

DTA Regulations related to Language Access

106 CMR 701.360: Right to Interpreter Services (cash benefits) and 106 CMR 360.510: Right to Interpreter Services (SNAP)

An applicant or recipient has the right to interpreter services when English is not his or her primary language or when he or she uses American Sign Language (ASL). The Department shall:

- (A) inform applicants and recipients of this right,
- and
- (B) provide interpreter services when needed, unless the applicant or recipient prefers to bring his or her own interpreter.

106 CMR 367.550: Warning to Applicants (SNAP)

The Department shall inform the household in writing of the disqualification penalties for committing an IPV each time it applies for program benefits. The penalties shall be written in clear, prominent and boldface lettering on the application form or as a separate notification. The Department shall provide the written penalty warning in English, Spanish, and other languages spoken by a significant minority population.

106 CMR 367.325: Notification of Hearing (SNAP)

The time, date, and place of the hearing shall be arranged so that the hearing is accessible to the household. In order to permit adequate preparation of the case, advance written notice of the hearing shall be provided to all parties involved at least one week prior to the hearing. However, the household or its representative may request less advance notice to expedite the scheduling of the hearing. The notice shall include the following:

(E) The Right to Request an Interpreter

A statement, in English, Spanish, and other languages spoken by a significant minority population, emphasizing the importance of understanding what is said at the hearing and of being able to communicate at the hearing, and encouraging the appellant to bring an interpreter to the hearing or to request a Department-provided interpreter if he or she is not fluent in English; and

(F) Procedure and Time Limit for Requesting an Interpreter

An explanation of the procedure and time limit for requesting a Department- provided interpreter and of the right to at least one postponement in order to request or bring an interpreter.

106 CMR 367.675: Advance Notice of an ADH (SNAP)

The Department shall provide advance notice of an ADH in accordance with 106 CMR 367.625. However, no notice shall be sent and no ADH shall be held unless it is determined that the applicant or recipient received the penalty warning described in 106 CMR 367.550 in the appropriate language prior to the date of the suspected IPV.

106 CMR 367.375: Hearing Official (SNAP)

(B) The hearing official shall have the following powers and duties:

(5) Inform Appellants of Right to Interpreter

The hearing official shall inform appellants who are not fluent in English of the right to a full and accurate interpretation by their own interpreter, or by a Department-provided interpreter. The hearing official shall conduct the bilingual hearing in accordance with the guidelines for conducting hearings through interpretation in the Manual for Transitional Assistance Referees. The purpose of the guidelines is to enable non-English speaking appellants to understand and to participate in the entire hearing as fully as if the appellant were fluent in English. To achieve this end, all statements, including questions, answers, and comments, of the appellant, hearing official, witnesses, and any other persons participating in the hearing, shall be fully translated into both languages without alteration of such statements, such as by changing from the first person to the third person.

106 CMR 367.400: Household Rights During Hearing (SNAP)

The household may not be familiar with the rules of order and it may be necessary to make particular efforts to arrive at the facts of the case in a way that makes the household feel most at ease. The household or its representative must be given adequate opportunity to:

(G) Have the hearing conducted through an interpreter in accordance with 106 CMR 367.375.

106 CMR 343.450: Powers and Duties of the Hearing Official (All hearings)

(A) The hearing official shall have the following duties:

(9) to inform appellants who are not fluent in English of the right to a full and accurate interpretation by their own interpreter, or by a Department-provided interpreter. The hearing official shall conduct the bilingual hearing in accordance with the guidelines for conducting hearings through interpretation in the Department's Manual for referees. The purpose of the guidelines is to enable non-English speaking appellants to understand and to participate in the entire hearing as fully as if the appellants were fluent in English. To achieve this end, all statements, including questions, answers, and comments, of the appellant, hearing official, witnesses, and any other persons participating in the hearing, shall be fully translated without alteration of such statements, such as by changing from the first person to the third person.