

	<b>JUVENILE JUSTICE SERVICES</b> Client Rights and Services	<b>Effective Date: 12/15/09</b>
		<b>Issue Date: 12/15/09</b>
	<b>Title: Client Primary Language</b>	
	<b>Procedure: P.20.10</b>	

**1 ISSUING AGENCY** Children, Youth and Families Department (CYFD)

**2 SCOPE** JJS (JJS)

**3 STATUTORY AUTHORITY** NMSA 32A-2-1, 32A-2-2.E

**4 FORMS** None

**5 APPLICABLE POLICY**

**NMAC 8.14.5.19**

**CLIENT PRIMARY LANGUAGE:** If a client’s primary language is a language other than English, the client may speak that language at any time that English is allowed. The facility superintendent shall work in conjunction with the Director of JJS to print and post signs and directions in public areas in languages spoken by significant percentages of the client population.

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**7 DEFINITIONS**

- 7.1 “Bilingual” is defined as the ability to speak two languages easily and naturally.
- 7.2 “Direct Communication” is defined as a monolingual communication in a language other than English between a qualified bilingual department employee or other bilingual person and an LEP client.
- 7.3 “Interpretation” is defined as the translation of what is said in one language into another, so that speakers of different languages can communicate.
- 7.4 “LEP” is defined as Limited English Proficiency.
- 7.5 “Primary Language” is defined as the language in which an individual is most effectively able to communicate.
- 7.6 “Translation” is defined as the rendering of something written or spoken in one language in words of a different language. Translation also requires special knowledge and skills.

**8 DOCUMENTED SPECIAL COMMUNICATION NEED**

- 8.1 Upon receipt of core documents from a referring entity the Central Intake Bureau Chief or designee shall review the information for documentation of any potential communication impediment. This includes a primary language other than English and/or a hearing, language or speech impediment, impairment or disability.
  - 8.1.1 If a documented communication impediment is noted, the Central Intake Bureau Chief or designee will immediately notify the Facility Superintendent, the Health Services Administrator, the Director of Behavioral Health and the Superintendent of Education of the type of impediment noted.
- 8.2 The Health Services Administrator or designee shall determine if the communication impediment is the result of a physical or medical condition.
  - 8.2.1 If the Health Services Administrator determines the communication impediment is the result of a physical or medical condition, the Health Services Administrator will create an interim accommodation plan for the client.
  - 8.2.2 The interim plan will determine if translation, bilingual and/or interpretation services are required to complete the intake and orientation processes.
  - 8.2.2 The Health Services Administrator or designee will immediately notify the facility superintendent of any special housing, program or service planning requirements for the client.
- 8.3 If the Health Services Administrator or designee determines the communication impediment is not the result of a physical or medical condition, the Health Services Administrator will refer the client back to the Central Intake Bureau Chief, who will coordinate the creation of an interim accommodation plan for the client.
  - 8.3.1 Each discipline shall determine if translation, bilingual and/or interpretation services are required to complete the intake and orientation process.
  - 8.3.2 Each discipline shall be responsible for creating an interim accommodation plan for the client from the time of arrival through the initial Multidisciplinary Treatment Team date.
  - 8.3.3 If interpretation services are required by any disciplines interim plan, the Central Intake Bureau Chief will coordinate those services.

9 RECOGNITION OF A SPECIAL COMMUNICATION NEED

- 9.1 The Intake Officer or other personnel designated to receive clients upon arrival shall conduct an informal screen of clients for communication impediments. This informal screening shall include:
  - 9.1.1 Noting any direct request from the client for an interpreter or interpretation services.
  - 9.1.2 Information that English is not the primary language spoken at home or generally spoken with family and friends.
  - 9.1.3 Family, clients, transportation officers or others translating information for the client.
  - 9.1.4 The client responds to questions by nodding but not speaking English inconsistently with the flow of the conversation.
  - 9.1.5 The client responds to questions in a language other than English.

- 9.1.6 There is any other indication that the client does not understand the staff member based on what the staff member believes is a communication impediment.
  - 9.2 If the Intake Officer or designee finds evidence that a communication impediment may exist, they will immediately notify the Central Intake Bureau Chief.
- 10 **MULTIDISCIPLINARY TREATMENT TEAM**
- 10.1 The Initial Multidisciplinary Treatment Team shall review all accommodation plans initiated for the client during the intake and/or orientation process and complete the following:
    - 10.1.1 Review the status of the plan to determine if it is meeting communication goals.
    - 10.1.2 Determine if the client is being excluded from programming and/or services based on a communication impediment.
    - 10.1.3 Determine if any modifications needs to be made for a long term accommodation plan.
    - 10.1.4 Incorporate a long term communication plan into the client's respective treatment plans, if any, and plan of care.
  - 10.2 Subsequent Multidisciplinary Treatment Teams shall review the accommodation plan and make corrections to the plan as necessary.
- 11 **CLASSIFICATION OFFICER/CASE MANAGER RESPONSIBILITIES**
- 11.1 The classification officer/case manager shall review all accommodation plans to ensure that no client is denied access to services or programs available to similarly situated or classified clients, including visitation, phone and mail contact, or other programming based solely on the client's inability to communication in English or due to other communication impediment.
    - 11.1.1 The classification officer/case manager shall also review the plan for client protections in critical process like disciplinary hearing, treatment team meeting and supervised release reviews.
- 12 **CHANGES IN STATUS**
- 12.1 If a JJS staff member believes that a communication impediment exists that has not been previously identified, the staff member will refer the client to the school principal or school counselor for further evaluation and/or accommodation.
    - 12.1.1 The referral must be documented in the client's educational file.
    - 12.1.2 The Education Department will present appropriate information to the Multidisciplinary Treatment Team.
- 13 **ACCESSING SERVICES; NON-EMERGENCY**
- 13.1 Any client or staff request for interpretation services will be referred to the respective classification officer.
    - 13.1.1 The classification officer shall review the client's plan of care to determine if an accommodation plan is already in place. If so, the classification officer shall follow the accommodation plan.
  - 13.2 If an accommodation plan is not in place, the classification officer or designee shall make a determination if the request is an emergency or non-emergency request. If it is a non-emergency request, the classification officer shall consult CYFD's intranet listing of employees, at the facility housing the client, who are

receiving multi-lingual pay differential and determine if any are available to facilitate communication with the client.

13.2.1 If an employee is available, the classification officer shall notify the employee and request an appropriate time to assist with facilitating communication.

13.3 If no employees are available at the facility, the classification officer shall determine whether there are other JJS employees receiving the multi-lingual pay differential that are available to facilitate communication over the telephone.

13.3.1 If the classification officer finds that an employee is available from another JJS area, the classification officer shall contact the employee's supervisor and request the assistance. Once approved, the available employee and classification officer shall schedule an appropriate time to facilitate communication over the telephone.

13.4 If the classification officer is unable to locate an employee from another JJS area, the classification officer shall consult the list of all CYFD employees receiving multi-lingual pay differential and see if any are available to facilitate communication with the client.

13.4.1 If the classification officer finds that an employee is available from another CYFD area, the classification officer shall contact the employee's supervisor and request the assistance. Once approved, the available employee and classification officer shall schedule an appropriate time to facilitate communication over the telephone.

13.5 If consulting the CYFD's list fails to produce a potential employee, the classification officer shall use Language Line Services and follow the steps on the CYFD intranet page linked as "Translation/Interpretation Services."

#### 14 ACCESSING SERVICES; EMERGENCY

14.1 If the classification officer determines that the client's need for services is emergent, the employee shall consult a list of CYFD employees receiving bilingual pay differential and determine if any employee is immediately available to facilitate communication.

14.1.1 If no employee is available to facilitate communication, or it is evident that communication cannot be scheduled within 30 minutes of the request or need, the classification officer will immediately contact the Classification Bureau Chief.

14.2 The Central Intake Bureau Chief shall contact and schedule the use of translation and interpretation services under the CYFD's intranet link entitled "Translation/Interpretation Services."

#### 15 CONTINUOUS QUALITY IMPROVEMENT

15.1 The Central Intake Bureau Chief shall produce a quarterly report listing all the clients received during the quarter who received an accommodation plan based on a communication impediment.

15.1.1 The report shall include:

15.1.1.1 A percentage review of the number of clients that received an accommodation plan.

15.1.1.2 The number of clients that required services provided outside of JJS.

15.1.1.3 The number of plans of care that include the accommodation plan.

- 15.2 Any evidence of failure in a particular portion of the process requires a report to the facility superintendent for corrective action.
  - 15.2.1 The facility superintendent must submit to the Deputy Director for Facilities a corrective action measures an addendum to the next scheduled quarterly report.

**16. Authorized Signature:**



**APPROVED:** \_\_\_\_\_

**Dorian Dodson, Cabinet Secretary**  
**Children, Youth and Families Department**

**6/10/10**

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**Date**