AMERICAN BAR ASSOCIATION
COMMISSION ON DOMESTIC VIOLENCE

State Statutes Requiring the Provision of Foreign Language Interpreters to Parties in Civil Proceedings

8/2007

State & Statute	Who gets an interpreter?	Mandatory or discretionary?	Who pays?	Procedure (also check local rules)	Other Information
Alaska No statute found					Courts are now using VAWA money to provide access to the AT&T Language Line for limited English proficient parties in protection order proceedings.
Arizona 17B A.R.S. Rules Fam. Law Proc., Rule 16	The court may appoint an interpreter of its own selection and may fix the interpreter's reasonable compensation.	Discretionary	The compensation shall be paid out of funds provided by law or by one or more of the parties as the court may direct, and may be taxed as costs, in the discretion of the court.	Not specified in statute, but see 2 Ariz. Legal Forms § 43.1, Motion For Appointment Of Interpreter.	This is a general procedural rule, not a special rule regarding an interpreter requirement. Such rules are generally not included in this chart, but this one explicitly applies to protection order hearings, which are allowed proceedings in Family Court under 17B A.R.S. Rules Fam. Law Proc., Rule 24.

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Arkansas A.C.A. §16-64-111, §16-10-127	A person who cannot speak or understand the English language and who is a party to any civil proceeding or a witness therein is entitled to an interpreter to assist that person throughout the proceeding. §16-64-111(a); see also §16-10-127(c).	Mandatory	The individual requiring the interpreter pays unless unable to do so, in which case the court must appoint an interpreter. §16-64-111(b)(1). If the court appoints the interpreter, the Director of the Administrative Office of the Courts is to pay the interpreter from funds specifically appropriated for this purpose. §16-64-111(b)(3); § 16-10-127(e)(1) and (2).	The person requiring the interpreter may retain an interpreter directly, or the court may appoint one. §16-64-111(b)(1).	
California California Standards of Judicial Administration 2.10; Cal. Evid. Code § 755 (regarding domestic violence proceedings)	An interpreter is needed if, upon examination by the court, a party cannot understand and speak English well enough to participate fully in the proceedings and to assist counsel. CA Stds. J. Admin., Std. 2.10. In any DV proceeding, a party who does not proficiently speak or understand English is entitled to an interpreter to interpret the proceedings and to assist communication between that party and his or her attorney. Cal. Evid. Code § 755(a).	Mandatory	In civil cases, interpreters' fees shall be paid by the litigants, in such proportions as the court may direct, to be taxed and collected as other costs. Ann.Cal.Gov.Code § 68092. However, in DV cases, the interpreter's fees shall be waived for a party who needs an interpreter and appears *in forma pauperis*. Cal. Evid. Code § 755(b).	If the court's examination reveals that an interpreter is needed, the case file is marked to ensure that an interpreter will be available in subsequent proceedings. CA Stds. J. Admin., Std. 2.10.	Domestic violence protection order forms must be available in languages other than English. Ann. Cal. C.C.P. § 185(b). Evidence Rule 755, which requires the court to appoint interpreters in DV cases, indicates that compliance with Rule 755 is only required to the extent that VAWA funds (or "funds from sources other than the state") are available.

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District of Columbia DC ST § 2-1901 et seq.	Any "communication-impaired" person (including a person who does not speak English) who is a party or witness before a court at any stage of a civil proceeding is entitled to an interpreter. DC ST § 2-1901, -1902.	Mandatory if the person requests an interpreter, otherwise discretionary. DC ST § 2-1902.	An appointed interpreter shall receive a reasonable fee for the interpreter's services, paid by the Office of Interpreter Services. Except in cases in which the communication-impaired person is financially unable to obtain adequate interpreter services, the court may direct that all or part of the salaries, fees, expenses, and costs incurred for interpreter services be apportioned among the parties in a civil action or may be taxed as costs in a civil action. DC ST § 2-1912.	The person entitled to an interpreter must notify the court of the need for an interpreter at least 5 business days prior to the person's appearance. However, failure to notify the appointing authority of the need for an interpreter is not a waiver of the right to an interpreter. When the court knows that a communication-impaired person will be before it, the court shall inform the party of the right to a qualified interpreter. DC ST § 2-1903.	

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Georgia GA Rules for Use of Interpreters, Rule I (Georgia State Court Rules); Appendix A contains Uniform Rule for Interpreter Programs. Ga. Code Ann. §15-6-77(e)(4)	The court shall appoint an interpreter for any party or witness who cannot readily understand or communicate in spoken English. An interpreter is needed and shall be appointed when the judge determines, after examining the party or witness, that the party cannot understand and speak English well enough to participate fully in the proceedings and to assist counsel. Rule for Use of Interpreters I(A); Appendix A, 1. A petitioner or respondent in a petition for a prosecution order to protect a victim of domestic violence, stalking, or sexual assault shall be provided with a foreign language or sign language interpreter when necessary for the hearing on the petition. Ga. Code Ann. §15-6-77(e)(4).	Mandatory	There is no uniform state-wide compensation system. Local courts are to develop and test approaches to compensation consistent with established guidelines. Ga. Code Ann. § 17-12-40. A party has the right to an interpreter at his or her own expense. If the court approves a pauper's affidavit in any civil case, an interpreter will be provided at no cost. The expense of an interpreter may be assessed as costs. Appendix A, III and VI: Uniform Rules. The reasonable cost of the interpreter in a family violence case shall be paid by the local victim assistance funds. Ga. Code Ann. §15-6-77(e)(4)	The court should examine a party or witness on the record to determine whether an interpreter is needed if: (1) a party or counsel requests such an examination; (2) it appears to the court that the party or witness may not understand and speak English well enough to participate fully in the proceedings, or (3) if the party or witness requests an interpreter. The fact that a person for whom English is a second language knows some English should not prohibit that individual from being allowed to have an interpreter. Advance notice of use of an interpreter shall be provided to all parties and to the court. Appendix A, I: Uniform Rules.	

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Hawaii Policies for Interpreted Proceedings in the Courts of the State of Hawaii (HI Court Rules)	An interpreter is needed if, upon examination by the court, a party or witness is unable to speak English so as to be understood directly or if a party is unable to understand or speak English sufficiently to comprehend the proceedings and to assist counsel in the case.	Mandatory	Not specified in policy	If it appears that a party does not understand or speak English well enough to participate fully in the proceedings, the court, with or without a motion, should conduct an examination on the record to determine whether a court interpreter is needed and the case file should be clearly marked to ensure that an interpreter will be present when needed in any subsequent proceeding.	
Idaho I.C. § 9-205	Any party in a civil action who does not understand or speak the English language is entitled to an interpreter to interpret the proceedings to and the testimony of that party.	Mandatory	The court shall determine a reasonable fee for interpreter services which shall be paid out of the district court fund. I.C. § 9-205. Interpreters are entitled to receive a fee for their services to be paid out of the county treasury by order of the court in civil actions. I.C. § 9-1603.	If any party needs an interpreter, the party shall notify the court at least 14 days in advance (or as soon as practicable). If a party fails to do so without good cause and the trial or hearing is postponed as a result, the court may impose costs and expenses against the party or the party's attorney. I.R.C.P. 43(b)(2).	
Indiana IC 34-45-1-3	Every person who cannot speak or understand the English language and who is a party to or a witness in a civil proceeding is entitled to an interpreter to assist the person throughout the proceeding.	Mandatory	If appointed by the court, the interpreter shall be paid in a manner determined by the court. IC 34-45-1-4.	The interpreter may be retained by the party or appointed by the court. IC 34-45-1-4.	

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Iowa 44 I.C.A. § 622A.1 et seq.	Every person who cannot speak or understand the English language and who is a party to or a witness in any civil proceeding is entitled to an interpreter to assist the person throughout the proceeding. §622A.2.	Mandatory	An interpreter shall be appointed without cost to the person requiring assistance if that person is a witness in a civil case or if the person is indigent. In civil cases, the court taxes the cost of an interpreter the same as other court costs. §622A.3. If the court appoints an interpreter for an indigent person, the fee is paid from a revolving fund. §622A.4.	Not specified in statute	
Kansas K.S.A. § 75-4351 et seq.	Any person whose primary language is one other than English and who is a party to or a witness in a civil proceeding is entitled to an interpreter. K.S.A. § 75-4351.	Mandatory	The court may provide for the payment of the interpreter's fee out of funds appropriated for the operation of the courts and agencies. The interpreter's fee may not be assessed against the person whose primary language is one other than English. K.S.A. § 75-4352.	The judge shall appoint an interpreter. K.S.A. § 75-4352.	
Kentucky KRS § 30A.400 et seq.	Persons who cannot communicate in English and who are parties to civil cases, are entitled to an interpreter. KRS § 30A.410.	Mandatory	The interpreter is paid by the court out of the State Treasury. KRS § 30A.410-20.	The court is responsible for scheduling the interpreter. Admin. Proc. of the Ct. of Just. IX, Sec. 5.	

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Maine 5 M.R.S.A. § 51	A person who does not speak English is entitled to an interpreter when they have a personal or property interest that is the subject of a court proceeding.	Mandatory	Payment by the State for an interpreter in civil matters is within the discretion of the court.	Not specified in statute	
Maryland MD Rules, Rule 16-819; MD Code § 9-114.	A person who is a party or witness and who does not speak or understand English well enough to participate fully in court proceedings is entitled to an interpreter. Rule 16-819(c).	Mandatory	The court may tax the interpreter's fees and expenses as part of the costs of the case, or they may be paid by the county where the proceedings were initiated. MD Code § 9-114.	A person who needs an interpreter should apply to the court by submitting an approved form available from the court clerk not less than five days before the proceeding for which the interpreter is requested. Rule 16-819(b).	
Massachusetts M.G.L.A. 221C § 1 et seq.	A non-English speaker has the right to an interpreter throughout a legal proceeding. M.G.L.A. 221C § 2.	Mandatory	The coordinator of court interpreter services shall facilitate the payment of interpreters. M.G.L.A. 221C §7	The judge shall appoint an interpreter. M.G.L.A. 221C § 2. The failure of a non-English speaker to request an interpreter does not waive the right to an interpreter. M.G.L.A. 221C § 3.	
Michigan M.C.L.A. 600.2950c	The family division of the circuit court in each county may provide a domestic violence victim advocate to assist victims in obtaining protection orders. The victim advocate may provide an interpreter.	Discretionary	Not specified in statute	The DV victim advocate coordinates the interpreter's participation	This provision applies only to victims of domestic violence.

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Minnesota M.S.A. § 546.42 et seq.	Any person who, because of difficulty in speaking or comprehending the English language, is unable to fully understand the proceedings in which the person is required to participate, or when named as a party to a legal proceeding, is unable by reason of the deficiency to obtain due process of law, is entitled to an interpreter throughout the proceedings. M.S.A. § 546.42.	Mandatory	The fees and expenses of the interpreter should be determined and paid by the court before whom the proceeding takes place. M.S.A. § 546.44.	The presiding judicial officer shall appoint an interpreter. M.S.A. § 546.43.	
Mississippi MS ST § 9-21-71 et seq.	An interpreter shall be appointed if the court determines that the party cannot understand and speak English well enough to participate fully in any court proceeding. MS ST § 9-21-71; MS ST § 9-21-79.	Mandatory	The court may appoint a volunteer interpreter or a paid interpreter. MS ST § 9-21-75. A volunteer interpreter shall be paid reasonable expenses by the court. MS ST § 9-21-81. The expense of providing the interpreter may be taxed by the court as costs. MS ST § 9-21-81.	The court should determine whether an interpreter is needed if a party or counsel requests an interpreter or if it appears to the court that a party's English is insufficient to participate fully in the proceedings. If an interpreter is needed, the file shall be clearly marked to ensure that an interpreter will be present when needed. MS ST § 9-21-79.	
Missouri V.A.M.S. 476.800 et seq.	Any non-English-speaking person who is a party to any court proceeding is entitled to an interpreter. V.A.M.S. 476.803.	Mandatory	In civil proceedings, the interpreter's fees and expenses may be taxed as costs by the court to the parties. The court may require advance deposits from the parties for this purpose. V.A.M.S. 476.806.	The party requiring the translator must provide prior notice to the court of the need for an interpreter as required by the local rules. V.A.M.S. 476.803.	

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Nebraska Neb. Rev. Stat. § 20-150 et seq.; Neb. Rev. Stat. § 25-2401 et seq.	Any person unable to communicate the English language involved in any legal proceeding is entitled to an interpreter to assist with the preparation and trial of his or her case. § 25-2403.	Mandatory	A court-appointed interpreter shall be paid out of the General Fund with funds appropriated to the Supreme Court for that purpose. § 20-159; § 25-2406.	Not specified in statute	
New Jersey New Jersey Rules of Court, Directive 3-04 (Interpreting Standards)	The judiciary should generally assign interpreters to interpret all phases of court proceedings for any party with limited proficiency in English. Standard 1.2.	Discretionary, but there is a presumption that an interpreter is necessary when a person or their attorney represents that the person is unable to understand or communicate readily in English. Standard 1.1 (Comment).	All costs for interpreting are borne by the Judiciary except in very limited instances. Directive 3-04. The judiciary may seek reimbursement if it incurs expenses that could have been avoided but for the failure of a party or attorney to give reasonable attention to the matter, or for an interpreter that an attorney or pro se litigant requests but fails to use. Standard 1.4.	The court assigns an interpreter. Standard 1.2.	
New Mexico N. M. S. A. 1978, § 38-10-1 et seq.	Any non-English-speaking person who is a party to any court proceeding is entitled to an interpreter. § 38-10-2; § 38-10-3.	Mandatory	The court pays the interpreter's fee. § 38-10-3.	A party requiring an interpreter must advise the clerk of the court as soon as practicable before a hearing of the need for the interpreter. NMRA Rule 1-103. See local rules for notice and procedural requirements.	

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Oregon ORS 45.272 et seq.	Any non-English-speaking party to a civil proceeding is entitled to an interpreter. ORS 45.275.	Mandatory	No fee is charged to the non-English-speaking party for the interpreter's services in interpreting the party's testimony to the court, and if the party is unable to pay then no fee is charged for the interpreter's services in interpreting the proceedings to that party. The interpreter is paid by the county in a county or justice court (or by the city in a municipal court, or by the state in a circuit court). The court may allow the interpreter's fee to be taxed as costs. ORS 45.275.	The court shall appoint a qualified interpreter in a civil or criminal proceeding. ORS 45.275	
South Carolina SC ST § 15-27-155	The court may appoint an interpreter for any party or witness in a civil proceeding who does not speak sufficient English to testify. However, the court may waive the use of an interpreter if the court finds that it is not necessary for the fulfillment of justice.	Discretionary	The fees for interpreting services may be paid out of the general fund of the State from funds appropriated to the Judicial Department, or paid by one or more of the parties as the court may direct, or taxed as costs based on the discretion of the court.	Not specified in statute	
Tennessee Sup. Ct. Rule 42	Appointing an interpreter for a person with limited English proficiency is a matter of judicial discretion in any court proceeding.	Discretionary	The costs of interpreters in civil cases shall be taxed as court costs.	A party or counsel may request an interpreter, or the court may determine that a participant in a legal proceeding has a limited ability to understand and communicate in English.	

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Texas No statute found					Although there is no statewide provision for foreign language interpreters in civil cases, TX Civ. Prac. & Rem. § 21.02 et seq. provides for the discretionary appointment of Spanish language interpreters in certain counties.
Utah Jud. Admin. Rule 3-306	A party or witness in any legal proceeding who has a limited ability to understand or communicate in English is entitled to an interpreter. 3-306 (6)(A).	Mandatory	The administrative office of the court pays the interpreter's fees and expenses in certain cases, including those filed under the Cohabitant Abuse Act and Stalking Injunctions. In all other civil cases, the party engaging the services of the interpreter pays the interpreter. 3-306 (12)(A).	Not specified in statute	
Virginia Va. Code Ann. § 8.01-384.1:1	A court may appoint an interpreter for any non-English-speaking party or witness in a civil proceeding.	Discretionary	To the extent of available appropriations, an interpreter may be compensated from the general fund of the state treasury or assessed against either party as costs in the court's discretion.	Not specified in statute	Payment for interpreter from state funds is limited to "available appropriations."

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Washington RCW 2.43.010 et seq.	Any non-English-speaking party to a legal proceeding is entitled to an interpreter. RCW 2.43.030.	Mandatory	In civil proceedings, the non-English-speaking person bears the cost of the interpreter unless that person is indigent, in which case the cost is an administrative cost of the court. The cost of providing the interpreter is a taxable cost of any proceeding in which costs ordinarily are taxed. RCW 2.43.040.	Not specified in statute.	RCW 26.50.055 (regarding the appointment of interpreters in domestic violence cases) provides that an interpreter shall be provided for any party who requires one pursuant to RCW 2.43.
Wisconsin WSA 885.38	The court may authorize the use of an interpreter in any proceeding. 885.38(3)(f). The court is required to appoint an interpreter only in certain proceedings (not including protection order proceedings). 885.38(3)(a).	Discretionary	The statute does not provide for compensation for the interpreter unless the person with limited English proficiency is both indigent and a party to proceedings under certain specified statutes (including criminal, juvenile, mental health, and protective services proceedings). 885.38(3)(a) and (8)(a).	Not specified in statute	

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