**Background:**

The Department of Health Services (DHS) has received questions regarding the use of advocate agency representatives or family members as translators. Income Maintenance (IM)/Tribal agencies can use the following guidance when determining the appropriateness of allowing certain individuals to be used as translators.

The clients preferred translator can interpret the script you read to them below. There is no need for in house or language line interpreters for this process if they want to use their own interpreter.

**Processing Instructions:**

If a member is with an advocate and they (the advocate agency) have a translator that is NOT family but someone that they believe is an appropriate translator and the member is ok with using them (including sharing PHI/PII or HIPAA Information), then the IM agency can move forward with the conversation. IM Agencies should document in case comments that the member agreed to using the advocate agency’s interpreter.

It is not recommended to use a friend/family member as a translator. However, if the member wants an adult friend/family member to act as a translator, the IM agency must read the following statement to the member:

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| --- |
| “(Agency Name)\_\_\_\_\_\_\_\_\_\_\_\_\_ has offered you free interpretation services provided by a skilled and qualified interpreter who is trained to protect your privacy. That person understands your language and technical/legal words related to the program or service you are seeking or receiving.  You have the right to the free interpreter services described above. You also have the right to refuse that service and proceed with your own interpreter. YOU ARE NOT REQUIRED TO PROVIDE YOUR OWN INTERPRETER. If you choose to utilize your own interpreter, whether a family member or another person, that person may not have formal training and may commit, among others, the following errors:  • Give you or your service provider incorrect information;  • Add or leave out information;  • Learn information about you that you may not wish to be known;  • Tell other people information about you that would otherwise be private;  • Misunderstand your case manager, case worker, doctor, caregiver, or service provider.  Do you agree this has been explained to you, in your own language, the risks of refusing the offered trained interpreter? Do you understand these risks and choose to decline the interpretation services offered at no cost? |

The IM agency must document in case comments that the statement was read to the member along with the member’s responses.