

SENATE BILL REPORT

SB 5255

As of February 9, 2021

Title: An act relating to language understanding of documents used in dissolution proceedings.

Brief Description: Concerning language understanding of documents used in dissolution proceedings.

Sponsors: Senators Wellman, Brown, Das, Hasegawa, Pedersen, Saldaña and Wilson, C..

Brief History:

Committee Activity: Law & Justice: 2/09/21.

Brief Summary of Bill

- Requires an order in dissolution and legal separation proceedings to be certified by an interpreter that a sight translation of the order was provided in the party's language if a party has limited English proficiency or is deaf, deaf-blind, or hard of hearing.
- Requires that, when requested with advanced reasonable notice, an interpreter be provided for limited English proficiency litigants by the court for sight translation of the court's order at no cost to the party.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Jarrett Sacks (786-7448)

Background: A court must, absent a written waiver, appoint a certified or qualified interpreter to assist any party or witness who is unable to readily use the English language in a legal proceeding. The requirement applies to both civil and criminal cases, and it applies to persons with speech or hearing impairments as well as to those who have limited English proficiency. Courts that receive federal financial assistance, whether directly or indirectly, must provide interpreter services to a person with limited English proficiency

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

without charge.

Interpreters for non-English-speaking persons may be certified, registered, or otherwise qualified, depending on the circumstances. The Administrative Office of the Courts (AOC) certifies and registers interpreters. AOC will certify an interpreter if the certification exam is available in the interpreter's language. Otherwise, AOC will register the interpreter. Qualified interpreters are not certified or registered, but can readily translate for non-English-speaking persons.

When a presiding officer of a court or other governmental entity appoints an interpreter to assist a non-English-speaking person in a government initiated legal proceeding, the governmental entity initiating the proceeding bears the cost of providing the interpreter. In all other legal proceedings, including those not initiated by the government, the non-English-speaking person pays for the interpreter unless the person is indigent, in which case the governmental entity under the authority of which the legal proceeding is conducted bears the cost.

The presiding officer of a court or other governmental entity must appoint and pay for a qualified interpreter to assist hearing impaired persons in several circumstances, including when a hearing impaired person is a party or witness in a judicial proceeding, is the parent or guardian of a juvenile brought before the court, or is participating in a court ordered program. Qualified interpreters are those who are certified by the state or by the Registry of Interpreters for the Deaf, or who can otherwise readily translate for hearing impaired persons.

Dissolution and legal separation proceedings include, but are not limited to, proceedings where the court divides property and debts, awards alimony, limits one spouse's contact with children or the other spouse, enters a parenting plan, and orders child support.

Summary of Bill: In any matter brought under a domestic relations proceeding under the statutes relating to dissolution and legal separation, an order presented to the court for signature on behalf of a party or by agreement of the parties must be accompanied by a certification from an interpreter that a sight translation of the order has been provided to the limited English proficiency party in the relevant language when:

- a limited English proficiency party requests sight translation of written materials into a spoken message in the party; or
- a court has reason to know that the party may require an interpreter, has limited English proficiency, or is deaf, deaf-blind, or hard of hearing and relies on sign language to communicate.

The interpreter must be certified, registered, or qualified by the Administrative Office of the Courts, or qualified by a judicial officer if the necessary language is not certified or registered. The interpreter for a person who is deaf, deaf-blind, or hard of hearing must be appointed pursuant to current law.

When requested, with reasonable advance notice, an interpreter must be provided for limited English proficiency litigants by the courts for sight translation of the court's orders at no cost to the party.

Appropriation: None.

Fiscal Note: Requested on February 1, 2021.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This is a bill that passed out of committee and off the Senate floor last year. The bill concept came from the Japanese consul general in Seattle. In too many dissolution cases, parties that lack fluency sign something, not knowing their rights to property or custody of their children. Many parties can speak English but not read it, which contributes to the issue. While the bill may be a cost for courts, it is an issue of justice and equity.

CON: The sentiments of the bill are good, but there may be implementation issues, including the fiscal impact to superior courts. These types of requests can take days and weeks in some languages and may cause delays. The bill does not specify how a court should have reason to know a party is in need of an interpreter.

Persons Testifying: PRO: Senator Lisa Wellman, Prime Sponsor.

CON: Craig Adams, Superior Court Judges' Association.

Persons Signed In To Testify But Not Testifying: PRO: Naoko Shatz, International Families Justice Coalition.