

New York City Administration for Children's Services
Local Law 73 Implementation Plan
October 5, 2004

Introduction

This implementation plan presents the steps that the New York City Administration for Children's Services (ACS) will take in order to ensure compliance with Local Law 73 of 2003.

This plan also shows ACS's commitment to provide meaningful access to all individuals seeking benefits and services, including individuals with limited English proficiency. Individuals should not face obstacles to receiving social services for which they may be eligible because they do not speak English. The purpose of this plan is to ensure that persons eligible for social services receive them and to avoid the possibility that a person who attempts to access services will face discrimination based on the language he or she speaks.

It is the policy of the City of New York to promote access to its services to all City residents who are in need of and entitled to them. ACS, therefore, provides child welfare and child care services to the children and families of New York City without regard to immigration status or proficiency in English.

The mission of ACS is to ensure the safety of all the children of New York, which includes those with limited proficiency in English. ACS believes that the safety, permanency and well-being of children is 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. ACS 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.

ACS is making progress in its efforts to provide limited English-proficient clients with timely access to our services through various methods, including using a contracted interpretation and translation service, and providing forms and important information documents in various languages.

Mayor Michael R. Bloomberg signed Local Law 73 into law on December 22, 2003 to ensure access of City services to all New Yorkers. Local Law 73 of 2003 or, the "Equal Access to Human Services Act of 2003", seeks to increase access to critical City services for New Yorkers whose primary language is not English. Many elements of Local Law 73 pertain exclusively to the Human Resources Administration (HRA), which is listed as "[t]he Agency" for purposes of this law. ACS, the Department of Homeless Services (DHS) and the Department of Health and Mental Hygiene (DOHMH) are listed

New York City Administration for Children's Services
Local Law 73 Implementation Plan
October 5, 2004

as "other covered agencies" in Local Law 73; as such, ACS, DHS, and DOHMH have specific obligations pursuant to Local Law 73 that are different from those enumerated for HRA.

1. Identification of Primary Language

Relevant Portion of Law:

Upon initial contact, whether by telephone or in person, with an individual seeking benefits and/or services offered by an other covered agency, the other covered agency shall determine the primary language of such individual. If it is determined that such individual's primary language is not English, the other covered agency shall inform the individual in his/her primary language of available language assistance services.

"Primary language" means the language in which a limited English-proficient individual chooses to communicate with others.

Implementation Plan:

- A. ACS created the *ACS Language Identification Card* in 2004. The *ACS Language Identification Card*, which is laminated for extended use, contains translation in twenty-eight languages in order to facilitate language identification. The languages selected for inclusion on the card represent the most commonly encountered languages by ACS child welfare staff.
- B. The *ACS Language Identification Card* was distributed in May 2004 to all staff members at ACS who have direct contact with individuals seeking ACS benefits and/or services, along with the recently published *Administration for Children's Services Immigration and Language Guidelines for Child Welfare Staff* ("Guidelines"). Both tools were created to assist child welfare staff in meeting the unique challenges posed by the diverse needs of New York City's immigrant and limited English proficient communities and to increase access to ACS services for all New York City children and families. The last two pages of the Guidelines contain a reproduction of the *ACS Language Identification Card*.
- C. The Guidelines include specific instructions for complying with Local Law 73. These instructions state that upon initial contact with a family, ACS child welfare staff are to determine the primary language of the family members through utilization of the *ACS Language Identification Card*, and further they are to notify the individuals of the available language assistance services and to offer them an interpreter. ACS will issue to all affected program areas a directive reiterating these requirements and specifying the data collection requirements related to Local Law 73 by the end of calendar year 2004.
- D. ACS is exploring the possibility of and necessary resources for expanding its current interpretation and translation contract to offer language assistance services

to help staff identify a client's language when the *ACS Language Identification Card* is ineffective because a client's primary language falls outside of those represented on the ACS Language Identification Card and/or the client is illiterate.

2. Notice Regarding Free Language Assistance

Relevant Portion of Law:

Upon initial contact, whether by telephone or in person, with an individual seeking benefits and/or services offered by an other covered agency, the other covered agency shall determine the primary language of such individual. If it is determined that such individual's primary language is not English, the other covered agency shall inform the individual in his/her primary language of available language assistance services.

Implementation Plan:

- A. When an individual is determined to have a primary language other than English, staff will inform the individual of available language assistance services in the individual's primary language by using the Language Identification Card, directly using the individual's primary language, or using the interpreter service.
- B. As needed, ACS will post multilingual signage in those offices and other appropriate service sites where clients are served advising clients of the availability of language assistance.

3. Language Assistance Services

Implementation Plan:

- A. Once the primary language of a child or family served by ACS is determined, interpretation and translation services can be arranged through ACS's existing contracts which are available to ACS's Division of Child Protection (DCP), and have been used by other ACS divisions based on identified need. An internal memorandum was issued November 3, 2003 outlining the procedures for obtaining interpretation and translation services in over 140 languages. These services are available twenty-four hours a day, seven days a week for Child Protective Services staff within DCP.
- B. ACS is in the process of determining the feasibility of and necessary resources for expanding the current language assistance contract to serve the remainder of the agency. In accordance with an expanded contract, ACS will develop and implement a training program for the remainder of the ACS direct service staff regarding language access services and ACS will update and reissue the internal

New York City Administration for Children's Services
Local Law 73 Implementation Plan
October 5, 2004

memorandum for agency-wide distribution on availability of language assistance services.

4. Quality Assurance Measures

Relevant Portion of Law:

No later than the first day of the sixtieth month after the effective date of the local law that added this chapter, every other covered agency shall maintain records of the primary language of every individual who seeks or receives ongoing benefits or services. At a minimum, the other covered agency shall maintain specific records of the following:

- 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.*

Implementation Plan:

ACS's Office of Quality Improvement, in conjunction with other relevant program areas, will devise a plan by end of calendar year 2005 to establish a methodology and process for assuring that primary language determinations are recorded properly and that documents are translated accurately and disseminated properly.

5. Training

Implementation Plan:

- A. To ensure that the *ACS Language Identification Card* is used and that interpretation/translation services are offered to children and families, ACS has incorporated Local Law 73 directives into the Common Core training, which is provided through the Satterwhite Academy, ACS's training center for its child welfare staff.

The following steps have been taken to introduce the *Immigration and Language Guidelines for Child Welfare Staff* and facilitate its implementation into casework practice within the following curricula of ACS's trainings:

- Common Core, Supervisory Common Core, and the CPS Specialty:

New York City Administration for Children's Services
Local Law 73 Implementation Plan
October 5, 2004

1. The Culture modules, or appropriate sections of the curriculum, were enhanced with an introduction and review of the *Immigration and Language Guidelines for Child Welfare Staff* booklet
 2. Tools in the booklet, such as the Language Identification Card, are referenced and discussed
 3. Memorandum – the official *Immigration and Language Guidelines for Child Welfare Staff* memorandum on Special Immigrant Juvenile Status is distributed and discussed
 4. The form, Referral for Foster care Immigration Law Services, is provided as a handout and discussed
 5. The ACS Immigration and Language Issues Reference List is provided separately as a handout, referenced and discussed
 6. The *Immigration and Language Guidelines for Child Welfare Staff* booklet is distributed and displayed on the resource table
 7. Immigration and Language Guidelines are referenced in the Legal part of the curricula, presented by training attorney
- Immigrant Issues curriculum:
 1. *Immigration and Language Guidelines for Child Welfare Staff* is the focal point of the training
 2. Official ACS policy on immigration and language presented and practiced.
 3. *Immigration and Language Guidelines for Child Welfare Staff* booklet is distributed and discussed
 - Core phase II, Legal Issues training:
 1. Legal aspects of the *Immigration and Language Guidelines for Child Welfare Staff* are presented, including Special Immigrant Juvenile Status
 2. *Immigration and Language Guidelines for Child Welfare Staff* booklet is distributed
 - “Resource Table in Classrooms”
 1. *Immigration and Language Guidelines for Child Welfare Staff* booklet is available in sufficient amount in every classroom during Core phase II trainings
- B. As a next step, the Satterwhite Academy will conduct a debriefing of all training and curriculum staff on the *Immigration and Language Guidelines* and related child welfare policies. The Academy will review all remaining curricula and determine where revisions related to LL73 are appropriate.
- C. ACS will develop a plan to ensure the training of all staff that have direct contact with individuals seeking ACS benefits and/or services. This training plan will be developed by the end of calendar year 2005.

6. Recordkeeping and Monitoring

Relevant Portion of Law:

No later than the first day of the sixtieth month after the effective date of the local law that added this chapter, every other covered agency shall maintain records of the primary language of every individual who seeks or receives ongoing benefits or services. At a minimum, the other covered agency shall maintain specific records of the following:

- 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.*

Implementation Plan:

- A. ACS Management Information Systems (MIS) proposes to implement an automated recording and reporting system to support Local Law 73. When appropriate analyst and programming resources become available, MIS would launch a project to implement a long-term solution for Local Law 73 record-keeping and reporting requirements.
- B. The project will follow standard systems development life cycle, which includes six phases: initiation, analysis, design, construction, implementation, and maintenance.
- C. In conjunction with analysis and implementation of the long-term system, ACS will advance a phased approach to comply with Local Law 73 requirements. A description of short-term, interim and long-term plans follows:

1. Short-Term Plan

During Local Law 73 implementation meetings, program area representatives identified at which points of contact with individuals seeking ACS services and/or benefits would require Local Law 73 notification and record-keeping.

The short-term plan for record-keeping, scheduled to start on January 1, 2005, includes the following steps, completed and in-progress:

- DCP staff will be required to complete the language field in Connections, the statewide child welfare information system. This would collect data on a significant portion of the population that ACS serves.

New York City Administration for Children's Services
Local Law 73 Implementation Plan
October 5, 2004

The New York State Office of Children and Family Services ("OCFS") has been notified that ACS requires their assistance in complying with Local Law 73. MIS is doing an impact assessment in conjunction with the OCFS regarding this. Specifically, ACS is asking that the additional languages contained in the *ACS Language Identification Card* be captured in Connections. Current languages covered are: Native American language, Chinese, Creole, English, French, German, Hindi, Hebrew, Italian, Japanese, Korean, Polish, Portuguese, Russian, American Sign Language, Spanish, and Vietnamese.

- MIS and other relevant ACS program areas will identify and develop mechanisms to comply with Local Law 73 record-keeping requirements by the required time frames. Staff will be trained in accordance with these processes.
- MIS will require analysts and programmers for this project.

2. Interim Plan

Reporting of data collected from January 1, 2005 through December 31, 2005 will begin on April 1, 2006. MIS will work with the program areas to devise a method for collecting data that will begin to be collected on January 1, 2005. Updates will appear in the Implementation Update, scheduled to be distributed on or about April 1, 2005.

3. Long Term Plan

Resources permitting, MIS can launch a project for development of the Local Law 73 record-keeping and reporting project. The project will have six phases: Initiation, analysis, design, construction, implementation, and maintenance.

MIS has started analysis by compiling the points of contact for ACS program staff. During the next phase MIS analysts would work with program areas to further define how contact occurs, which current data processing systems are used, and which data processing systems are in development mode.

In the second phase, analysis, the user determines what he or she needs or wants the system to do. At this stage, the MIS analyst will work with program areas as they define the optimal method for capturing Local Law 73 required data at points of contact.

The third phase, design, determines how the user will achieve his or her objectives. The program area team members and MIS will participate in defining workflow, refining the need for data elements, system requirements and reports.

New York City Administration for Children's Services
Local Law 73 Implementation Plan
October 5, 2004

There is an on-going agency-wide project to build an Integrated Case Management System at ACS, in conjunction with the releases of Connections and phasing out of legacy ACS systems. The Local Law 73 requirements will be incorporated in this planning.

During MIS's preliminary investigation of system needs to capture Local Law 73 data elements, MIS has referred to extensive work done previously for the Child Protective Services (CPS) Intake and Assignment Processes. A review of this analysis reveals the systems currently in use as Connections, WMS/NYS, WMS/NYC, ACCIS, ACRS +, and CCRS. ACS MIS will work with OCFS to coordinate requirements with new releases of Connections and phasing out of WMS/NYS, WMS/NYC and CCRS. Request for this has been made to OCFS in Albany. These systems do not collect child care data. The local system for child care, ACCIS, is being analyzed to determine what modifications are required.

Building on analysis that preceded this project, the long-term project will consult with and revise the documents that identify how data are collected and processed at several key points in the Intake and Assignment process. These documents include information about forms used and screens used in the CPS Intake Process.

Once the data collection system is in place, training on the system will ensue for ACS employees who have direct contact with individuals seeking ACS services or benefits.

- D. For tracking of bilingual personnel, ACS will record and track bilingual personnel hired and develop a registry of bilingual personnel that can potentially be used as translators at their locations. The Office of Personnel will work with the relevant program areas regarding placement of bilingual personnel in critical areas of contacts. ACS will modify the existing telephone directory to include fields needed to track personnel and develop procedures. A field will be added to record language spoken. ACS will develop a procedure to identify bilingual personnel in order to record this data. ACS anticipates that the recording and sorting of this data will be operational by 2006.

7. Coordination

ACS has created an inter-divisional workgroup to coordinate the implementation of Local Law 73. ACS is also exploring resources to enable the creation of a staff position for immigration and language issues which will include responsibility for ensuring compliance with Local Law 73. This staff member will also coordinate data collection and be responsible for drafting and finalizing implementation updates and the reports that are to be published.

8. Implementation Updates and Annual Reports

Relevant Portion of Law:

Implementation updates and annual reports. No later than 90 days after the end of each calendar year after the publication of the implementation plan and before implementation is complete, the agency and each other covered agency shall publish an implementation update. The implementation update shall describe steps taken over the prior year to implement the requirements of this chapter and shall describe any changes in the agency or other covered agency's plan for implementing the remaining requirements of the local law that added this chapter before the date set forth in subdivision a of this section. The implementation update for every year after 2004 shall include a report on the number of limited English proficient people served, disaggregated by language and by agency office or other covered agency office. Not later than 90 days after the end of each calendar year beginning with 2008, the agency and each other covered agency shall publish an annual report on language assistance services. At a minimum, this annual report of the agency, each agency contractor and each other covered agency shall set forth the information required to be maintained by this chapter.

Implementation Plan:

ACS's Local Law 73 Implementation Workgroup will continue to meet regularly to refine and further the subsequent implementation plans and address future issues that would include implementation updates and publishing of annual reports.