

**FISCAL NOTE**  
[Second Reprint]  
**ASSEMBLY, No. 1078**  
**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

DATED: MAY 25, 2021

**SUMMARY**

**Synopsis:** Requires domestic violence orders to be issued in other languages in addition to English under certain circumstances.

**Type of Impact:** Annual State expenditure increase.

**Agencies Affected:** The Judiciary.

**Judiciary Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost Increase</b>	At least \$9.5 million	\$6.1 million	\$6.1 million

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost Increase</b>	Indeterminate	Indeterminate	Indeterminate

- The Office of Legislative Services (OLS) agrees with the Judiciary that this bill will increase expenditures of the Judiciary, but can neither confirm nor refute the magnitude of the expenditure increase estimated by the Judiciary
- According to the Judiciary, although a full estimate of the bill’s fiscal impact is not feasible, the Judiciary anticipates incurring expenses exceeding \$9.5 million to address the requirements of this legislation. The Judiciary indicates that based on the languages it provides interpreting services for most often, the forms are currently available in English, Spanish, Haitian Creole, Korean, Polish, and Portuguese.
- The OLS lacks sufficient information such as the cost of translation services and the quantity of orders and notices to be issued under the provisions of this bill to quantify the fiscal impact. Further, the OLS cannot estimate the number of cases which would require notices and orders in other languages.

## **BILL DESCRIPTION**

This bill provides that a notice of a domestic violence victim's rights be written by the Administrative Office of the Courts (AOC) in English, Spanish, and 10 additional languages commonly spoken in the State.

The bill also provides that any temporary or final restraining order be issued in the primary language or languages used by both the plaintiff and the defendant.

## **FISCAL ANALYSIS**

### ***JUDICIAL BRANCH***

Although the Judiciary did not provide a fiscal note on this version of the bill, it did submit a fiscal note on a prior version of the bill that provided that the AOC write the notice in up to 10 additional languages commonly spoken in the State and prepare standard temporary restraining order forms in English, Spanish, and up to 10 additional languages commonly spoken in the State, for use by judges.

The Judiciary indicates that although it is unable to estimate with any certainty the number of cases which would require notices and orders in other languages, the Judiciary believes the number of cases the proposed legislation will impact would be substantial. The Judiciary's domestic violence case type operates 24 hours per day, 7 days per week in all 21 county courts and all 500 plus municipal courts. Statistics on the number of temporary restraining orders (TROs) and final restraining orders (FROs) issued between July 1, 2018 and June 30, 2019 show that 26,814 TROs were issued statewide, including 12,287 TROs issued by municipal courts and 14,527 TROs issued by the Superior Court. Another 4,668 FROs were also issued. Further, the Judiciary notes that as can be found in its statistical report for court interpreting services for the fiscal year ending June 30, 2018, the Judiciary completed 74,400 interpreting activities in 102 different languages for that fiscal year.

While providing a fiscal estimate for A-1078 (1R), the Judiciary anticipated expenses exceeding \$9.5 million. Additionally, it estimated recurring expenses exceeding \$6.1 million each year. The amended bill removes some of the provisions, but for the most part, it appears the expenses would remain about the same with respect to interpretation and translation services.

The Judiciary indicates that based on the languages it provides interpreting services for most often, the forms are currently available in English, Spanish, Haitian Creole, Korean, Polish, and Portuguese.

According to the Judiciary, interpreters render a spoken or signed message in one language to an equivalent spoken or signed message in another language, and translators render a written message from one language to an equivalent written message in another language. The Judiciary notes it credentials court interpreters, but not translators. The Judiciary stated that there are substantial differences between the skill sets, training and credentials needed for these two tasks, and further noted that "the Language Services Section tests staff interpreters to approve those who pass for vicinage-specific translation work. Certified translation requires significant cost and time. Significant resources will be required to implement measures that will ensure each provision is translated accurately and continues to reflect the same meaning and intent as the English version."

A team of certified consultants is required to provide an accurate translation for each unique document and language and, once completed, the Judiciary requires a multi-review process of each converted document. This is to ensure the translated document's accuracy and that the intent and meaning of the document did not change from the English text. The Judiciary notes it will appoint

and support a translation review team for each individual language and document. This team, which will be will be staffed by both Judiciary staff and certified translators, will be tasked with ensuring the accuracy of any translated document.

### ***OFFICE OF LEGISLATIVE SERVICES***

The bill would require (1) notices disseminated to victims of domestic violence by police be made available in English, Spanish and 10 additional languages commonly spoken in the State; and (2) TROs and FROs be issued in the primary language or languages used by both the plaintiff and the defendant. This would add to a significant cost to the Judiciary.

However, the OLS is unable to confirm the Judiciary's fiscal estimate as the number of domestic violence cases to come before the courts cannot be known ahead of time. Furthermore, the TRO and FRO are required to be issued in the primary language or languages of the plaintiff and the defendant, and the cost of translation would vary widely. Since the Judiciary already provides forms in English, Spanish, Haitian Creole, Korean, Polish, and Portuguese, it cannot be said with certainty what other languages would require interpretation and translation services. In the 2019 court year, there were a total of 35,181 domestic violence filings and 10,728 reopened domestic violence cases, according to the 2018-2019 Judiciary Annual Report.

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This fiscal note has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).