

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

6/2007

State & Statute	Who gets an interpreter?	Mandatory or discretionary?	Who pays?	Procedure (also check Local Rules)	Other Information
Alabama AL Code §12-21-130 et seq.	Any deaf or hard of hearing person who is a complainant, defendant or witness in a civil case is entitled to an interpreter. §12-21-131(c).	Mandatory	The fee and expenses for a court-appointed interpreter are paid out of the State General Fund from "Court Costs Not Otherwise Provided." §12-21-131(j).	The person entitled to the interpreter (or his or her lawyer) should inform the court of the need for an interpreter in writing at least 30 days prior to the court proceeding. §12-21-131(f); §12-21-133. It is the court's responsibility to request a qualified interpreter. §12-21-131(f); §12-21-132.	
Arizona A.R.S. § 12-241 et seq.	Any deaf person who is party to a civil action as a witness, complainant, defendant or attorney is entitled to an interpreter. A.R.S. § 12-242(a).	Mandatory	The court pays the fees, unless the deaf person declines to use the court-appointed interpreter and chooses his or her own interpreter, in which case the deaf person pays. A.R.S. § 12-242(g).	Not set forth in statute, but see 2 Ariz. Legal Forms § 43.1, Motion For Appointment Of Interpreter.	
Arkansas A.C.A. § 16-10-127; § 16-64-111; § 16-64-112	Any deaf person who is a party to any civil proceeding or a witness therein shall be entitled to an interpreter. § 16-64-111(a); see also § 16-10-127(c).	Mandatory	When an interpreter is appointed by a court, the fee shall be paid out of general county funds. § 16-64-112(h).	The deaf person should notify the court of his or her need prior to any appearance and should request at that time the services of an interpreter. Where a deaf person expects to need the interpreter for longer than a day, he or she should notify the appointing authority and such notification shall be sufficient for the duration of his or her participation in the proceedings. § 16-64-112(b).	

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California Ann.Cal.Civ.Code §54.8; Ann.Cal. Evid. Code § 754	<p>Any deaf party or other participant in a civil proceeding is entitled upon request to an assistive listening system or a computer-aided transcription system. Ann.Cal.Civ.Code §54.8(a).</p> <p>Any deaf party in a civil action is entitled to have the proceedings interpreted whenever that person is present and participating. Ann.Cal. Evid. Code § 754(b).</p>	Mandatory	Interpreters are paid by the county (or other subdivision of the state) in which the action is pending. Ann.Cal. Evid. Code § 754(i).	The deaf person must notify the court of his or her need for assistance at the time that the hearing is set or not later than five days before the hearing. §54.8(a). A sign shall be posted in a prominent place indicating the availability of, and how to request, such assistance. Ann.Cal.Civ.Code §54.8(d).	
Colorado C.R.S.A. § 13-90-201 through § 13-90-210	A person who is deaf or hard of hearing is entitled to an interpreter when that person is present and participating as the principal party in interest or a witness at any civil or criminal proceeding, including but not limited to any civil court proceeding. C.R.S.A. § 13-90-204.	Mandatory	Subject to available appropriations, the Department of Human Services' Commission for the Deaf and Hard of Hearing shall compensate the interpreter based on a fee schedule established by the commission. C.R.S.A. § 13-90-210.	Whenever an interpreter is required pursuant to section 13-90-204, the court shall secure such interpreter service through the list of available resources made available and coordinated by the commission. C.R.S.A. § 13-90-205.	Payment to interpreters is "subject to the appropriations available to the commission." C.R.S.A. § 13-90-210.

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Delaware 10 Del.C. § 8907	A deaf person who is a party to, or a witness in, any legal proceeding shall have a right to a qualified interpreter of deaf sign-language. 10 Del.C. § 8907.	Mandatory	The fee for an interpreter shall be fixed by the court in its discretion. In civil actions, fees 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 ultimately as costs, in the discretion of the court. 10 Del.C. § 8907.	The court shall appoint an interpreter to interpret the proceedings to, and the testimony of, a deaf person. 10 Del.C. § 8907.	
District of Columbia DC ST § 2-1901 et seq.	Any deaf person who is a party or witness in a civil proceeding is entitled to an interpreter upon request. DC ST § 2-1901, -1902.	Mandatory	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 hearing-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 court of the need for an interpreter is not a waiver of the right to an interpreter. When the court knows that a hearing-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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Florida F.S.A. § 90.6063	In all judicial proceedings wherein a deaf person is a party, the court or presiding officer shall appoint a qualified interpreter to interpret the proceedings to the deaf person and to interpret the deaf person's testimony or statements to the court. F.S.A. § 90.6063(2).	Mandatory	An interpreter appointed by the court in a civil matter shall be entitled to a reasonable fee for such service, in addition to actual expenses for travel, to be paid out of general county funds. F.S.A. § 90.6063(8).	The deaf person must request an interpreter at least 5 days prior to any appearance or as soon as practicable. However, failure to strictly comply with the notice requirement will not be deemed a waiver of the right to an interpreter. F.S.A. § 90.6063(4).	
Georgia Ga. Code Ann., § 24-9-100 et seq.	The court conducting any proceeding shall provide a qualified interpreter to any hearing impaired person who is a party to the proceeding or a witness before the proceeding. Ga. Code Ann., § 24-9-102.	Mandatory	Interpreters shall be compensated by the court requesting their service in the amount provided in the fee schedule developed by the Department of Human Resources. The expenses of providing an interpreter in any civil proceeding may be assessed by the court as costs in such proceeding. Ga. Code Ann., § 24-9-108.	The hearing impaired person must notify the court at least ten days, excluding weekends and holidays, prior to the date of the proceeding, or as soon as practicable after receiving notice of the proceeding, of the need for a qualified interpreter. Upon receiving a request for a qualified interpreter, the court shall immediately forward such request to the Department of Human Resources, which shall provide a qualified interpreter for the proceeding specified in the request. Ga. Code Ann., § 24-9-102.	

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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 a party is unable to hear, understand, speak and/or use English sufficiently to comprehend the proceedings and to assist counsel in the conduct of the case.	Mandatory	Not specified in policy.	If it appears that a party may not hear, understand, speak and/or use 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 has a physical handicap which prevents him from fully hearing or speaking 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).	
Illinois 735 I.L.C.S. 5/8-1402	Any deaf person who is a party to any legal proceeding of any nature is entitled to an interpreter to interpret the proceedings to and the testimony of the deaf person.	Mandatory	The court shall determine and allow a reasonable fee for the interpreter's services which shall be paid out of general county funds.	Not set forth in statute.	

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Indiana IC 34-45-1-3	Every person who has difficulty in communicating with other persons because of a hearing, speaking or other impairment 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.	
Iowa 46. I.C.A. § 622B.1 et seq.	Any deaf or hard of hearing person who is a party to or a witness at a court proceeding is entitled to an interpreter. 622B.2.	Mandatory	The interpreter's fee and expenses are paid by the county. 622B.7.	The deaf person must request an interpreter from the presiding official within three days after receiving notice of the proceeding (or as soon as practicable). 622B.3.	
Kansas K.S.A. § 75-4351 et seq.	Any deaf person who is a party to or a witness in a civil proceeding is entitled to an interpreter. K.S.A. § 75-4351; K.S.A. § 75-4355a.	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 deaf person. K.S.A. § 75-4352; K.S.A. § 75-4355b.	The judge shall appoint an interpreter. K.S.A. § 75-4352.	Any person shall have the right to enforce the provisions of K.S.A. § 75-4355a-d (regarding interpreters for the deaf) in the district court. K.S.A. § 75-4355d.

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Kentucky KRS § 30A.400 et seq.	A deaf person who is a party to a civil case is entitled to an interpreter. KRS § 30A.410.	Mandatory	The interpreter is paid by the court out of the State Treasury. KRS § 30A.410 through 30A.420.	The court is responsible for scheduling the interpreter. Administrative Procedures of the Court of Justice IX, Sec. 5.	
Louisiana LSA-R.S. 46:2361 et seq.; LSA-C.C.P. Art. 192.1	A deaf party to a civil proceeding is entitled to a court-appointed interpreter. LSA-R.S. 46:2364; LSA-C.C.P. Art. 192.1.	Mandatory	The court bears the cost of providing the interpreter. LSA-R.S. 46:2364; LSA-C.C.P. Art. 192.1.	Not specified in statute; however, see "Request for Interpreter" form in Appendix 5b to Louisiana District Court Rule 5.1.	
Maine 5 M.R.S.A. § 48-A	A deaf person who has a personal or property interest that is the subject of any court proceeding is entitled to an interpreter. 5 M.R.S.A. § 48-A(2).	Mandatory	The interpreter must be reimbursed by the court conducting the proceeding. 5 M.R.S.A. § 48-A(2). A legal interpreting fund must be maintained to reimburse private attorneys and advocates for the cost of interpreting services that assist the attorney or advocate in effectively representing the deaf person. 5 M.R.S.A. § 48-A(3).	The presiding officer of the proceeding shall appoint an interpreter after consultation with, and giving primary consideration to the request of, the deaf person. 5 M.R.S.A. § 48-A(2).	

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Maryland MD Rules, Rule 16-819; MD Code § 9-114	A deaf person who is a party or witness in a legal proceeding is entitled to an interpreter. MD Code § 9-114.	Mandatory	The court may tax the interpreter's fees and expenses as part of the costs of the case if permitted by the ADA, 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. 221 § 92A	A deaf person who is a party or witness in any court proceeding is entitled to an interpreter.	Mandatory	The commonwealth pays the interpreter's fee.	Not specified in statute.	
Michigan M.C.L.A. 393.501 et seq.	A deaf person who participates as a party or witness in any action before a court is entitled to an interpreter to interpret the proceedings and to assist in preparation of the action with the deaf person's counsel. M.C.L.A. 393.503.	Mandatory	The court pays the interpreter's fee. M.C.L.A. 393.507.	The deaf person shall notify the court of the need for an interpreter before the appearance. M.C.L.A. 393.504. The court channels such requests through the division on deafness of the department of labor. M.C.L.A. 393.508.	

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Minnesota M.S.A. § 546.42 et seq.	Any deaf person who is a litigant or witness in a civil action is entitled to an interpreter throughout the proceedings. M.S.A. § 546.43.	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 § 13-1-301 et seq.	Any deaf person who is a party to any case in law or equity is entitled to an interpreter. MS ST § 13-1-303.	Mandatory	An interpreter's fee in a civil action 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 ultimately as costs in the discretion of the court. MS ST § 13-1-315.	The deaf person must notify the court of the need for an interpreter at least 5 days prior to any appearance (or as soon as practicable). A single notification is sufficient for the duration of the proceedings. MS ST § 13-1-305.	
Missouri V.A.M.S. 476.750 et seq.	Any deaf person who is a party to a civil proceeding is entitled to interpretation services. V.A.M.S. 476.753.	Mandatory	The fees and expenses for the interpretation services are payable from funds appropriated to the office of the state court administrator. An interpreter's services may not be taxed as costs. V.A.M.S. 476.760.	The interpreter is to be provided "based on a deaf person's expressed needs," but the statute does not set forth a required procedure for expressing such needs. V.A.M.S. 476.753.	Statute states that it does not exceed ADA protections. V.A.M.S. 476.766

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Montana MCA 49-4-501 et seq.	Any deaf person who is a party to any court proceeding is entitled to an interpreter to interpret the proceedings, the deaf person's testimony, and to assist in preparation with counsel. MCA 49-4-503.	Mandatory	The court shall pay an interpreter's reasonable fee and expenses out of funds available to the court. MCA 49-4-509.	Whenever the court is required to appoint an interpreter, it shall request a list of interpreters from the department of public health and human services and appoint an interpreter approved by the deaf person. MCA 49-4-507.	
Nebraska Neb. Rev. Stat. § 20-150 et seq.; Neb. Rev. Stat. § 25-2401 et seq.	Any deaf person 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.	
Nevada NRS 50.045 et seq.	In all judicial proceedings in which a deaf person appears as a witness, the court must appoint an interpreter. NRS 50.050.	Mandatory	In a civil proceeding, the cost of the interpreter may be taxed as costs and must not be charged as a public expense. An interpreter that must be provided at public expense must be paid in the same manner as other claims against the county, municipality, or State. NRS 50.050.	See local rules.	NRS 50.050 requires an interpreter where a deaf person appears "as a witness"; presumably this includes parties, as required by the ADA.

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New Hampshire N.H. Rev. Stat. §521-A:1 et seq.	A deaf person who is a party to any court proceeding is entitled to an interpreter. §521-A:2.	Mandatory	Not specified in statute.	The deaf person must notify the court of the need for an interpreter prior to any appearance. §521-A:6.	
New Jersey N.J.S.A. 34:1-69.10 et seq.; New Jersey Rules of Court, Directive 3-04 (Interpreting Standards)	A deaf person who is a party in any case before any court is entitled to an interpreter throughout the proceedings and in preparation with counsel. N.J.S.A. 34:1-69.10; Standard 2.4.	Mandatory	An interpreter appointed in a civil proceeding before a court shall be paid by the court. N.J.S.A. 34:1-69.15; Standard 2.6.	When a court is required to appoint an interpreter, it shall request a list of qualified interpreters and appoint one that meets the needs and wishes of the deaf person. N.J.S.A. 34:1-69.12.	
New Mexico N. M. S. A. 1978, §38-9-1 et seq.	A deaf person who is a party to any court proceeding is entitled to an interpreter. §38-9-2; §38-9-3.	Mandatory	The court shall reimburse the interpreter. §38-9-7.	The deaf person must notify the court of the need for an interpreter at least two weeks prior to any appearance. §38-9-6.	
New York McKinney's Judiciary Law §390	Any deaf person who is a party to any legal proceeding is entitled to an interpreter.	Mandatory	The state pays the interpreter except when the interpreter's services are rendered in a justice court, in which case "the fee therefor shall be paid as provided by law in effect on July 1, 1991."	Not specified in statute.	

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North Carolina N.C.G.S.A. § 8B-1 et seq.	Any deaf person who is a party to any civil proceeding in any superior or district court of the State is entitled to an interpreter. N.C.G.S.A. § 8B-2.	Mandatory	The fees and expenses of interpreters in civil cases are payable from funds appropriated to the Administrative Office of the Courts. N.C.G.S.A. § 8B-8.	The deaf person shall, if practicable, notify the court of the need for an interpreter prior to any appearance. A failure to notify the court is not a waiver of the right to an interpreter. N.C.G.S.A. § 8B-4.	
North Dakota NDCC 28-33-01 et seq.	Any deaf person who is a party to any judicial proceeding is entitled to an interpreter. 28-33-02.	Mandatory	The court that appoints the interpreter compensates the interpreter. 28-33-05.	The court provides the interpreter after receiving a valid request from the party. 28-33-08.	
Ohio R.C. § 2311.14	Any deaf person who is a party to a legal proceeding is entitled to an interpreter.	Mandatory	The interpreter's fee shall be paid out of the same funds as witness fees.	Not specified in statute.	
Oklahoma 63 Okl.St. Ann. §2407 et seq.	Any deaf person who is a litigant in any case before any state or local court is entitled to an interpreter upon request to interpret the proceedings and to assist in preparation with counsel. §2409.	Mandatory	The court pays the interpreter's fee out of local court funds. §2415.	The deaf person shall make a good faith effort to notify the court of the need for an interpreter. It is the court's responsibility to request interpreter services. §2412-13.	

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Oregon ORS 45.285 et seq.	Any deaf person who is a party or witness in any civil action is entitled to an interpreter. ORS 45.285.	Mandatory	No fee is charged to the deaf party for the interpreter's services. 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). ORS 45.285.	The court, hearing officer or the designee of the hearing officer shall appoint a qualified interpreter and make available appropriate assistive communication devices whenever it is necessary to interpret the proceedings to the person with a disability or to interpret the testimony of the person with a disability. ORS 45.285	
Pennsylvania PA.R.J.A. no. 1903	Any deaf party or witness in any civil action is entitled to an interpreter upon request.	Mandatory	The cost of interpreter services shall not be imposed on the party requiring the interpreter nor assessed as an element of court costs.	Not specified in statute.	
Rhode Island RI ST § 8-5-8	Any deaf party or witness in any civil case is entitled to an interpreter.	Mandatory	The interpreter shall be paid by the state or municipality a reasonable compensation fixed by the court.	Not specified in statute.	
South Carolina SC ST § 15-27-15	Any deaf party or witness in any civil case is entitled to an interpreter.	Mandatory	Fees for interpreting services are paid out of the general fund of the State from funds appropriated to the Judicial Department.	Not specified in statute.	

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

6/2007

State & Statute	Who gets an interpreter?	Mandatory or discretionary?	Who pays?	Procedure (also check Local Rules)	Other Information
South Dakota SDCL § 19-3-10; SDCL § 19-3-12	An interpreter shall be appointed "[i]n any court proceeding involving a person who is deaf or mute, or both, and such proceeding may result in the confinement of such person or the imposition of a penal sanction against such person." SDCL § 19-3-10.	Appears to be discretionary in a court proceeding which cannot result in confinement or the imposition of a penal sanction.	The court provides for the payment of the interpreter's services out of funds appropriated for the operation of the court. SDCL § 19-3-12.	The judge appoints the interpreter for proceedings before the court. SDCL § 19-3-12.	
Tennessee T. C. A. § 24-1-211	Any deaf party before any court is entitled to an interpreter to interpret the proceedings and to assist in preparation with counsel.	Mandatory	An interpreter appointed by the court is paid out of general county funds.	The deaf person should notify the court of his or her need for an interpreter prior to any appearance. Such notice is sufficient for the duration of the proceedings. It is the court's responsibility to channel the request to the agency providing the interpreter.	
Texas TX Civ. Prac. & Rem. §21.002 et seq.	Any deaf party or witness in a civil case is entitled to have an interpreter to interpret the proceedings. §21.002	Mandatory	The interpreter's fee and expenses are paid from the county's general funds. §21.006.	Not specified in statute.	
Utah UT ST §78-24a-1 et seq.	Any deaf party to a civil proceeding is entitled to an interpreter. §78-24a-2.	Mandatory	The court pays the interpreter. §78-24a-8.	Not specified in statute.	

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Vermont 1 V.S.A. §331 et seq.	Any deaf party or witness in any proceeding is entitled to an interpreter. 1 V.S.A. §332.	Mandatory	In civil proceedings, the court may order that costs of the interpreter be paid by a party, as justice may require, or it may order that the costs be paid by the state. 1 V.S.A. §335.	The presiding officer in the proceeding appoints the interpreter. 1 V.S.A. §333.	A decision may be reversed on appeal if the court finds that a deaf person was prejudicially denied of an opportunity to communicate effectively. 1 V.S.A. §337.
Virginia VA Code Ann. § 8.01-384.1	Any deaf person who is a party or witness in a civil proceeding is entitled to an interpreter upon request.	Mandatory	The interpreter's compensation may be paid from the general fund of the state treasury or assessed as costs in the court's discretion.	Not specified in statute.	
Washington RCW 2.42.010 et seq.	Any deaf person who is a party or witness in a civil proceeding is entitled to an interpreter. RCW 2.42.120.	Mandatory	The court pays the interpreter's compensation. RCW 2.42.120.	The court shall request the interpreter from the appropriate interpreter referral service. RCW 2.42.130.	RCW 26.50.055 (regarding domestic violence cases) provides that an interpreter shall be provided for any party who requires one.

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West Virginia WV Code, §5-14A-1 et seq.	Any deaf person who is a party or witness in any case before any court is entitled to an interpreter to interpret the proceedings and to assist in preparation with counsel. §5-14A-3.	Mandatory	The court pays the interpreter's fee out of the local court fund. §5-14A-9.	The deaf person must notify the court of the need for an interpreter at least 48 hours prior to any appearance. A single notification is sufficient for the duration of the proceedings. § 5-14A-6. It is the court's responsibility to channel requests for interpreters through the WV commission for the deaf. § 5-14A-7.	
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 deaf person 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.	The statute as currently written appears to violate the ADA by providing interpreters at public expense only in certain proceedings, and then only when the deaf person is indigent. However, 2007 Senate Bill 40, which appears to be in committee as of 3/1/07, proposes to remedy this problem.

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Wyoming W.S.1977 § 5-1-109	A deaf party in a civil proceeding is entitled to an interpreter to assist the court and deaf person during the proceedings.	Mandatory	The cost for the interpreter's services may be assessed as court costs.	The presiding judge shall upon petition appoint a qualified interpreter.	

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