

1250 Clients With Limited English Proficiency (LEP)

CPS December 8, 2003

Title VI of the of the Civil Rights Act of 1964 requires that state and local governments must ensure that their programs and activities normally provided in English are accessible to persons with limited English proficiency (LEP) and that they do not discriminate on the basis of national origin.

Definitions

Limited English Proficiency (LEP): a limitation in the ability of a person whose first language is not English to communicate in English.

LEP Clients: CPS clients whose ability to communicate in English is limited as defined above. The clients may be children, biological parents, foster caregivers, adoptive parents, or other persons deemed responsible for the care, custody, or welfare of the child.

Communicating with LEP Clients

When a client's ability to communicate in English is limited, CPS must undertake reasonable, documented efforts to provide him or her with information and services in a language that the client can understand through the use of interpreters, translators, or other identified methods.

CPS's efforts may include, but are not limited to:

- the recruitment and hiring of bilingual workers;
- the recruitment of bilingual foster caregivers and adoptive parents;
- the use of interpreters and translators; and
- the use of bilingual brochures, forms, and other printed materials.

CPS must undertake reasonable efforts to ensure that LEP clients must understand, as fully as possible, all significant CPS actions at each of the following stages and points of service:

- investigation of allegations of child abuse or neglect;
- adverse actions such as removal of a child from his home;
- case planning and service delivery;
- judicial proceedings in which the court does not itself provide bilingual or interpreter services;
- temporary and permanent placements outside the home; and
- appeal proceedings and administrative reviews.

Note: CPS's efforts to provide bilingual or interpreter services must not delay or interfere with any actions necessary to:

- protect a child from harm or risk of harm; or
- comply with legal requirements.

Ensuring Comprehension of Written Material

Notwithstanding LEP status, a client may have a limited ability to understand material written in his or her own language. When communicating CPS purposes, goals, and services to a client, caseworkers should verbally review written material with the client and the interpreter to ensure that it is fully comprehended.

Family Members / Child Victims as Translators

CPS does not use family members or friends to interpret, translate, sign, or read for LEP clients, except at the client's specific request. Child victims should not be used as translators except for brief interaction to ascertain the client's request and/or arrange requested translation services. Ideally, interpreters and translators will be professionally trained or will be a CPS staff person who is fluent in the client's preferred language.

Documentation

In IMPACT, LEP should be noted in the Person Characteristics Window in all stages of service. Documentation in the case record should include:

- any offer of an interpreter (whether the client accepts or rejects the offer);
- the use of an interpreter;
- the interpreter's name;
- the interpreter's relationship to the LEP person (if any) or professional affiliation;
- the use of any type of communication aids (e.g., a communication board, pictures, etc.)
- the caseworker's ability to communicate in the client's preferred language; and
- the reason an interpreter was not used.

Staff should complete the Translator Services form available on Smiley any time translation services are offered to an LEP client. Staff should ensure that the client signs the form whenever such services are refused. The Translator Services form may be used multiple times in any stage of service.

Substitute Care Placements

When CPS removes an LEP child from his or her home, staff must consider the child's language needs and assess the importance of placing him with a foster family that speaks his own language. Language is not the only factor to consider in placing the child, but it must not be neglected.

The service plan of an LEP child in substitute care must address the following issues:

- communication between the child and the foster family if the foster family does not speak the child's language;
- the availability of bilingual classes and remedial English programs at the child's school;
- the need for and availability of counseling services in the child's language;
- the need for and availability of other services in the child's language; and
- the availability of bilingual CPS staff or interpreters.

If the child is placed in an LEP foster family, the child's service plan must also indicate how CPS staff will communicate with the foster family. CPS must make reasonable efforts to assign bilingual workers to LEP children and LEP foster families. When it is not possible to assign a bilingual worker, staff must find other ways to communicate with the clients. Options include, but are not limited to:

- using other bilingual workers, staff members, or volunteers to interpret;
- working with outside interpreters; and
- working with agencies that specialize in services to families of the foster child's ethnicity.