

Chapter 2.43 RCW
INTERPRETERS—PERSONS WITH LIMITED ENGLISH PROFICIENCY

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RCW 2.43.010 Legislative intent. It is hereby declared to be the policy of this state to secure the rights, constitutional or otherwise, of persons who, because of a non-English-speaking cultural background, are unable to readily understand or communicate in the English language, and who consequently cannot be fully protected in legal proceedings unless interpreters are available to assist them.

It is the intent of the legislature in the passage of this chapter to provide for the use and procedure for the appointment of such interpreters. [2025 c 55 s 1; 1989 c 358 s 1. Formerly RCW 2.42.200.]

Severability—1989 c 358: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1989 c 358 s 10.]

RCW 2.43.020 Definitions. As used in this chapter:

(1) "Credentialed interpreter" means an interpreter who is credentialed by the administrative office of the courts in a spoken language.

(2) "Judicial officer" means a judge, commissioner, or magistrate of any court.

(3) "Language access plan" means a plan that is publicly available which contains the elements required by RCW 2.43.090.

(4) "Legal proceeding" means any proceeding in any court, and in any type of hearing before a judicial officer, an administrative law judge, or before an administrative board, commission, agency, or licensing body of the state or any political subdivision.

(5) "Person with limited English proficiency" means a person involved in a legal proceeding who cannot readily speak or understand the English language, but does not include deaf, deaf-blind, and hard of hearing individuals who are covered under chapter 2.42 RCW.

(6) "Presiding officer" means the judicial officer or similar official of any court, department, board, commission, agency, or licensing authority of the state or of any political subdivision thereof. [2025 c 55 s 2. Prior: 2010 c 190 s 2; 2005 c 282 s 2; 1989 c 358 s 2. Formerly RCW 2.42.210.]

Severability—1989 c 358: See note following RCW 2.43.010.

RCW 2.43.030 Appointment of interpreter—Source of interpreters—Qualifications. (1)(a) Credentialed interpreters shall be appointed in legal proceedings involving participation of persons with limited English proficiency, unless good cause is found on the record for appointing a noncredentialed interpreter.

(b) For purposes of this chapter, "good cause" includes, but is not limited to, a determination that:

(i) Given the totality of the circumstances, including the nature of the proceeding and the potential penalty or consequences involved, the services of a credentialed interpreter are not reasonably available; or

(ii) The current list of interpreters maintained by the administrative office of the courts does not include an interpreter credentialed in the language spoken by the person with limited English proficiency.

(2) If good cause is found for using an interpreter who is not credentialed, the judicial or presiding officer shall make a preliminary determination on the record that the proposed interpreter is able to interpret accurately all communications to and from the person with limited English proficiency in that particular proceeding. The judicial or presiding officer shall consider testimony and the needs of the person with limited English proficiency in making this determination.

(3) After an appropriate colloquy or other process permitted by statute or regulation, the judicial or presiding officer shall satisfy itself and state on the record that:

(a) The proposed interpreter is capable of communicating effectively in English and in the non-English language. If the interpreter is assigned to interpret between two non-English languages (relay interpreter), the interpreter shall not be required to communicate in English;

(b) The proposed interpreter has read, understands, and will abide by the code of professional responsibility for judiciary interpreters established by court rule. If the interpreter does not meet this requirement, the interpreter may be given time to review the code of professional responsibility for judiciary interpreters; and

(c) The person with limited English proficiency can understand the interpreter.

(4) The court shall inquire whether the interpreter can accurately interpret:

(a) In the consecutive mode, if that mode of interpretation is expected to be used; and

(b) In the simultaneous mode, if that mode of interpretation is expected to be used.

(5) If the proposed interpreter does not meet the criteria in subsection (3) of this section, another interpreter must be used.

[2025 c 55 s 3; 2005 c 282 s 3; 1990 c 183 s 1; 1989 c 358 s 3. Formerly RCW 2.42.220.]

Severability—1989 c 358: See note following RCW 2.43.010.

RCW 2.43.050 Oath of interpreter—Qualification on the record.

(1) (a) Upon obtaining an interpreter credential with the administrative office of the courts, credentialed interpreters shall take a permanent oath, affirming that the interpreter will make a true interpretation of all the proceedings and that the interpreter will repeat the statements of the person with limited English proficiency to the court or agency conducting the proceedings, in the English language, to the best of the interpreter's skill and judgment.

(b) The administrative office of the courts shall maintain the list of credentialed interpreters and a record of the oath in the same manner.

(2) Subject to other processes permitted by statute or regulation, before any person serving as an interpreter for the court or agency begins to interpret, the judicial or presiding officer shall require the interpreter to state the interpreter's name on the record and whether the interpreter is a credentialed interpreter. If the interpreter is not a credentialed interpreter, the interpreter must be qualified on the record.

(3) Before beginning to interpret, every interpreter appointed under this chapter shall take an oath unless the interpreter is a credentialed interpreter who has taken the oath as required in subsection (1) of this section. The oath must affirm that the interpreter will make a true interpretation to the person being examined of all the proceedings in a language which the person understands, and that the interpreter will repeat the statements of the person being examined to the court or agency conducting the proceedings, in the English language, to the best of the interpreter's skill and judgment. [2025 c 55 s 4; 2017 c 83 s 2; 2010 c 190 s 1; 1989 c 358 s 5. Formerly RCW 2.42.240.]

Severability—1989 c 358: See note following RCW 2.43.010.

RCW 2.43.060 Waiver of right to interpreter. (1) The right to an interpreter may not be waived except when:

(a) A person with limited English proficiency requests a waiver on the record; and

(b) The judicial or presiding officer determines on the record that the waiver has been made knowingly, voluntarily, and intelligently.

(2) The waiver of the right to an interpreter may be set aside and an interpreter appointed at the discretion of the judicial or presiding officer at any time during the proceedings.

(3) The waiver of the right to an interpreter does not preclude a person with limited English proficiency from exercising the right to an interpreter at a later time. [2025 c 55 s 5; 1989 c 358 s 6. Formerly RCW 2.42.250.]

Severability—1989 c 358: See note following RCW 2.43.010.

RCW 2.43.063 Code of professional responsibility. All language interpreters serving in a legal proceeding, whether or not credentialed, shall abide by a code of professional responsibility for judiciary interpreters established by supreme court rule. [2025 c 55 s 6; 1989 c 358 s 8. Formerly RCW 2.43.080, 2.42.270.]

Severability—1989 c 358: See note following RCW 2.43.010.

RCW 2.43.067 Team interpreting. The court shall appoint a team of interpreters as required by supreme court rule. [2025 c 55 s 7.]

RCW 2.43.070 Testing and credentialing of interpreters. (1) Subject to the availability of funds, the administrative office of the courts shall establish and maintain a credentialing program for spoken language interpreters and administer comprehensive testing.

(2) The administrative office of the courts shall work cooperatively with public or private educational institutions, and with other public or private organizations to establish suitable training programs and engage in recruitment efforts to ensure the availability of credentialed interpreters. Training programs shall be made readily available in both eastern and western Washington locations.

(3) The administrative office of the courts shall establish and adopt standards of proficiency, written and oral, in English and the language to be interpreted.

(4) The administrative office of the courts shall conduct periodic examinations to ensure the availability of credentialed interpreters. Periodic examinations shall be made readily available in both eastern and western Washington locations.

(5) The administrative office of the courts shall compile, maintain, and disseminate a current list of interpreters credentialed by the office.

(6) The administrative office of the courts may charge reasonable fees for testing, training, and credentialing.

(7) The administrative office of the courts may create different credentials and provide guidance for the selection and use of credentialed and noncredentialed interpreters to ensure the highest standards of accuracy are maintained in all judicial proceedings.

[2025 c 55 s 8; 2005 c 282 s 4; 1989 c 358 s 7. Formerly RCW 2.42.260.]

Severability—1989 c 358: See note following RCW 2.43.010.

RCW 2.43.081 Cost of providing interpreter—Reimbursement. (1) Interpreters appointed according to this chapter are entitled to a reasonable fee for their services and shall be reimbursed for actual expenses which are reasonable as provided in this section.

(2) (a) In all legal proceedings, a person with limited English proficiency is not responsible for the cost of the interpreter if that person is:

- (i) A party;
- (ii) Subpoenaed or summoned;
- (iii) A parent, guardian, or custodian of a juvenile; or
- (iv) Compelled to appear.

(b) In legal proceedings initiated by agencies of government, the cost of providing the interpreter shall be borne by the governmental body initiating the legal proceedings.

(3) Subject to the availability of funds specifically appropriated for this purpose, the administrative office of the courts

shall reimburse the participating state court for language access services costs and one-half of the payment of interpreter costs for legal proceedings unless a higher reimbursement rate is established in the omnibus budget. [2025 c 55 s 9; 2023 c 102 s 1; 2008 c 291 s 3; 1989 c 358 s 4. Formerly RCW 2.43.040, 2.42.230.]

Severability—1989 c 358: See note following RCW 2.43.010.

RCW 2.43.090 Language access plans. (1) Trial courts organized under this title and Titles 3 and 35 RCW must develop and maintain a written language access plan to provide a framework for the provision of language access services for persons with limited English proficiency accessing the court system and its programs in both civil and criminal legal matters. Courts may use a template developed by the administrative office of the courts in developing their language access plan.

(2) The language access plan must at a minimum include provisions designed to provide procedures for court staff and the public, as may be necessary, that address the following:

(a) Procedures to identify and provide the language needs of persons with limited English proficiency using the court system;

(b) Procedures for requesting and appointing interpreters as required under RCW 2.43.030;

(c) Procedures for notifying court users of the right to an interpreter and the availability of interpreter services. Such information shall be prominently displayed in the courthouse in the five or more languages other than English that reputable data indicates are predominate in the jurisdiction;

(d) A process for providing timely communication between individuals with limited English proficiency and all court employees who have regular contact with the public and effective access to court services provided by the clerk's office and other court-managed programs;

(e) Procedures for evaluating the need for translation of written materials, and prioritizing and providing those translated materials. Courts should take into account the frequency of use of forms by the language group, and the cost of providing the forms by other means;

(f) A process for training judges, court clerks, and court staff on best practices in serving individuals with limited English proficiency in legal proceedings and how to effectively assign and work with interpreters and provide interpretation; and

(g) A process for an ongoing evaluation of the language access plan and a process for monitoring the implementation of the language access plan.

(3) Each court, when developing its language access plan, must consult with judges, court administrators, court staff, court clerks, interpreters, and members of the community, such as domestic violence organizations, pro bono programs, courthouse facilitators, legal services programs, and/or other community groups whose members speak a language other than English.

(4) Beginning January 1, 2026, and every two years thereafter, all courts must submit their most recent language access plan to the administrative office of the courts.

(5) The administrative office of the courts shall provide technical assistance to trial courts in developing their language access plans.

(6) Each court must provide a copy of its language access plan to the administrative office of the courts in accordance with criteria for approval recommended by the interpreter and language access commission for approval prior to receiving state reimbursement for interpreter costs under this chapter.

(7) Each court shall make available on its website translated information that informs the public of procedures necessary to access a court's language access services and programs. The information shall be provided in five or more languages other than English that reputable data indicates are predominant in the jurisdiction. [2025 c 55 s 10; 2008 c 291 s 1.]