) documenting client need for language services, 6) interpreter provision for no cost, 7) procedure for obtaining an interpreter, 8) use of staff interpreters, 9) use of non-staff interpreters, 10) client provision of own interpreter, 11) use of minors as interpreters, 12) language line/telephonic services, 13) ongoing services procedure, and 14) staff training. Descriptions of these categories are discussed below and in the following pages. Following these descriptions are summary tables that indicate the categories of provisions included in each of the policy documents.

POLICY PROVISIONS

Auxiliary aids and services. Policies containing this provision specify services to be offered to visually or hearing impaired clients, including telecommunication devices for the deaf, large print materials, and translation services including sign language services and the provision of materials in Braille. Mendocino and San Francisco include this provision in their policies.

Mandate to offer language services. This category of provision makes reference to the agency's legal obligation to provide language services to clients with a preferred language other than English. All counties include this provision in their policies. San Francisco, Santa Clara and Stanislaus all identify their obligation under California state law, and Mendocino, Santa Clara and Solano acknowledge

their obligation in accordance with the Civil Rights and Disabilities Act of 1964.

Identifying language preference. This provision specifies that child welfare agency staff are required to determine a client's oral and written language preference upon the initiation of services. All five counties include this provision in their policies.

Notifying client of right to language services. Provisions falling under this category state that upon initiation of services, all clients who report a language preference other than English are to be immediately notified of their right to receive interpretation services free of charge. Two counties include this provision in their policies.

Documenting client need for language services. This provisions specifies that agency staff must document a client's need for language services. All five counties include this provision in their policies, and generally state that agency staff must document a client's language of preference in their case file.

Interpreter provision at no cost. This provision specifically states that the interpreter services provided by the agency are to be offered to the family at no cost. Three of the five counties explicitly make this statement in their policies.

Procedure for obtaining an interpreter. This category of provisions outlines the steps that agency staff must follow in order to obtain interpretation services for their clients. Three counties have policies containing this provision. Mendocino specifies the department section responsible for maintaining a database of available interpreters and managing interpretation requests, while San Francisco identifies the staff member who should be contacted to arrange interpretation services and the information that should be documented at each request. Solano identifies the forms to be completed in order for staff to request and document the use of interpreter services.

Use of staff interpreters. Provisions falling under this category outline the procedure to be followed for obtaining interpretation services from a bilingual agency staff member. Three policies include this provision. Mendocino and Solano specify that whenever possible, agency staff are to be utilized for interpretation services, and additionally state that the assigned social worker is to identify bilingual staff members through a list that is made available to all agency staff. Mendocino outlines that the social worker is to make the request through the bilingual staff member's supervisor. San Francisco specifies that in cases where a bilingual staff member is available for clients needing ongoing agency services, the case is to be transferred to the bilingual staff member.

Use of non-staff interpreters. Several policies distinguish between the use of interpreters within and outside of the agency. Policies including this category of provisions make specific reference to circumstances under which agencies should use the services of an interpreter outside of the agency. Two counties include this provision in their policies, and generally specify that the agency should use outside interpreters when a bilingual staff member is unavailable.

Client provision of own interpreter. Provisions falling under this category discuss the circumstances under which clients may use their own interpreter and identify the limitations associated with doing so. All five counties include this provision in their policies. All counties state that clients shall never be required to provide their own interpreter, but that they may choose to do so. Mendocino, San Francisco, and Stanislaus further specify that if clients choose to use their own interpreter, agency staff must advise them of potential confidentiality issues and the risk for inaccurate interpretation, and must document in the client's file that they have been informed of these potential risks. These three counties additionally state that clients must sign consent forms when electing to use their own interpreter.

Use of minors as interpreters. Policies including this provision state that agency staff are not to use minors as interpreters except in extenuating circumstances. Four of the five counties include this provision in their policies. These policies identify specific extenuating circumstances in which minors may act as interpreters, including situations where a child's safety is threatened. San Francisco states that even in time-sensitive situations, agency staff should attempt to use telephonic services before allowing the minor to act as the interpreter.

Language line/telephonic services. Provisions falling under this category define telephonic interpretation services and offer guidance regarding when they should be used. Three counties have policies containing this provision. These policies provide a general definition of the Language Line and discuss the procedure for accessing telephonic interpreters. Both Mendocino and Solano additionally identify that Language Line services are available 24 hours per day, 7 days per week, and 365 days per year. Mendocino, San Francisco, and Solano also offer guidance regarding when to use telephonic services, generally stating that they should be used when in-person interpretation is not an option.

Ongoing services procedure. Policies with provisions falling under this category outline the procedures to be followed to ensure client access to ongoing services in their native language. Two counties include this provision in their policies. Mendocino specifies that social workers should arrange for interpretation services for ongoing clients upon referral for contracted services, court hearings, home visits, and office visits. Stanislaus states that when it is not possible to assign a client to a bilingual social worker, the assigned social worker must ensure that an interpreter is provided at each contact with the family.

Staff training. Provisions falling under this category state that agency staff will receive training to ensure their understanding of language access policies and procedures. Two counties have policies containing this provision.

METHODOLOGY

Conducting a policy analysis is useful for systematically answering a set of questions related to the process through which a specified policy is developed, the content included in a given policy, or a policy's impact. In the case of this project, a policy analysis provided a systematic means of identifying shared content across a range of county child welfare policies pertaining to immigrant children and families. Initial contact was made with county administrators in each of California's 58 county child welfare agencies through the assistance of the California Department of Social Services and the California County Child Welfare Directors' Association. If counties agreed to participate, they were asked to participate in a 30 minute phone interview to identify policies and practices being implemented in their counties specific to immigrant families. Telephone interviews were conducted with county child welfare administrators in 46 of 58 California counties and policy documents were obtained. A preliminary review of policy documents resulted in the identification of 7 policy categories: 1) Memoranda of Understanding with foreign consulates, 2) placement of children with parents or relatives in a foreign country, 3) placement of children with undocumented relatives in the United States, 4) financial eligibility of youth in care including Permanent Residence Under Color of Law (PRUCOL), 5) case planning for parents residing in a foreign country, 6) immigration relief options for undocumented youth in care, and 7) language access. Within these categories, policies were analyzed to identify themes in content across counties. Atlas.ti, a qualitative data analysis program, was used to facilitate the analysis of policy documents.

ACKNOWLEDGMENTS

This project was initiated through the work of the California Department of Social Services' (CDSS) Latino Practice Advisory Committee. This committee was established by CDSS to build the capacity of California county child welfare agencies to provide culturally responsive services to Latino and immigrant families. Funding for this project was provided by the California Child Welfare Indicators Project at the University of California at Berkeley and the Walter S. Johnson Foundation. We would also like to acknowledge the California Department of Social Services and the Stuart Foundation for their support of the California Child Welfare Indicators Project.

The Walter S. Johnson Foundation



ABOUT THE CENTER ON IMMIGRATION AND CHILD WELFARE

The mission of CICW, formerly the Migration and Child Welfare National Network (MCWNN), is to improve programs and policies related to immigrant children and families involved in the public child welfare system. CICW conducts and disseminates research, develops policy and practice recommendations, develops and disseminates resources, and works with federal, state, and local child welfare agencies to facilitate policy and practice improvements. The Center serves as a resource to learn from the knowledge and strategies of colleagues, and participates in collaborative efforts to improve services for immigrant families in the child welfare system. The center has four areas of focus: 1) research, 2) policy and advocacy, 3) promising practices, and 4) international issues.

TABLE 1. POLICY PROVISIONS

COUNTY	Auxiliary aids and services	Mandate to offer language services	Identifying language preference	Notifying client of right to language services	Documenting client need for language services	Interpreter provision at no cost	Procedure for obtaining an interpreter
MENDOCINO	◆	◆	◆	◆	◆	◆	◆
SAN FRANCISCO	◆	◆	◆	◆	◆		◆
SANTA CLARA		◆	◆		◆		
SOLANO		◆	◆		◆	◆	◆
STANISLAUS		◆	◆		◆	◆	

TABLE 1. POLICY PROVISIONS (CONTINUED)

COUNTY	Use of staff interpreters	Use of non-staff interpreters	Client provision of own interpreter	Use of minors as interpreters	Language line/ telephonic services	Ongoing services procedure	Staff training
MENDOCINO	◆		◆	◆	◆	◆	◆
SAN FRANCISCO	◆	◆	◆	◆	◆		
SANTA CLARA			◆	◆			
SOLANO	◆	◆	◆	◆	◆		◆
STANISLAUS			◆			◆	