

# JUDICIAL IMPACT FISCAL NOTE

<b>Bill Number:</b> 5984 ESSB	<b>Title:</b> Dissolution/Doc Language	<b>Agency:</b> 055 – Administrative Office of the Courts (AOC)
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## Part I: Estimates

☐ **No Fiscal Impact**

### Estimated Cash Receipts to:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
<b>Total:</b>					

### Estimated Expenditures from:

STATE	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE – Staff Years					
<b>Account</b>					
General Fund – State (001-1)					
State Subtotal					
<b>COUNTY</b>					
County FTE Staff Years					
<b>Account</b>					
Local - Counties					
Counties Subtotal					
<b>CITY</b>					
City FTE Staff Years					
<b>Account</b>					
Local – Cities					
Cities Subtotal					
Local Subtotal					
<b>Total Estimated Expenditures:</b>					

*The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.*

Check applicable boxes and follow corresponding instructions:

☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form parts I-V

☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐ Capital budget impact, complete Part IV.

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## **Part II: Narrative Explanation**

This bill would require an order in dissolution and legal separation proceedings to be certified by an interpreter if a party has limited English proficiency or is deaf, deaf-blind, or hard of hearing.

### **Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts**

Section 1 – Would provide that in any matter brought pursuant to a domestic relations proceedings, when a limited English proficiency party requests interpretation services, or when 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, any orders being presented to the court for signature on behalf of that party, or by agreement of the parties, must include a certification from an interpreter that the order has been interpreted to the party in the relevant language. The interpreter appointed for this purpose for a person with the limited English proficiency must be an interpreter certified or registered by the Administrative Office of the Courts (AOC) pursuant to RCW 2.43 or a qualified interpreter registered by the AOC in a noncertified language, or where the necessary language is not certified or registered, the interpreter must be qualified by the judicial officer. In the event the party who is deaf, deaf-blind, or hard of hearing relies on any form of manual communication, the interpreter appointed for this purpose must be an interpreter appointed pursuant to RCW 2.42. When requested, and upon reasonable advance notice, an interpreter must be provided for limited English proficiency litigants by the court at no cost to the party for this purpose.

### **II.B - Cash Receipt Impact**

None.

### **II.C – Expenditures**

Indeterminate, but expected to be significant.

This bill would require orders, in any matter brought under RCW 26.09, to include a certification from an interpreter that the order has been interpreted in the relevant language of the parties. The interpreter would be required to be an AOC-certified interpreter or qualified interpreter in noncertified language or qualified by the judicial officer according to RCW 2.43, or RCW 2.42 for a party who is deaf-blind, deaf, or hard of hearing. The bill would require when requested and upon reasonable notice services must be provided for limited English proficiency litigants at no cost.

The Administrative Office of the Courts (AOC) assumes this bill would require a court to ask the parties, or somehow find evidence other than the word of an attorney or the word of an opposing party, as to the primary language of the litigants. The court would then be required to ensure that all parties are familiar with the language of any court form or other document used in a dissolution proceeding or that they have reviewed a translation of the document in a language they are familiar with.

The AOC assumes this would require additional court time, likely face to face with litigants and their attorney's, with the assistance of an interpreter or remote interpreter service, in order for a judicial officer to verify the primary language of the litigants in order to make that finding in a decree. Further, in addition to the primary language finding requirement, a court would bear responsibility for ensuring that the parties understand all documents used in the proceeding.

There is no data available to estimate the number of dissolution proceedings this bill would affect throughout the state. The AOC assumes there would be significant delays, substantially increased judicial time, and likely very high costs in terms of document translation services.

In addition, the AOC assumes that this bill would apply to persons who rely on American Sign Language (ASL) as their primary language. Sign language is not universal, nor is it a single language. Judicial officers or court staff would require training on how to conduct independent verification of what kind of sign language a deaf person uses. Further, the process of verifying familiarity with document content and meaning for limited English and deaf persons would require the appropriate interpreter at the time of such verification. Not all courts use the same interpreter throughout the course of a proceeding, thus it would be unknown how often verification must be made and that the interpreter present is informed about the current proceeding without having prior exposure to the documents in question.