

SENATE BILL REPORT

SB 5051

As of January 16, 2023

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, Dhingra, Hasegawa, Keiser, Kuderer, Nobles, Pedersen, Rolfes, Saldaña, Warnick and Wilson, C..

Brief History:

Committee Activity: Law & Justice: 1/17/23.

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: Ryan Giannini (786-7285)

Background: Appointment of Interpreters. A court must, absent a written waiver, appoint a certified or qualified interpreter to assist any party with limited English proficiency in a legal proceeding. A court must, absent a waiver, appoint a qualified interpreter for any party or witness in a judicial or quasi-judicial proceeding who has a hearing impairment. These requirements apply to both civil and criminal proceedings.

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.

Costs of Interpreters. The cost of providing interpreters is typically borne by the state whenever a person with limited English proficiency is a party to or is subpoenaed or summoned to appear by the state to a state proceeding. In all other legal proceedings, the cost of providing an interpreter to a person with limited English proficiency is typically borne by the person unless the person is indigent, in which case, the government 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.

Certification of Interpreters. Interpreters for people with limited English proficiency 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 persons with limited English proficiency.

Dissolution Proceedings. 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 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's language; 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 AOC, 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 January 9, 2023.

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

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