

**LOCAL LAW 73
ANNUAL REPORT FOR 2008
NEW YORK CITY ADMINISTRATION FOR CHILDREN'S SERVICES**

The New York City Administration for Children's Services is pleased to provide the calendar year 2008 annual report on Local Law 73, the Equal Access to Human Services Act of 2003. The annual report provides an update on the steps Children's Services has taken to provide language assistance to limited English proficient (LEP) clients, and as required by Local Law 73 provides information on:

- 1. The number of limited English proficient individuals served, disaggregated by type of language assistance required and primary language;*
- 2. The number of bilingual personnel and the number of interpreter personnel employed by the other covered agency, disaggregated by language translated by such personnel;*
- 3. Whether primary language determinations are recorded properly; and*
- 4. Whether documents are translated accurately and disseminated properly.*

I. INTRODUCTION

This annual report for 2008 presents the steps that the New York City Administration for Children's Services (Children's Services) has implemented during calendar year 2008 to provide language assistance to limited English proficient (LEP) under Local Law 73, the Equal Access to Human Services Act of 2003.

In October 2004, Children's Services provided an implementation plan to ensure compliance with Local Law 73. The plan demonstrates Children's Services' commitment to provide meaningful access to all individuals seeking benefits and services, including individuals with limited English proficiency. Children's Services policy is that individuals should not face obstacles to receiving child welfare and child care services for which they may be eligible because they do not speak English. The purpose of the implementation plan is to ensure that persons eligible for Children's Services receive culturally and linguistically appropriate services and to avoid the possibility that a person who attempts to access services will face discrimination based on the language he or she speaks.

The implementation plan emphasizes that the mission of Children's Services is to ensure the safety of all the children of New York, which includes those with limited proficiency in English. Children's Services believes that the safety, permanency and well-being of children are best achieved through a Neighborhood Based Services approach that seeks to provide every child and family with culturally, linguistically and need-driven services within their communities. Children's Services is committed to providing high-quality child welfare and child care services and enhancing family engagement in these services. Promoting access to services through language assistance is critical for workers to interact effectively with families and improve outcomes for the children and families.

During CY 2008, Mayor Bloomberg signed Executive Order 120 which requires all agencies to develop a Language Access Policy and Implementation Plan. Children's Services Language Access Policy and Implementation Plan, available on the Children's Services website, builds upon the progress made in providing language assistance under Local Law 73.

II. SUMMARY OF 2008 INITIATIVES TO IMPROVE LANGUAGE ASSISTANCE SERVICES

Children's Services has made significant progress in its efforts to provide limited English-proficient clients with timely access to the language assistance services needed to protect children and strengthen families. In 2008, Children's Services:

- Provided interpretation services for nearly 45,000 requests. This represents an increase of nearly 24% in comparison to the 35,000 interpretation services provided in CY 2007 and 20,000 interpretation services provided in CY 2006. In CY 2005, Children's Services responded to 6,600 requests; in four years, Children's Services increased interpretation services by nearly 600%.
- Increased funding and utilization of the telephonic interpreter system that was first implemented in CY 2006. Use of telephonic interpreter services, which provides access to interpreters within one minute increased from nearly 10,000 requests in CY 2006 to over 27,000 requests in CY 2007 and in CY 2008 reached over 34,000.
- Addressed the need for ready access for in-person Spanish interpreters by out-stationing contract interpreters in borough offices.
- Funded community groups working with immigrant communities from Mexico, South Asia and West Africa to assist with providing interpreters, to participate in family conferences, to provide community education and to train Children's Services and contract agencies in providing culturally competent services to these communities.
- Provided cultural competency training and special immigrant training that includes best practices and protocols in providing interpreter services.
- Funded dedicated interpreter resources to preventive service agencies to improve their capacity to serve limited-English proficient clients.
- Improved preventive services agency capacity to serve LEP clients by providing 200 preventive slots to address unmet need. Additional preventive slots were added to increase capacity to serve Spanish, Chinese, Russian, Albanian, Polish, Urdu, Bengali and Arabic speaking families.
- Developed a comprehensive Children's Services Language Access Policy and Implementation Plan consistent with Executive Order 120.
- Developed list of Children's Services "essential public documents" for translation into 9 primary languages. Created a quality control process to ensure accuracy of translation.
- Conducted case record reviews to determine accuracy of primary language determinations.

III. 2008 REPORT

A. The number of limited English proficient individuals served, disaggregated by type of language assistance required and primary language;

- **Number of LEP individuals served, disaggregated by primary language**

Children's Services determines the primary language of all children, perpetrators and other family members involved in child abuse and neglect investigations. Upon initial contact, child protection workers are instructed to determine the primary language of each person in the household and to record this information in Connections, the statewide child welfare information system. Attachment A provides the citywide primary language information for CY 2008, based on data reported in Connections.

Of the over 271,000 persons who were children, perpetrators or other family members in child abuse and neglect investigations in CY 2008, over 231,000 or 85.3% were reported to have a primary language of English. Nearly 20,000 persons, or 7.3%, were reported to have a primary language of Spanish, a slight increase from CY 2007, in which 6.9% were reported as having a primary language of Spanish. The third most prevalent primary language was Mandarin, with 520 persons, or .2%. As a group, persons who had a Chinese primary language totaled over 1300 persons, or a little more than one half of a percent of all persons involved in child abuse and neglect reports. The fourth most prevalent language was Creole with 440 persons or .2 percent, followed by Russian speakers with 350 persons or .1 percent. The sixth most prevalent language was Bengali with 339 persons or .1 percent, followed by Arabic with 251 or .1 percent. In CY 2008, Urdu was the next highest ranked language with 184 persons, followed by French with 165 persons and Korean, with 143 persons. Over 14,300 primary language fields were unknown, representing 5.3% of the primary language fields, and 1450 primary language fields were reported as multiple representing one half of a percent of all persons. Consequently, the number of persons involved in child abuse and neglect investigations that were reported to have a primary language other than English and considered to be limited English proficient in CY 2008 was approximately 25,000. An additional 15,000 persons involved in child abuse and neglect reports in CY 2008 did not have a specific primary language reported.

Attachment B presents data on the primary language of families receiving Children's Services funded child care services through child care providers. The data is a snapshot of parents of children in child care for whom a primary language was reported in the Children's Services child care system as of March, 19, 2009.

Over 53,000 or nearly 74% of parents with children in child care speak English; while almost 19% or over 13,500 families speak Spanish. Chinese languages are the third most prevalent language with almost 2000 families or nearly 3% speaking a Chinese language. French and French-Creole combined are the fourth most prevalent languages in the child care system with almost 1300 or nearly 2% of families speaking French and French-Creole. Finally, Russian is the fifth most spoken language, with slightly over 1% or nearly 850 families speaking Russian.

- **Language Assistance Provided by Children's Services**

Interpreting Services

Children's Services policy is to provide free interpreter services to all LEP clients that choose to be communicated with in a language other than English. Children's Services staff may also choose to utilize interpreter services in situations in which staff are not able to communicate to a satisfactory level with clients who have chosen not to utilize an interpreter.

Children's Services language access policy also prohibits the use of children, family members, friends, or neighbors for interpreting in all child welfare situations. Children's Services staff utilizes telephonic interpreters or in-person interpreters for all verbal communications with LEP clients, including simple tasks such as scheduling a follow-up meeting, or telling a client that they will return later in the day with an interpreter. In addition, Children's Services staff that is bilingual, may provide interpreting services as well.

Telephonic interpreting services is used by Children's Services in child welfare situations for scheduling appointments, and for encounters with clients that are expected to last less than a half hour. For interviews and investigations, family team conferences, and other meetings with LEP clients that are expected to take longer than a half hour, Children's Services staff should request an in-person interpreter.

In CY 2008, Children's Services provided interpreter services for 45,000 requests. This represents an increase of nearly 25% in comparison to the 35,000 interpretation services provided in CY 2007 and 20,000 interpretation services in CY 2006. In CY 2005, Children's Services responded to 6,600 requests; in four years, Children's Services increased interpretation services by nearly 600%.

The majority of interpretation services were provided through telephonic interpreting services. Use of telephonic interpreter services, which provides access to interpreters within one minute increased from slightly over 27,000 requests in CY 2007 to over 34,000 telephonic interpreting services in CY 2008, an increase of 25%. The 34,000 telephonic interpreting services totaled over 425,000 minutes of interpreting services, with an average call lasting approximately 13 minutes.

On-site interpreting services are provided either in LEP clients' homes or in Children's Services borough offices. In CY 2007, Children's Services provided over 8,100 in-person interpreter services and this increased in CY 2008 to over 9,450 in-person interpreter services, an increase of approximately 17%.

The increase in the provision of language assistance services is attributable to multiple factors. One factor leading to the increase in the provision of language assistance services is continued training and reinforcement of Children's Services policy on the need to provide interpreter services for all household members who do not speak

English. Children's Services policy, as specified in the Immigration and Language Guidelines for Child Welfare Staff and in protocols for working with immigrant and LEP clients clearly states that interpreters should be provided for all family members who do not speak or understand English well, and that children and family members should never be used as interpreters. ACS language assistance policy is incorporated into the revised cultural competency and immigration training provided through the James A. Satterwhite Academy.

The implementation of Childstat, a new accountability tool for the assessment and strengthening of child welfare case practice and safety decision-making also has had an impact on increased provision of language assistance services. Childstat is a weekly, morning-long session during which child protective leaders from each of the City's 14 geographic zones meet on a rotating basis with top Children's Services officials to conduct an extensive data and active case review. Practice and performance issues identified at Childstat are addressed at the meeting and are monitored afterward to ensure improvement and accountability. The importance of providing language assistance services has been highlighted at Childstat, leading to heightened awareness and additional training on how to access interpreters and the appropriate use of telephonic and in-person interpreters at Children's Services borough offices.

The increase in the provision of interpreting services may also be due to an increase in the number of LEP clients served by Children's Services. Based on primary language data in Connections, the number of children, perpetrators and other family members who were LEP (primary language other than English) was nearly 22,000 in CY 2007 and was approximately 25,000 in CY 2008, an increase of nearly 14%.

Translation Services

In CY 2008, there were 122 translation requests that were filled using contract translation vendors, an increase from the 95 requests for translation service requests that were filled in CY 2007. The translation requests included case specific translations, such as the translation of a foreign birth certificate into English for court purposes. Translation requests also include translations of "form" documents and notices that are commonly provided throughout the child abuse and neglect investigation and if a child is placed into foster care.

A Children's Services internal work group reviewed all notices/documents provided to clients and developed a list of "essential public documents", including consent forms; letters or notices containing important information regarding participation in a program;

notices pertaining to the reduction, denial, or termination of services or benefits, and the right to appeal such actions; and public notices advising LEP persons of the availability of free language assistance, and other outreach materials.

Essential public documents that are "form" letters/notices are being translated into each of nine priority languages, Spanish, Chinese, Russian, Haitian Creole, Arabic, Korean, Bengali, Urdu and French, based on the availability of resources. A significant number

of these notices are New York State notices and Children's Services has requested the State's assistance in translating these notices into the priority languages. Until these notices are available in the priority languages, Children's Services will offer oral explanations of these notices using interpreters, to ensure that LEP individuals are able to understand these communications.

Children's Services is utilizing private translation companies/contractors and/or volunteer language banks for the translation of essential public documents. To ensure consistency in translations, Children's Services is developing a glossary of terms in priority languages to be utilized by contractors and also develop a style guide. In addition, Children's Services will seek to have all translations reviewed by "secondary" reviewers. Oral explanations of essential public documents will be provided through telephonic interpreters and in-person interpreters.

B. The number of bilingual personnel and the number of interpreter personnel employed by the other covered agency, disaggregated by language translated by such personnel;

Children's Services job titles do not include translation and interpretation as part of job responsibilities and consequently, Children's Services can not require current staff to perform these functions. However, Children's Services has made bilingual skills a preferred qualification for hiring of new child protective workers under the Provisional recruitment category. Bilingual candidates are given the opportunity to work in a borough with need for their language skill. Children's Services also has hired bilingual candidates from a selective certification category, where new child protective specialists are expected to use their language skills in the performance of their jobs. Through the Selective Certification process, 22 Spanish bilingual child protective specialists, 2 Polish speaking bilingual child protective specialists and 1 Korean speaking bilingual child protective specialist were appointed. No bilingual child protective services specialists were hired through the Selective Certification process in CY 2008.

C. Whether primary language determinations are recorded properly;

Children's Services conducted an evaluation in CY 2008 to assess whether primary language determinations are being recorded properly in Connections, the statewide child welfare data base. A sample of slightly more than 200 closed, indicated cases from March and April 2008 were reviewed by two social work graduate student interns under the direction of the Children's Services Language Access Coordinator. Cases were selected from two community districts in each borough; one community district represented a high, non-English speaking community, and the second community district represented a low, non-English speaking community. In each community district, cases were reviewed in which English was recorded as the primary language for the perpetrator, and cases with primary languages recorded as a language other than English, unknown, or multiple for the perpetrator were also reviewed. In addition, cases for which the primary language was recorded as English, but based on the name of the

perpetrator, there was a possibility that the perpetrator was non-English speaking, were also reviewed.

Cases were reviewed by looking at progress notes in the investigative stages within the Connections application. Information concerning primary language in the State Central Register report also was reviewed, and primary language information as part of the Family Support Services stage was also reviewed. The reviewers looked for such indicators as the primary language being noted differently in the progress notes than in the primary language field in Connections, and indications of the use of interpreters or the provision of translated documents. It should be noted that the information obtained from these case reviews were not always totally conclusive, and in some cases, was a “best guess”, as it is not always possible to surmise the exact situation related to primary languages from the progress notes.

The findings of the evaluation are as follows:

- For cases in which English was recorded as the primary language, we found that in 5% of the cases reviewed, a language other than English was most likely the primary language.
- For cases in which a language other than English was recorded as the primary language, we found that in 7% of the cases, English or a different language was most likely the primary language.
- For cases in which English was recorded as the primary language, but the surname indicated that the person may not have been an English speaker, we found that in 28% of cases, the primary language may have been recorded incorrectly.
- For cases in which the primary language was recorded as unknown, other, blank or multiple, there were a number of explanations, including the caseworker was not able to locate the person, the person was bilingual, or caseworker error.

The evaluation findings highlight the challenge of correctly determining and recording the primary languages for Children’s Services clients, primarily for persons that have some English language proficiency. The enhancements to current practice and policy to address these findings have been incorporated into Children’s Services recently adopted Language Access Policy and Implementation Plan. Child protective workers are being trained to reinforce Children’s Services policy to ask clients the language they wish to be communicated in and to enter the primary language on a timely basis. In addition, a multi-lingual pamphlet is being created to be provided to all clients to reinforce Children’s Services policy to provide interpreters for all LEP clients who wish to be communicated in their primary language. This pamphlet will be in addition to the use of the Language Card which is used to provide a notice to clients of the availability of free interpreter services and to identify primary language.

D. Whether documents are translated accurately and disseminated properly;

Children’s Services ensures that documents are translated accurately by contracting with translation companies/contractors for initial translations and by using a separate contract

with a translation contractor for “secondary” reviews. Furthermore, Children’s Services seeks additional reviews from community based organizations that work with immigrant communities as well as with preventive service agencies that have bilingual staff. To ensure consistency in translations, Children’s Services is developing a glossary of terms in priority languages to be utilized by contractors and is also developing a style guide.

Translated documents are available through Children’s Services “docuShare”. Children’s Services staff are able to do searches for documents, by either the document number or title. Children’s Services is also developing an Immigration and Language Assistance site on the Children’s Services website and intranet that will contain all translated documents, and make it easier for staff to locate translated documents. In addition, oral explanations of essential public documents that have not been translated will be provided through telephonic interpreters and in-person interpreters to LEP clients.

ATTACHMENT A

Primary Language of Persons* Involved in SCR Reports by Borough, CY 2008**

	BRONX		BROOKLYN		MANHATTAN		QUEENS		STATEN ISLAND		UNKNOWN		Citywide	
Albanian	31	.0%	28	.0%	0	.0%	17	.0%	12	.1%	0	.0%	88	.0%
Amer Sign	54	.1%	35	.0%	18	.1%	27	.0%	3	.0%	1	.1%	138	.1%
Arabic	32	.0%	143	.2%	26	.1%	43	.1%	7	.0%	0	.0%	251	.1%
Bengali	64	.1%	92	.1%	48	.1%	135	.2%	0	.0%	0	.0%	339	.1%
Bosnian	1	.0%	4	.0%	1	.0%	2	.0%	0	.0%	0	.0%	8	.0%
Cambodian	0	.0%	3	.0%	0	.0%	0	.0%	0	.0%	0	.0%	3	.0%
Cantonese	5	.0%	255	.3%	96	.3%	48	.1%	15	.1%	1	.1%	420	.2%
Chinese	7	.0%	184	.2%	79	.2%	129	.2%	23	.2%	0	.0%	422	.2%
Creole	13	.0%	294	.4%	21	.1%	103	.2%	8	.1%	1	.1%	440	.2%
Czech	3	.0%	14	.0%	1	.0%	2	.0%	0	.0%	0	.0%	20	.0%
English	69100	85.5%	72608	86.5%	29710	83.5%	46040	82.4%	13417	93.1%	801	87.6%	231676	85.3%
Ethiopia	14	.0%	21	.0%	9	.0%	10	.0%	3	.0%	0	.0%	57	.0%
Farsi	0	.0%	5	.0%	0	.0%	8	.0%	1	.0%	0	.0%	14	.0%
Filipino	0	.0%	2	.0%	0	.0%	1	.0%	0	.0%	0	.0%	3	.0%
French	56	.1%	57	.1%	24	.1%	28	.1%	0	.0%	0	.0%	165	.1%
Fujanese	0	.0%	13	.0%	25	.1%	5	.0%	0	.0%	0	.0%	43	.0%
Fulani	44	.1%	10	.0%	9	.0%	0	.0%	0	.0%	0	.0%	63	.0%
German	0	.0%	0	.0%	0	.0%	1	.0%	0	.0%	0	.0%	1	.0%
Greek	1	.0%	1	.0%	0	.0%	10	.0%	0	.0%	0	.0%	12	.0%
Hebrew	0	.0%	27	.0%	0	.0%	4	.0%	1	.0%	0	.0%	32	.0%
Hindu	1	.0%	13	.0%	0	.0%	35	.1%	0	.0%	0	.0%	49	.0%
Italian	0	.0%	6	.0%	0	.0%	8	.0%	5	.0%	0	.0%	19	.0%
Japanese	1	.0%	5	.0%	8	.0%	1	.0%	0	.0%	0	.0%	15	.0%
Korean	7	.0%	8	.0%	0	.0%	128	.2%	0	.0%	0	.0%	143	.1%
Mandarin	10	.0%	182	.2%	97	.3%	227	.4%	4	.0%	0	.0%	520	.2%
Multiple	403	.5%	497	.6%	261	.7%	179	.3%	108	.7%	2	.2%	1450	.5%
Nat Am Lan	3	.0%	6	.0%	0	.0%	4	.0%	0	.0%	2	.2%	15	.0%
Nigerian	1	.0%	1	.0%	1	.0%	1	.0%	0	.0%	1	.1%	5	.0%
Patois	0	.0%	1	.0%	0	.0%	2	.0%	0	.0%	0	.0%	3	.0%
Polish	2	.0%	35	.0%	1	.0%	38	.1%	3	.0%	0	.0%	79	.0%
Portugue	3	.0%	2	.0%	3	.0%	14	.0%	0	.0%	0	.0%	22	.0%
Punjabi	6	.0%	11	.0%	0	.0%	70	.1%	0	.0%	0	.0%	87	.0%
Romanian	0	.0%	7	.0%	0	.0%	7	.0%	3	.0%	0	.0%	17	.0%
Russian	8	.0%	244	.3%	7	.0%	74	.1%	17	.1%	0	.0%	350	.1%
SerboCroat	2	.0%	1	.0%	2	.0%	1	.0%	1	.0%	0	.0%	7	.0%
Spanish	7125	8.8%	3977	4.7%	3347	9.4%	4953	8.9%	494	3.4%	33	3.6%	19929	7.3%
Tagalog	0	.0%	0	.0%	2	.0%	5	.0%	1	.0%	0	.0%	8	.0%
Unknown	3786	4.7%	5064	6.0%	1766	5.0%	3407	6.1%	289	2.0%	72	7.9%	14384	5.3%
Urdu	7	.0%	90	.1%	1	.0%	86	.2%	0	.0%	0	.0%	184	.1%
Vietnamese	25	.0%	17	.0%	8	.0%	1	.0%	0	.0%	0	.0%	51	.0%
Yiddish	2	.0%	14	.0%	0	.0%	0	.0%	0	.0%	0	.0%	16	.0%
Total	80817	100.0%	83977	100.0%	35571	100.0%	55854	100.0%	14415	100.0%	914	100.0%	271548	100.0%

Note:* These were the a/n children, perpetrators, and other family members who had no role in the SCR report.

** These are the Boroughs of the case.

Prepared by The DPP - Management Analysis & Reporting Unit

Data Source: Connections as of 3/09/09.

**Administration for Children's Services
Division of Child Care and Head Start**

Print Date: 3/19/2009

ACS SUMMARY OF ACCIS LANGUAGE & BOROUGH COUNTS FROM CASE ON-LINE DATA

Code	#	%	Description	MANHATTAN	BROOKLYN	BRONX	QUEENS	ST ISL	CITIWIDE
AL	31	0.04	Albanian	5	15	6	5	0	31
AR	193	0.27	Arabic	16	67	9	100	1	193
CC	951	1.32	Chinese/Cantonese	343	434	15	138	21	951
CM	166	0.23	Chinese/Mandarin	73	43	3	47	0	166
CO	799	1.11	Chinese/Other	307	264	6	212	10	799
EH	1	0.00		0	0	0	0	1	1
EN	53,304	73.87	English	7,310	22,577	12,177	9,662	1,578	53,304
FC	350	0.49	French/Creole	14	231	4	99	2	350
FR	911	1.26	French	212	253	323	113	10	911
GK	1	0.00	Greek	0	1	0	0	0	1
GR	3	0.00	German	2	1	0	0	0	3
HB	101	0.14	Hebrew	2	78	4	16	1	101
HL	1	0.00		0	0	0	1	0	1
IH	33	0.05	Indian/Hindi	8	5	6	14	0	33
IT	6	0.01	Italian	3	1	1	1	0	6
IU	7	0.01	Indian/Urdu	1	1	1	4	0	7
JP	18	0.02	Japanese	9	4	1	4	0	18
KH	4	0.01	Khmer (Cambodian)	0	3	1	0	0	4
KO	6	0.01	Korean	0	2	0	4	0	6
OT	477	0.66	Other	63	75	226	94	19	477
PO	63	0.09	Polish	2	31	2	27	1	63
RU	840	1.16	Russian	3	290	2	521	24	840
SL	13	0.02	Sign Language	2	7	1	3	0	13
SP	13,580	18.82	Spanish	2,642	2,938	6,020	1,884	96	13,580
TH	3	0.00	Thai	1	0	0	2	0	3
VI	8	0.01	Vietnamese	0	1	2	4	1	8
YI	293	0.41	Yiddish	1	289	0	3	0	293
	72,163	100.00	Total:	11,019	27,611	18,810	12,958	1,765	72,163
				15.27 %	38.26 %	26.07 %	17.96 %	2.45 %	100.00 %