

# OVERVIEW



## Background

In 2018, Massachusetts Appleseed began examining the extent to which Massachusetts' administrative state agencies accommodated limited English proficient (LEP) individuals who require the agency's services.

We have heard anecdotally that there are a number of state agencies that appear to be insufficiently providing language access services to their LEP populations. However, after conducting preliminary research and consulting with numerous stakeholders, we identified the Massachusetts Department of Children and Families (DCF) as an agency whose provision of language access services for LEP families necessitated further review, given the significant consequences of child removal that may come with DCF involvement.

## Key Findings

- Despite a few individual “superstar” caseworkers, the majority of LEP parents do not receive sufficient interpretation services, document translation services, or social services in their primary language.
- A lack of competent and impartial interpretation plagues DCF casework; it is estimated that an interpreter is present in only 25% of the LEP home visits the agency conducts.
- LEP families regularly do not receive Action Plans, letters, notices, and agreements translated into their primary languages.
- Often LEP parents experience wait times double those that English-speaking parents face when trying to attend the social services (such as therapy, substance use disorder meetings, or parenting classes) that are mandated by DCF.
- LEP families are significantly more likely to be denied visitation rights when temporarily separated, and **an LEP family's chances at reunification are significantly lower** compared to an English-speaking family.
- At every stage of the removal process (from visitation, to temporary removal, and the potential for permanent removal) **children of LEP parents are more vulnerable to experiencing increased trauma** compared to their English-speaking counterparts.

Because DCF does not prioritize language access, LEP parents are unable to meaningfully comprehend or participate in the Department's process; **LEP families are then deemed unengaged or willfully non-compliant and face an increased likelihood of separation compared to their English-speaking counterparts.**

### THE MASSACHUSETTS DEPARTMENT OF CHILDREN AND FAMILIES

#### #1 Language Access Training

DCF should train its staff on the federal mandate (Title VI of the Civil Rights Act of 1964) that requires them to provide “meaningful” language access services, and on how to implement policies in line with this mandate.

#### #2 Development of Robust Language Access Protocols

DCF should develop practical, step-by-step instructions for caseworkers on requesting and working with interpretive services for in-person and written communication.

#### #3 Hire More Language Access Coordinators and More Bilingual Staff

DCF should hire Regional Language Access Coordinators, and prioritize the hiring of more bilingual caseworkers, based upon language demographic data within each of its five regions.

#### #4 Improved Language Service Contracting

DCF should use its purchasing power to ensure all professional interpreters are competent and impartial, and that all service providers it contracts with offer sufficient in-person or telephonic interpretation services.

#### #5 Monitor Implementation of Language Access

DCF should improve and publicize the process for requesting language access and making language access complaints, ask for feedback from LEP families to ensure that their needs are met, and establish a working group of stakeholders tasked with implementation of the above recommendations.

### THE MASSACHUSETTS LEGISLATURE

#### #1 Enact a Language Access Statute

The Massachusetts Legislature should enact a language access statute to a) standardize and strengthen language access requirements for government-funded programs across the state, and b) establish enforcement mechanisms.

#### #2 Enact a Private Right of Action for Disparate Impact Discrimination

The Massachusetts Legislature should enact legislation that provides a right for individuals to sue state-level government entities for disparate impact discrimination.

### THE MASSACHUSETTS LEGAL COMMUNITY

#### #1 Increase Training and Advocacy Efforts at the Committee for Public Counsel Services (CPCS)

CPCS should increase the number and frequency of trainings it provides staff in meeting the needs of LEP clients, and CPCS attorneys should strongly advocate for their clients’ meaningful access to DCF services through all means available, including the submission of complaints, if necessary.

#### #2 Explore the Value of Impact Litigation or Further OCR (Office for Civil Rights) Complaints Against DCF

Massachusetts civil rights organizations and the Massachusetts legal community should examine alternative legal strategies for enforcing the rights of LEP families to be free from language-based discrimination at DCF.