SECRETARY'S DIRECTIVE

OPI: Office of the Secretary – Fair Practice
NUMBER: SD D1113-03-03
EFFECTIVE DATE: May 23, 2003
SUBJECT: Communicating with Limited English Proficient Persons Policy

1. **PURPOSE AND SCOPE.** The Secretary of the Department of Juvenile Services establishes this policy to require all personnel employed by the Department of Juvenile Services (DJS), including personnel employed in facilities and programs that are directly involved in the care and treatment of youth who are under the jurisdiction of the DJS, to follow this policy on communicating with persons with limited English proficiency.

2. **POLICY.** It is the policy of DJS that personnel shall take reasonable steps to ensure that youth and parents of youth under its jurisdiction with limited English proficiency receive equal access to DJS services.

3. **PROGRAM OBJECTIVES.** The expected results of this policy are that DJS:

   a. Establish a general process for the provision of language services to limited English proficient (LEP) youth and parents of youth under DJS jurisdiction;
   b. Train staff in the recognition of persons with limited English proficiency;
   c. Inform LEP youth and parents of youth of the right to receive language services at no cost; and
   d. Monitor the provision of language services to LEP youth and parents of youth to ensure that reasonable steps are being taken to achieve equal access to DJS services.

4. **AUTHORITY.**

   a. Annotated Code of Maryland, State Government Article, §§ 10-1101 through 10-1105.
   b. Title VI, Civil Rights Act of 1964, 42 U.S.C. § 2000d.
   c. Presidential Executive Order 13166.

5. **DEFINITIONS.**

   a. *Area Director* means the DJS individual assigned to manage one of five large geographic areas of the DJS Community Justice Operations.
   b. *Community Justice Case Manager* means the Juvenile Counselor or other staff person assigned to perform overall case management for youth under DJS jurisdiction.
   c. *Department* means the Department of Juvenile Services.
   d. *Language assistance services* means translators, interpreters, bilingual staff, or

contractors who provide translation or interpretation of foreign language material into English and vice versa.[1]

e. *Limited English Proficient (LEP)* means individuals who do not speak English as their primary language and have a limited ability to read, write, speak, or understand English.

f. *Minor* means a person who has not attained the age of eighteen years.

g. *Parents* mean the parents or guardians of youth under the jurisdiction of DJS.

h. *Program* means a residential or nonresidential facility or activity operated by DJS or a private contractor that is directly involved in the care and treatment of youth under DJS jurisdiction, or a facility or activity licensed and/or certified by DJS.

i. *Program Case Manager* means a program employee with primary responsibility for ensuring DJS youth receive all appropriate evaluations and services necessary to meet a youth's needs during involvement in a program.

j. *Program Staff* includes but is not limited to Community Justice Case Managers and Program Case Managers.

k. *Secretary* means the DJS Secretary or his Designee.

l. *Vital Documents* means all applications, or informational materials, notices, and complaint forms essential to the provision of care and services to youth and parents under DJS jurisdiction.

m. *Youth* means individuals who are under the jurisdiction of DJS.

6. ACTION REQUIRED.

a. Program Staff Responsibilities

(1) Program Staff shall understand the limited English proficiency Policy and shall inform any LEP youth or parents of the availability of language services at no cost to youth or parents.

(2) A notice to this effect shall be posted in each office and facility of DJS and its contractors in English, Spanish, Korean, Russian, Vietnamese, Arabic, Farsi, and Mandarin Chinese, and any other languages as determined by DJS. **(Appendix 1)**.

(3) Each office and facility shall maintain, **"I speak cards" (Appendix 2)** for use of staff in identifying languages spoken by LEP youth and parents.

(4) Program staff shall obtain language services for LEP youth and parents in a timely manner to ensure that no significant delay in service takes place.

(5) Program staff shall work with referring authorities (e.g., police departments, schools, courts) to ensure that LEP individuals are properly identified by such authorities upon referral to DJS.

[1] The Maryland General Assembly passed legislation changing the name of the Department of Juvenile Justice to the Department of Juvenile Services, effective July 1, 2003. Chapter 53, Laws of Maryland 2003.

(6) Program staff shall maintain record documentation as follows:
- (i) Program staff shall document the language spoken by LEP youth and/or parents in the youth's file.
- (ii) Program staff shall maintain file documentation and records of language services involving DJS youth and parents in a manner that provides confidentiality and security.

b. Language Services

(1) **ORAL LANGUAGE SERVICES.** DJS shall take reasonable steps to achieve equal access to services. To ensure this access, services shall be provided in the following order of preference:

- (i) Recruiting and hiring bilingual staff to provide face-to face, in-house oral language services;
- (ii) Maintaining a standing contract with a language services firm;
- (iii) Contracting with interpreters from the list of court interpreters maintained by the State of Maryland Administrative Office of the Courts;
- (iv) Requesting assistance from community-based advocacy groups;
- (v) Accepting the use of an adult relative or community member at the discretion of Program Staff; and
- (vi) Providing a telephone-based interpreter through DJS's or the State's standing contract with telephone-based interpreting services.

(2) **WRITTEN LANGUAGE SERVICES.** DJS shall provide written language access by translating vital documents as follows:

- (i) DJS shall translate all vital documents into those languages spoken by more than three percent (3%) of a community served by a particular office; and
- (ii) Notices shall be given as necessary to all LEP clients that any vital document shall be translated upon request.

c. Use of minor children, family members, and volunteers as interpreters

(1) Program staff *may not* use minor children to serve as interpreters for DJS, except in extremely limited or emergency situations. For instance, minor children in residential placements may be asked to interpret during basic functions, such as meals and exercise. However, they *may not* be used as interpreters in any medical treatment, evaluation, education, therapy, hearing, or disciplinary setting.

(2) Other family members, community members, or volunteers may be used at the request of an LEP youth and/or parent to provide language services, provided that program staff:

(i) Inform the youth and/or parents of their right to receive language services at no cost;
(ii) Offer the youth and/or parents language services and the services are declined;
(iii) Determine that the family member, community member, or volunteer offered are qualified to interpret and, in particular, speak English well enough to be understood;
(iv) Determine that the use of the family member, community member, or volunteer does not adversely affect the provision of services;
(v) Determine that the use of the family member, community member, or volunteer does not create a conflict of interest or breach of confidentially; and
(vi) Document the youth and/or parents' request to use their own interpreter and the circumstances in the youth's file.

d. Area Director and Program Managers Responsibilities

(1) Area Directors and Program Managers shall ensure that all staff receive training in DJS LEP Policy.

(2) Area Directors shall designate a central coordinator responsible for:

(i) Monitoring DJS compliance with Annotated Code of Maryland, Article 2, §§ 10-1101 through 10-1105, and Presidential Executive Order 13166 as it Pertains to Title VI of the Civil Rights Act of 1964;
(ii) Assisting program staff in providing language services to LEP individuals;
(iii) Assessing which documents are vital;
(iv) Ensuring the availability of resources for language services, including contracts and translated materials, to all DJS and contractor offices and facilities in the area; and
(v) Reporting monthly to the Office of the Secretary's Office of Fair Practices on the number of LEP clients and parents, the types of languages encountered, and the level of effort to provide language access.

e. Secretary Responsibilities

The Office of the Secretary – Fair Practices shall perform assessments of language assistance programs on a periodic basis to measure effectiveness. Modifications shall be made whenever necessary to ensure that LEP persons have equal access to DJS services.

f. Confidentiality

(1) All interpreters and translators shall abide by DJS policies on confidentiality.

(2) Interpreters and translators who are not DJS employees shall be required to sign a confidentiality agreement **(Appendix 3)**.

7. EFFECTIVE DATE.

This directive is effective on 5/23/03 and shall remain in effect until rescinded by the Secretary.

8. DIRECTIVES/POLICIES AFFECTED.

a. Directives/Policies Rescinded - (none)

b. Directive/Policies Referenced - (none)

9. FAILURE TO COMPLY.

Failure to obey a Secretary's Directive and/or policy issued with this document shall be grounds for disciplinary action up to and including termination of employment.

Approved: "/s/ signature on original copy"
Kenneth C. Montague, Jr.
Secretary

Appendixes - 3

1. Poster notifying LEP clients of right to interpreter
2. 'I Speak cards"
3. Interpreter confidentiality agreement

If you need an interpreter

We provide free interpreter services on request to conduct your Social Security business. Please call us first so that someone who speaks your language will be available to help you.

Call 1-800-772-1213 Monday through Friday between 7 a.m. and 7 p.m. (Eastern time)

Arabic عربي	نوفر لك خدمة مجانية للاستعانة بمترجم شفهي إذا طلبت ذلك لإجراء المعاملات المتعلقة بالضمان الاجتماعي. يرجى الاتصال بنا أولاً ليكون شخص يتكلم لغتك متوفراً لمساعدتك.
Armenian Հայերեն	Սոցիալ Սեքյուրիթիի վերաբերյալ աշխատանքները կատարելու համար, ցանկանալու պարագայում, մենք տրամադրում ենք թարգմանչական անվճար ծառայություններ: Խնդրվում է նախ մեզ հեռահաչնեք, որպեսզի ձեր լեզվով խոսող մեկը ձեզ օգնելու համար տրամադրենք:
Cambodian ខ្មែរ	យើងមានផ្តល់កិច្ចការបកប្រែ ដោយឥតគិតថ្លៃតាមការស្នើ ។ សូមទូរស័ព្ទមកយើងជាមុន ប្រយោជន៍ឲ្យយើងនឹងរកនរណាម្នាក់ដែលចេះនិយាយភាសារបស់អ្នក ជួយបកប្រែជូនអ្នក ។
Cantonese 中文 Chinese 廣東話 Mandrian 普通話	我們提供免費翻譯服務以幫助您辦理社會安全福利的各種事宜。請先打電話聯絡，我們的雙語工作人員將會爲您服務。
Farsi فارسی	ما خدمات رایگان مترجمی با تقاضای شما فراهم میسازیم. لطفاً اول به ما تلفن کنید تا کسی که به زبان شما صحبت میکند به شما کمك کند.
French Français	Pour conduire vos affaires de la Sécurité Sociale, nous fournissons gratuitement les interprètes sur demande. Veuillez nous appeler à l'avance pour quelqu'un qui parle votre langue soit disponible pour vous assister.
Greek Ελληνικά	Σας παρέχουμε δωρεάν υπηρεσίες διερμηνίας κατόπιν αιτήσεως σας για να φέρετε εις πέρας τις υποθέσεις σας της Κοινωνικής Ασφάλειας. Παρακαλούμε καλέστε μας στο τηλέφωνο για να μπορέσει να σας βοηθήσει κάποιος που μιλάει την γλώσσα σας .
Haitian Creole Kreyòl Ayisien	Nou bay sèvis entèprèt gratis si ou mande sa pou w ka regle zafè Sekirite Sosyal ou. Silvouplè rele nou anvan, pou yon moun ki pale lang ou an kapab disponib pou ede w.
Hmong Hmoob	Peb muab kev txhais lus pub dawb rau koj thaum koj thov kev pab. Ua ntej koj yuav tuaj ntsib Social Security, thov koj hu tuaj ua ntej sijhawm es peb thiaj li nrhiav tau ib tus neeg hais koj yam lus pab koj.
Italian Italiano	Su richiesta, si può usufruire del servizio di un interprete gratuito. Chiamateci in anticipo, così una persona che parli la vostra lingua potrà essere a vostra completa disposizione.
Japanese 日本語	弊社は、貴方が社会保障に関わる仕事を行えるよう、要望に応じて無料の通訳サービスを提供いたします。ご要望の言語を話す通訳のお手伝いをお求めの方は、まず弊社にお電話ください。
Korean 한국어	한국어: 사회보장 업무처리를 위해 필요하신 통역 서비스를 무료로 제공합니다. 먼저 저희들에게 전화를 하시면 통역하실 분을 미리 대기 시키겠습니다.
Laotian ພາສາລາວ	ພວກເຮົາ ບໍ່ເສຍຄ່າບໍລິການນາຍພາສາຟຣີ ໃຫ້ທ່ານ ຖ້າທ່ານຮ້ອງຂໍ ເພື່ອຊ່ວຍທ່ານ ໃນການ ດຳເນີນທຸລະກິດກ່ຽວກັບສັງຄົມສົງເຄາະ (Social Security) ຂອງທ່ານ. ກະລຸນາໂທຫາ ພວກເຮົາກ່ອນ ເພື່ອພວກເຮົາຈັດແຈ້ງ ให้มีคนที่ ปากพาสา ของท่าน ตางหาก ที่จะช่วยเหลือท่าน.
Polish Polski	W celu ułatwienia Państwu załatwienia spraw związanych z ubezpieczeniem społecznym Social Security, na Państwa żądanie oferujemy bezpłatne usługi tłumacza. Aby zapewnić, że osoba mówiąca Państwa językiem będzie dostępna do udzielenia Państwu pomocy, proszę najpierw skontaktować się z nami telefonicznie.
Portuguese Português	Oferecemos serviços gratuitos de intérprete quando solicitado para a condução de seus negócios com a Seguridade Social. Telefone para nós primeiro para que alguém que fala seu idioma esteja disponível para ajudá-lo.
Russian Русский	Мы предоставляем вам бесплатного переводчика для работы с Отделом Социального Обеспечения. Пожалуйста позвоните нам заранее, чтобы мы смогли договориться с человеком говорящим на вашем языке.
Spanish Español	El Seguro Social provee servicio de intérpretes gratis si los solicita para tratar sus asuntos. Usted debe llamar primero para asegurarse de que el intérprete estará disponible para ayudarle.
Tagalog	Makapagbibigay kami ng libreng pagsasalin ng wika ayon sa iyong kahilingan upang maisagawa ang iyong pakay sa Panlipunang Katiwasayan (Social Security). Tumawag po muna upang may makuhang tao na nagsasalita ng iyong wika na maaaring makatulong sa iyo.
Vietnamese ViŸt Ng˘	Theo yêu cầu, chúng tôi sẽ cung cấp thông dịch viên miễn phí cho những dịch vụ liên quan đến An Sinh Xã Hội. Xin gọi chúng tôi trước để chúng tôi sắp xếp thông dịch viên sẵn sàng giúp đỡ quý vị.
Deaf/ Hard of Hearing	We provide sign language interpreter services on request to conduct your Social Security business. Please call us first (TTY number, 1-800-325-0778) so that someone will be available to help you.

United States Census 2000

U.S. Department of Commerce
Bureau of the Census

LANGUAGE IDENTIFICATION FLASHCARD

☐ املأ هذا المربع اذا كنت تقرأ أو تتحدث العربية.	Arabic
☐ Խնդրում ենք նշում կատարեք այս քառակուսում, եթե խոսում կամ կարդում եք հայերեն:	Armenian
☐ যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।	Bengali
☐ សូមបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។	Cambodian
☐ Matka i kahhon komu un taitai pat un sang i Chamorro.	Chamorro
☐ 如果您具有中文閱讀和會話能力，請在本空格內標上X記號。	Chinese
☐ Make kazye sa a si ou li oswa ou pale kreyòl ayisyen.	Creole
☐ Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.	Croatian (Serbo-Croatian)
☐ Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.	Czech
☐ Kruis dit vakje aan als u Nederlands kunt lezen of spreken.	Dutch
☐ Mark this box if you read or speak English.	English
☐ اگر خواندن ونوشتن فارسی بدرهستین، این مربع را علامت بگذارید.	Farsi

D-3309

☐ Cocher ici si vous lisez ou parlez le français.	French
☐ Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	German
☐ Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	Greek
☐ अगर आप हिन्दी बोलते या पढ़ सकते हों तो इस गोले पर चिह्न लगाएँ।	Hindi
☐ Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	Hmong
☐ Jelölje meg ezt a kockát, ha megérti vagy beszéli a magyar nyelvet.	Hungarian
☐ Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	Ilocano
☐ Marchi questa casella se legge o parla italiano.	Italian
☐ 日本語を読んだり、話せる場合はここに印を付けてください。	Japanese
☐ 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	Korean
☐ ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ.	Laotian
☐ Zaznacz tę kratkęjeżeli czyta Pan/Pani lub mówi po polsku.	Polish
☐ Assinale este quadrado se voce lê ou fala Português.	Portuguese

D-3309

☐ Însemnaţi această căsuţă dacă citiţi sau vorbiţi Româneşte.	Romanian
☐ Пометьте этот квадратик, если вы читаете или говорите по-русски.	Russian
☐ Maka pe fa'ailoga le pusa lea pe afai e te faitau pe tusitusi i le gagana Samoa.	Samoan
☐ Обележите овај квадратић уколико читате или говорите српски језик.	Serbian (Serbo-Croatian)
☐ Označte tento štvorček, ak viete čitať alebo hovoriť po slovensky.	Slovak
☐ Marque esta casilla si lee o habla español.	Spanish
☐ Markahan ang kahon na ito kung ikaw ay nagsasalita o nagbabasa ng Tagalog.	Tagalog
☐ ให้กาเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย.	Thai
☐ Faka'ilonga'i 'ae puha ko'eni kapau 'oku te lau pe lea 'ae lea fakatonga.	Tongan
☐ Відмітьте цю клітинку, якщо ви читаєте або говорите українською мовою.	Ukrainian
☐ اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانہ میں نشان لگائں.	Urdu
☐ Xin đánh dấu vào ô này nếu quý biết đọc và nói được Việt Ngữ.	Vietnamese
☐ צייכנט דעם קעסטל אויב איר שרייבט אדער ליינט אידיש.	Yiddish

INTERPRETER CONFIDENTIALITY AGREEMENT

An interpreter shall maintain the confidentiality of all information covered during an interpreting assignment and all information about interpreting services being performed, including identity of those staff and clients presents, regardless of perceived importance, except for the following:

(1) An interpreter may reveal information to MD DJS[1], members of MD DJS staff, or a professional team designated by MD DJS for purposes of record keeping, program management, or supervision. (2) An interpreter may share information with peer interpreters employed by MD DJS, which is necessary to best serve MD DJS staff and clients in an ongoing interpreting situation or assignment. (3) Unless MD DJS otherwise directs, an interpreter may disclose factual information or professional assessment of the language and communication process regarding the current interpreting assignment to the payee of the interpreter or the payee's designee. Disclosure or further information requires consent of MD DJS. (4) Information that is public or not otherwise confidential under this rule or any other rule or law may be disclosed.

_____ _____

Name: Print Date

_____

Name: Signature

[1] The Maryland General Assembly passed legislation changing the name of the Department of Juvenile Justice to the Department of Juvenile Services, effective July 1, 2003. Chapter 53, Laws of Maryland 2003.

MARYLAND DEPARTMENT OF JUVENILE JUSTICE
EMPLOYEE STATEMENT OF RECEIPT
(SECRETARY'S DIRECTIVE)

OPI: **Office of the Secretary – Fair Practice**
NUMBER: **SD D1113-03-03**
EFFECTIVE DATE: **May 23, 2003**
SUBJECT: **Communicating with Limited English Proficient Persons Policy**

I have received one (1) copy (electronic or paper) of the Secretary's Directive as titled above.

_____ _____
SIGNATURE PRINTED NAME

_____
DATE

(THE ORIGINAL COPY MUST BE RETURNED TO YOUR IMMEDIATE SUPERVISOR FOR FILING WITH PERSONNEL, AS APPROPRIATE.)