

WASHINGTON STATE JUVENILE JUSTICE & REHABILITATION ADMINISTRATION

**POLICY 2.50 (36) ACCESSING INTERPRETER AND TRANSLATION SERVICES FOR YOUTH & FAMILIES**

**Policy Committee Chair**

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**Approved**

  
John Clayton, Assistant Secretary  
Juvenile Justice & Rehabilitation Administration  
2/17/2015

**Authorizing Sources**

RCW 74.04.025  
RCW 2.42  
RCW 2.43  
RCW 49.60  
RCW 70.84.010  
WAC 10.08.150  
WAC 388-02-0120 to -0150  
WAC 162.26.010  
WAC 388-271  
DSHS Administrative Policy No. 7.02  
DSHS Administrative Policy No. 7.20  
DSHS Administrative Policy No. 7.21  
42 U.S. Code section 12132  
42 U.S. Code section 2000d  
28 CFR Part 115 PREA, Juvenile Facility  
Standards, effective August 20, 2012

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**Sunset Review Date**

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**I. PURPOSE AND SCOPE**

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This policy establishes expectations for access and use of interpreter and translation services within Juvenile Rehabilitation.

All staff, contractors, volunteers, and interns working in the Division of Institution Programs, Division of Community Programs and Parole, and the Division of Operations and Support Services are responsible for reviewing and complying with JR policies.

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**II. POLICY**

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**1. JR must provide equal access to services and programs**

- 1.1. JR staff and contractors must provide equal access to services significant to the treatment of youth and families who are Limited English Proficient (LEP), deaf/blind, deaf, or hard of hearing.

**Policy 2.50 (36), Accessing Interpreter and Translation Services For Youth & Families  
2/27/2015**

- 1.2. JR must ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to youth who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. (PREA Standard 115.316)
- 2. JR must use interpretation/translation services from authorized persons.**
  - 2.1. A person authorized to provide interpreter services for JR must be:
    - 2.1.1. a certified or authorized bilingual employee;
    - 2.1.2. a certified or authorized interpreter;
    - 2.1.3. a certified sign language interpreter for the deaf, deaf/blind or hard of hearing.
  - 2.2. A person authorized to provide translation services for JR must be a certified or authorized translator.
  - 2.3. Children, family members, relatives and friends of the youth may not be used as interpreters.
  - 2.4. JR must not rely on youth to provide interpretation, translation of written material, or other types of assistance except in limited exigent circumstances where an extended delay in obtaining an effective interpreter could compromise youth safety, the performance of first-response duties, or the investigation of youth allegations. (PREA Standard 115.316)
    - 2.4.1. If youth are asked to interpret or translate in exigent circumstances, it must be documented on the Youth Served as Interpreter or Translator form (DSHS Form 20-291).
- 3. Oral interpretation and/or written translations must be provided to youth and their families.**
  - 3.1. Major written communications and oral information routinely provided to youth and their families whose primary language is English must be provided in the preferred primary language of youth or their families whose primary language is other than English or who are deaf, deaf/blind, or hard of hearing.
  - 3.2. Written summaries of communications that do not meet the definition of a major written communication must be made available to clients in the preferred primary language at no cost and without significant delay unless, as provided in DSHS Administrative Policy 7.02, doing so would:
    - 3.2.1. result in a fundamental alteration in the nature of the program, services or activities,
    - 3.2.2. pose an undue financial and/or administrative burden.
  - 3.3. Exceptions will be requested through the Secretary of DSHS or designee.

**Policy 2.50 (36), Accessing Interpreter and Translation Services For Youth & Families  
2/27/2015**

**4. JR youth or family members have the right to secure their own interpreter or to designate someone to serve as their interpreter at their expense.**

- 4.1. JR will not be responsible for the interpretation services rendered by a privately secured interpreter. A privately secured interpreter will not act in the place of or be a substitute for a DSHS authorized interpreter.
- 4.2. Superintendents, Regional Administrators, Directors, or designees may deny admission into a JR office or facility any person designated by a youth or the youth's family as an interpreter to ensure the health, safety and security of youth, staff, and visitors.

**5. JR must establish local procedures for informing youth and their families of the availability of interpretation/translation services, for documenting the primary language of youth and their families and for maintaining documents in languages other than English.**

5.1. JR regional offices and residential facilities must:

- 5.1.1. Post multilingual signs which explain the availability of interpreter/translator services at no cost to the youth or the youth's family.
- 5.1.2. Establish the primary language preference of the youth and the youth's family at intake and record the primary language preference in ACT.
- 5.1.3. File copies of translated information in the case file along with the English versions.
- 5.1.4. Maintain a master file of translated documents used by the agency along with the corresponding English versions of the documents.
- 5.1.5. Identify all certified, authorized bilingual employees and their languages in the Human Resources Management System (HRMS).
- 5.1.6. Maintain a monthly accounting of translation and interpretation services provided.

Policy 2.50 (36), Accessing Interpreter and Translation Services For Youth & Families  
2/27/2015

### III. DEFINITIONS

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**Certified Bilingual Employee:** A DSHS staff member who is certified by DSHS language fluency examination or a DSHS recognized professional association (e.g., American Translators Association, State of Washington Administrator for the Courts, Federal Court, etc.) and uses this bilingual skill to serve DSHS clients as identified in the employee's position description.

**Certified or Authorized Interpreter** (for Spoken Languages) A person who has passed the required DSHS interpreter examination, Offered by the DSHS LTC, or has passed a DSHS recognized interpreter examination offered by another organization.

**Certified Sign Language Interpreter:** A sign language interpreter who has demonstrated, through an evaluation or test, their ability to meet the minimal standards to both expressively and receptively interpret effectively, accurately and impartially. They have been awarded certification by the Registry of Interpreters for the Deaf, Incorporated (RID) and/or the National Association of the Deaf (NAD).

**Certified or Authorized Translator:** A person who has passed the required DSHS written translation examination, offered by DSHS LTC, or has passed a DSHS recognized written translation examination offered by another organization.

**Deaf:** A term that describes a person who has severe to profound hearing loss. Many persons who are deaf use American Sign Language (ASL) as their primary language and are immersed in the Deaf Culture.

**Deaf/Blind:** A term that describes a person who is either hard of hearing or deaf and also has a vision impairment or some degree of vision loss or is blind. Many persons who are deaf/blind communicate by using tactile signing. This is done by the deaf/ blind person placing their hands on those of the interpreter. The deaf/blind person understands signs by touch rather than vision.

**Family:** A spouse, biological parents, adoptive or foster parents, grandparents, guardians, siblings, aunts, uncles or person(s) with whom the youth lived for a significant period of time and who acted as the youth's parent is considered family for the purpose of this policy.

**Hard of Hearing:** A term that describes a person with mild to severe hearing loss who communicates through auditory means with or without amplification, and may or may not have the ability to lip-read.

**Interpretation:** As used in this policy, the transfer of an oral communication from one language to another.

**Limited English Proficient (LEP) Client:** A person who does not speak English as his/her primary language, who has a limited ability to read, speak, write, or understand English, and who is applying for or receiving DSHS services directly or through a contractor.

**Policy 2.50 (36), Accessing Interpreter and Translation Services For Youth & Families  
2/27/2015**

**Major Written Communication:** DSHS or JR publications, forms, and documents that:

1. describe services, clients' rights and responsibilities, or changes in benefits, eligibility, or services;
2. request information or a response from a youth or a youth's family;
3. require the signature of a youth or a youth's family member;
4. are essential in the treatment of a youth.

**Primary Language:** The language that a client identifies as the language in which he or she wishes to communicate verbally and/or in writing with DSHS.

**Translation:** The transfer of a written communication from one language to another.

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#### IV. RELATED JR POLICIES

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Policy 49 - Implementing PREA

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#### V. FORMS AND DOCUMENTS

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DSHS forms in multiple languages can be located using form numbers at the DSHS Forms home page: <http://asd.dshs.wa.gov/FormsMan/FormPicker.aspx>

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