

THE DEPARTMENT OF YOUTH SERVICES
Language Access Plan
December 6, 2010

I. Introduction

DYS has prepared this Language Access Plan ("LAP" or "Plan"), which defines the actions to be taken by DYS to ensure meaningful access to DYS services, programs and activities on the part of persons who have limited English proficiency. DYS will review and update, on a biannual basis, this LAP in order to ensure continued responsiveness to community needs and compliance with the Executive Office for Administration and Finance ("ANF") Administrative Bulletin #16.

II. Purpose of the Plan

The purpose of this plan is to ensure that clients of DYS and their families have meaningful access to services, programs and activities although they may be limited in their English language proficiency.

DYS is committed to this Language Access Plan as the appropriate response to meeting its clients' and their families' needs. The Plan is consistent with the requirements of Administrative Bulletin #16 as promulgated by the Executive Office of Administration and Finance.

Consistent with the Guidance for ANF Administrative Bulletin #16, a Limited English Proficient ("LEP") person is someone who is not able to speak, read, write or understand the English language at a level that allows him/her to interact effectively with DYS staff. A client or family member has the right to self-identify as an LEP person.

III. Description of the Agency

DYS is the juvenile justice agency of the Commonwealth of Massachusetts. Youth are most often held in the region where their home is, although there are exceptions. DYS' mission is to protect the public and prevent crime by promoting positive change in the lives of youth committed to its custody, and by partnering with communities, families, government and provider agencies toward this end. DYS' mission is accomplished through interventions that build knowledge, develop skills and change the behavior of youth in its care. In addition to youth committed to its care after adjudication, DYS also has custody of youth detained awaiting trial.

DYS divides its statewide operation into five regions for the purposes of placing its detained and committed youth: West, Central, Northeast, Southeast and Metro. DYS operates 86 programs, including 57 facilities ranging from staff secure group homes to highly secure locked units for its committed youth. DYS also has approximately 29 programs to service youth living in the community with a parent,

guardian or foster parent. Of the 86 programs 66 are operated by DYS private non-profit providers. This LEP Plan is an effort to address and accommodate the needs of all LEP clients served by DYS, whether served by DYS operated programs or provider operated programs.

Youth committed to DYS receive a range of rehabilitative services from DYS and its providers during their commitment to DYS.¹ These services include clinical services, health services, substance abuse services, and educational services. DYS also works with a committed youth's parents or guardian on the treatment plan for their child and they are active participants in their child's rehabilitation. Because DYS does not have legal custody of the committed youth, a youth's parents or guardians must sign consent forms for medical treatment. Prior to a youth's release into the community, DYS works closely with parents and guardians to ensure understanding of the youth's grant of conditional liberty and the requirements a youth must meet in order to remain in the community.

Youth detained by DYS are usually placed in a detention facility near his or her home or in the region where the youth must return to court. Detained youth are provided with services such as adjustment counseling, and also need to have their parent or guardian sign consent forms.²

DYS has found that while the youth detained in and committed to in its facilities usually speak fluent English, it is not uncommon for the parents of detained and committed youths to have limited English proficiency. Because of the involvement of parents in their children's treatment, and because DYS does not have legal custody of youth, it is critically important that the parents of DYS youths be able to access and understand the services provided to their children while they are in DYS detention or committed to DYS custody. DYS considers a detained or committed youth's parent or guardian a "client" for the purposes of this Language Access Plan.

IV. Language Access Plan

The DYS Language Access Plan ("LAP") shall be fully implemented subject to the availability of fiscal resources. This Language Access Plan has been developed to adhere to the Language Access Guidelines of ANF Administrative Bulletin #16 and represents DYS' administrative blueprint to provide meaningful access to DYS services, programs and activities for LEP persons. This LAP outlines the tasks DYS will undertake to meet this objective subject to the availability of resources.

Language Access Plan:

- (1) DYS has already designated a Language Access Coordinator:
Stacey G. Bloom, Assistant General Counsel

¹ A youth may be committed to DYS either to the age of 18 or 21.

² Services are limited for detained youth because of the existence of their Fifth Amendment rights while awaiting trial.

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- (2) DYS will undertake a Language Access Needs Assessment:

PHASE I: Statistical Collection and Analysis

Massachusetts is a highly diverse state in which numerous languages are spoken by varying percentages of the population. Measuring the number of LEP persons who come in, or are likely to come in, contact with DYS presents several challenges. First, because persons involuntarily access DYS services, that is, youth are either sent to DYS by the Courts for detention purposes or are committed to DYS after adjudication, DYS cannot predict and does not know if those persons who access their services will be LEP. Further, census data is not a reliable predictor of which youth will become involved in the juvenile justice system and sent to DYS. While DYS technically only serves youth—both detained and committed - sent to it by the Courts, DYS does have direct interaction with youths' parents/guardians. Most of the detained and committed youth are proficient in English, however, their parents/guardians may not be. Therefore, DYS must not only measure the language needs of the youth it primarily deals with, but also those persons it deals with tangentially on a much less frequent basis. Complicating matters further, because the majority of the DYS population is unstable and the population can change based on arrest and crime rates, the LEP language needs of a region can change and thus, DYS cannot predict the makeup of its LEP population.

In order to accurately identify its LEP population, DYS will attempt to collect data on the LEP population in each of its five regions: Northeast, Southeast, West, Central, and Metro. Currently, DYS maintains statistics for the primary language of its clients and their parents'/guardians' primary languages when self reported. However, DYS does not maintain statistics on whether clients are LEP.

Because DYS does not have the exact data necessary to make a needs assessment at this time, data collection will be DYS' first step of an LAP for the next year. Because DYS' population can change daily based on the youth ordered held on bail by the Court and because detained youth may remain in DYS custody for an extremely limited duration—sometimes only 24 or 48 hours - the data collection time frame will need to be longer to insure an accurate reflection of DYS' LEP population. DYS will start collecting data on LEP youth in its custody—both detained and committed as well as statistics on parents/guardians that are LEP by adding a question to our monthly reporting system filled out by all program directors on a monthly basis.³ These statistics will be collected and analyzed for six months.

³ Both DYS and vendor program directors fill out this monthly report. While DYS does acknowledge that the ANF bulletin only applies to DYS programs, DYS intends to take statistics of all its programs statewide.

DYS also will create a series of questions that will be asked of youth at intake—for both detention and committed youth - about their parents' English proficiency. The statistical information will be collected by regional directors and forwarded to the DYS Language Access Coordinator who will keep the statistics and analyze them on a biannual basis.

(3) Language Resources Assessment & Service Protocols

While DYS does not currently have statistics of the limited English proficiency of its clients and their families⁴, DYS' work with clients and families does provide the one-to-one contact that allows DYS personnel to identify persons who are LEP.⁵ DYS has hired bilingual employees where needed to address the needs of any LEP persons DYS serves. Once a client is identified as LEP, DYS currently takes steps to ensure that many services are provided to the client in the primary language whether or not the language spoken would meet the 5% threshold. DYS provides bilingual staff to translate for LEP clients when possible as well as provides outside translators to attend and translate meetings for the LEP client when possible. Additionally, case workers and clinicians are provided with information as to the availability of outside translation services from state contractor list, if an occasion arises where there is a language need that cannot be met by a current bilingual staff member. To date, regions have also undertaken translation of key documents to provide to LEP youth and their families. However, as part of DYS' LAP, DYS will provide uniformly translated vital documents (listed below) to all of its regions to replace the current system where each region translates documents. Additionally, in order to assist staff in providing translation services, DYS will make available a master list on its intranet of all bilingual staff members and their languages of proficiency. This will assist staff statewide in identifying staff members who may be able to assist with translation. DYS also already identified community resources and services that are available to assist with translation and has utilized these services. In the future these resources will be posted on the DYS intranet to facilitate their utilization as resources allow.

DYS currently identifies persons whom it believes are LEP upon intake or first contact and arranges for the appropriate resources to meet their needs. DYS will develop written guidelines for staff to use upon the identification of LEP persons in need of DYS services including the keeping of statistics as outlined in Phase I of this LAP.

(4) Types of Assistance Needs/Language Assistance Methods

Phase II : Implementation of Translation Services:

⁴ Historically, DYS has collected data on the primary language of our clients (youth and parents/guardians). However, as a part of this plan, DYS will instead collect statistics on the "preferred language" of clients (youth and parents/guardians) in its new JJEMS data system.

⁵ These languages to date have been Spanish, Portuguese, Haitian Creole, Khmer (Cambodian) and Vietnamese.

Phase II of this LAP plan will implement translation services based on the Phase I statistical analysis. Phase II will include the posting on DYS' intranet a list of bilingual employees in each region who can assist with translation; the development of written protocols for dealing with LEP clients, and the translation of DYS' vital documents. As noted, DYS contacts with its clients are primarily in-person and in limited cases, by telephone, where bilingual staff usually are available to assist in translations. DYS also sometimes utilizes interpreters from the approved Massachusetts Service Agreement when a more formal interaction is required between clients and DYS staff. DYS secures the services of an approved outside interpreter when necessary or when a client makes a request for an outside interpreter and resources allow. DYS will also utilize third party telephone translation services to allow the utilization of this service when appropriate. DYS also corresponds by mail with clients. When DYS is aware that a client is LEP in advance of the initiation of correspondence, it will translate correspondence for the clients. (See list of vital documents below)

(5)Vital Document Translation

DYS will seek to identify the documents which are essential to communication with residents, and their parents, information about DYS and its services. An initial list of documents which will be translated as resources allow, follows⁶:

GED Parental Consent	Parent Letter with Orientation materials
Grant of Conditional Liberty	Psychotropic Medication Consent
LAMB Warning	Release of Information
Level of Supervision	Revocation Hearing Notice
Medical/Dental Consent	Revocation Appeal Notice
Medical Information Release	Service Delivery Plan
Notice of Classification Decision	Visitation protocols
Vaccine Information	

DYS will undertake a yearly review to insure that any new vital documents are translated.

⁶ This list is not intended to preclude translation of other documents on an as needed basis to LEP clients, something DYS currently does.

(6) Stakeholder Consultation

In formulating this Language Access Plan, DYS consulted its program providers, DYS staff and directors in order engage in open planning and discussion of DYS' contact with LEP persons, current steps taken to deal with LEP persons and the assessment of DYS needs. Such consultation resulted in positive information—for instance, the widespread translation of vital documents, the use of professional translators where necessary, and the frequent use of bilingual staff. DYS also will add a list of staff members on each unit who are bilingual as well as the contact information of translation services from approved state vendors. This information will also be posted on the DYS intranet.

(7) Staff Training

DYS will work with its Director of Policy and Training and the Training Academy Director to incorporate training about LEP persons into its new employee orientation. DYS will also work with the Director of Policy and Training to disseminate information about LEP training for current employees. Program Directors will also receive information to distribute to their staff and for posting at DYS regional sites about how to access translation services.

(8) Notice to the Public

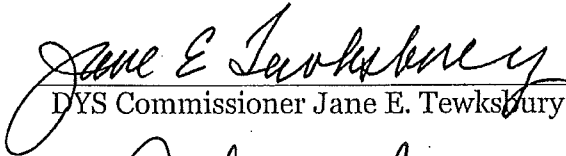
ITD is developing changes to Mass.gov to inform LEP persons about how to access state services—including DYS'—in a variety of languages. DYS will also post information in its intake offices and at the front desk of its programs about how LEP persons can access information in other languages from DYS.

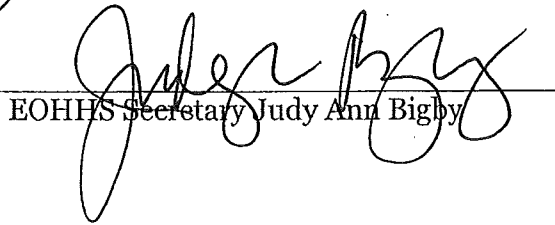
(9) DYS Monitoring

Once a year DYS shall review its statistical data to determine which languages meet the 5% threshold and review staff training to insure both compliance and responsiveness with the LAP. DYS will also review any complaints received about access services for LEP persons and respond to any issues raised.

(10) Complaints:

Should an LEP person want to file a complaint about DYS and its LEP services, they may contact DYS' Language Access Coordinator by electronic mail or by telephone. The name, electronic mail address and telephone number of the DYS Language Access Coordinator along with the telephone number of the Office of Access and Opportunity will be posted at each Program, and this information will be included along with any translated material given to LEP persons.


DYS Commissioner Jane E. Tewksbury


EOHHS Secretary Judy Ann Bigby

1/10/11
Date

1/18/11
Date

Language Access Complaint Procedure

You may file a complaint with DYS Language Access Coordinator or the Office of Access and Opportunity if you believe you have been denied the benefits of this Plan. You must file your complaint within 6 months of the alleged denial. You must file a written complaint. To file a complaint with the Language Access Coordinator, submit the written complaint to:

Name of Language Access Coordinator
Stacey G. Bloom, Assistant General Counsel
27 Wormwood Street, Suite 400
Boston, MA 02210
Phone: 617-727-7575
Stacey.g.bloom@state.ma.us

To file a complaint with the Office of Access and Opportunity, please submit the written complaint to the attention of:

Office of Access and Opportunity
Executive Office of Administration and Finance
State House, Room 373
Boston, MA 02133
Email Address: Ronald.Marlow@state.ma.us