

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 1704

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: APRIL 3, 2023

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, Department of Law and Public Safety.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate

- The Office of Legislative Services (OLS) finds that this bill will result in annual cost increases for the State. The bill requires the Attorney General’s office in the Department of Law and Public Safety to prepare the notice providing domestic violence victims with their rights in English, Spanish, and 10 additional high demand languages spoken in the State. The Judiciary would be required to prepare standard templates for temporary restraining orders and final restraining orders in English, Spanish, and the other high demand languages identified in its language access plan as approved by the Supreme Court.
- Regarding the Attorney General’s office, the OLS notes the Department of Law and Public Safety would need to have approximately 250 words translated per document and, based on a State contractor’s quoted price of \$.15 per word for document translation services, this would result in an estimated cost of approximately \$37 per notice for the first time a document is needed in a language other than English or Spanish. The OLS does not have information on how many such notices would need to be translated in a given fiscal year.
- Also in the way of context, the OLS notes that the Judiciary provided an estimate on a substantively similar bill, in which the Administrative Office of the Courts would have to meet all the requirements of the bill, including preparing the notices for domestic violence victims. In that estimate, the Judiciary anticipated first year expenses exceeding \$15.5 million to address all the requirements of this legislation, and \$6.5 million annually in subsequent fiscal years. The costs of providing domestic violence restraining orders in multiple languages and

the Statewide information technology system needed to make the various documents available on demand in each required language would necessitate the reprogramming of the electronic temporary restraining order application, as it is written in an older architecture that would need reengineering, according to the Judiciary. The Judiciary added that there would be an increase in court time as a result of the bill.

- The Judiciary noted that it is unable to estimate with any certainty the number of cases that would require notices and specific orders in other languages; as such, the OLS is unable to confirm or refute the Judiciary's estimate.

BILL DESCRIPTION

The bill requires that certain domestic violence restraining orders and notices to domestic violence victims be issued in other languages in addition to English.

Currently, the Prevention of Domestic Violence Act (P.L.1991, c.261) provides that a law enforcement officer is required to provide a domestic violence victim with a notice of the victim's rights, including the right to go to court to obtain a temporary restraining order and the right to file criminal charges. The statute also provides that the notice is required to be written in English and Spanish. The bill expands this requirement to provide that the notice be prepared by the Attorney General's Office in English, Spanish, and 10 additional high demand languages spoken in the State.

Under the bill, the Administrative Office of the Courts is required to prepare standard templates for temporary restraining orders in English, Spanish, and the other high demand languages identified in its Language Access Plan as approved by the Supreme Court. The templates will be available for law enforcement, judges of the Municipal Court, and judges and staff of the Superior Court to provide to the victim and defendant when issuing temporary restraining orders.

Current law also provides that an order granting emergency relief, together with the complaint or complaints, is to be forwarded immediately to the appropriate law enforcement agency for immediate service on the defendant and to the law enforcement agency of the municipality in which the plaintiff resides or is sheltered. Under the bill, a member of the law enforcement agency additionally is required to serve the defendant with a copy of the translated order, if applicable.

The bill requires the Administrative Office of the Courts to prepare standard templates for permanent restraining orders in English, Spanish, and the other high demand languages identified in the Language Access Plan.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

JUDICIAL BRANCH

The Judiciary provided information on a substantively similar version of this legislation, Senate Bill No. 1000 of the 2022-2023 Session. The OLS emphasizes that in Senate Bill No. 1000 on which the Judiciary provided the estimate, the Administrative Office of the Courts would have

to meet all the requirements of the bill, including preparing the notices for domestic violence victims. The information the Judiciary provided on that substantively similar bill, Senate Bill No. 1000, is summarized below to provide context in terms of the potential cost of the legislation.

The Judiciary indicates that although a full estimate of the bill's fiscal impact is not feasible, it would anticipate incurring expenses exceeding \$15,500,000 to address the requirements of this legislation. In addition, the Judiciary anticipates expenditures exceeding \$6,500,000 will be recurring each fiscal year. The bill would require temporary restraining orders (TRO) and final restraining orders (FRO) be issued in the "primary language or languages used by both the plaintiff and the defendant." The bill provides that the Administrative Office of the Courts is required to prepare standard forms in English, Spanish and 10 additional high demand languages spoken in the State.

A United States Census Bureau report released in 2018 found that the following were the most common languages spoken in NJ other than English, Spanish and ASL: Russian, Arabic, Hindi, Polish, Gujarati, Korean, Filipino, Tagalog, Portuguese and Chinese.

Based on the languages for which the Judiciary most often provides interpreting services, certain form orders and documents are currently available in English, Spanish, Haitian Creole, Korean, Polish, and Portuguese. In addition, general informational documents describing TROs are provided in the aforementioned languages as well as in Arabic.

Although unable to estimate with any certainty the number of cases which would require notices and specific 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 TROs and FROs issued between January 1, 2020, and December 31, 2020, indicate that 26,217 TROs were issued Statewide: 19,288 TROs were issued by municipal courts and 6,929 TROs were issued by the Superior Court. In addition, another 3,453 FROs were issued. The Judiciary statistical report for court interpreting services for the fiscal year ending June 30, 2020, shows the Judiciary completed 59,817 interpreting activities in 94 different languages for that fiscal year.

Interpreters render a spoken or signed message in one language to an equivalent spoken or signed message in another language; translators render a written message from one language to an equivalent written message in another language. The Judiciary credentials court interpreters but does not credential translators. The differences between the skill sets, training and credentials needed for the two tasks are substantial. Translation of any Judiciary document from English into another language is a complex task. Inclusion in the Judiciary's Registry of Court Interpreting Resources does not provide any confirmation of the Judiciary's ability to provide accurate translation services. As such, court interpreters translate only short and simple documents. The Language Services Section tests staff interpreters to approve those who pass for vicinage-specific translation work. Certified translation requires significant cost and time. Extreme care must be taken to ensure that no change in meaning, or intent occurs in translation. 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.

For each unique document and language, a team of certified consultants will be required to provide an accurate translation. Once completed, the Judiciary will require a multi-review process of each converted document to ensure the translated document's accuracy and that the intent and meaning of the document did not change from the English text. To achieve this, the Judiciary will appoint and support a translation review team (for each individual language and document) which will be tasked with ensuring the accuracy of any translated document. The translation review team will be staffed by both Judiciary staff and certified translators (who will be separate and apart from

those translators completing the actual translation) to ensure that any translation completely and accurately reflects the English version.

For each order to be made available Statewide in each required language, the Judiciary will need to develop, test, implement and support a statewide on-demand information technology system. The system will make the various documents available on demand to court staff Statewide in the each required language. The Judiciary anticipates costs of \$1,400,000 to analyze, develop, integrate, and test such system. These tasks are anticipated to take a minimum of 12 months to complete. The Judiciary will also incur system and hardware costs of approximately \$2,000,000 for the system and an additional \$400,000 will be incurred for annual maintenance-related costs to ensure the system is kept updated, running properly, etc.

There will also be a cost to reprogram the Judiciary's Electronic Temporary Restraining Order application (eTRO) because the eTRO application is written in an older architecture that would need reengineering to accommodate order translation as well as notice and other communication translations. It is estimated that a rewrite of a significant portion of eTRO would cost between \$6 million and \$8 million.

Family Court Staff would also be required to process and disseminate these notices and orders in other languages. This bill could potentially also demand additional court time when a motion is made concerning these orders in other languages. To address these motions would require more staff at every level, including clerical, court staff, sheriff's officers, court hearing officers, and judges.

Recognizing that the Judiciary's domestic violence case type operates 24 hours per day, 7 days per week in all 21 county courts and in all of the more than 500 municipal courts to issue approximately 30,000 restraining orders per year, and that each document has non-standard narrative sections which are unique to each particular case, the Judiciary would incur significant cost to ensure each party is provided with the complete document(s) accurately translated into the appropriate language(s). Annual projected costs to ensure these interpreting services are available 24 hours a day, 7 days a week are approximately \$6,100,000.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that this bill will result in annual cost increases for the State. The bill requires the Attorney General's office in the Department of Law and Public Safety to prepare the notice providing domestic violence victims with their rights in English, Spanish, and 10 additional high demand languages spoken in the State. The Judiciary would be required to prepare standard templates for temporary restraining orders and final restraining orders in English, Spanish, and the other high demand languages identified in its language access plan as approved by the Supreme Court.

Regarding the Attorney General's office, the OLS notes the Department of Law and Public Safety would need to have approximately 250 words translated per document and, based on a State contractor's quoted price of \$.15 per word for document translation services, this would result in an estimated cost of approximately \$37 per notice for the first time a document is needed in a language other than English or Spanish. The OLS does not have information on how many such notices would need to be translated in a given fiscal year.

Also in the way of context, the OLS notes that the Judiciary provided an estimate on a substantively similar bill, Senate Bill No. 1000 of the 2022-2023 Session, in which the Judiciary would have to meet all the requirements of the bill. As noted above, the Judiciary estimate anticipates first year expenses exceeding \$15.5 million to address all the requirements of this legislation, and \$6.5 million annually in subsequent fiscal years. The costs of providing domestic violence restraining orders in multiple languages and the Statewide information technology system

needed to make the various documents available on demand in each required language would necessitate the reprogramming of the electronic temporary restraining order application, as it is written in an older architecture that would need reengineering, according to the Judiciary. The Judiciary added that there would be an increase in court time as a result of the bill.

As noted above, the Judiciary is unable to estimate with any certainty the number of cases that would require notices and specific orders in other languages. As such, the OLS is unable to confirm or refute the Judiciary's estimate. 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 translation services. In the 2021 court year, there were a total of 35,940 domestic violence filings and 5,054 reopened domestic violence cases, according to the 2020-2021 Judiciary Annual Report.

Section: Judiciary

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This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

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