

WAC 246-10-121 Notice to limited-English proficient parties.

(1) "Limited-English proficiency" means, for purposes of this section and WAC 246-10-122, that a person is unable to communicate effectively in English because their primary language is not English and they have not developed fluency in the English language. A person with limited-English proficiency may have difficulty speaking or reading English.

(2) The department shall ensure that when it serves an initiating document, it includes a notice that the respondent has the right to request an interpreter for the hearing if one is needed. The notice shall be in the top ten primary languages in Washington state as determined pursuant to subsection (4) of this section.

(3) When the adjudicative clerk's office is notified by a party that he or she has limited-English proficiency, is a party to an adjudicative proceeding, and their non-English language is one of the top ten primary languages in Washington state as determined pursuant to subsection (4) of this section, the department shall ensure that notices concerning a hearing, including notices of hearing, continuance, and dismissal are translated into the person's primary language.

(4) The top ten primary languages will be reevaluated each year to respond to demographic changes using:

(a) U.S. Census data;

(b) Office of financial management limited-English proficiency population forecasts; and

(c) Department tracking of frequency of encounters with limited-English proficient persons.

(5) When the adjudicative clerk's office is notified by a party that he or she has limited-English proficiency, is a party to an adjudicative proceeding, and their non-English language is not a primary language addressed in subsection (4) of this section, the department shall make a reasonable effort to ensure that either all notices concerning the hearing, including notices of hearing, continuance, and dismissal, are in the person's primary language or include a notice in the party's primary language which describes the significance of the notice and how the party may receive assistance in understanding and, if necessary, responding to the notice.

[Statutory Authority: RCW 43.70.040, 34.05.220, 34.05.410, 18.130.050, and 34.05.413 through 34.05.476. WSR 18-18-049, § 246-10-121, filed 8/29/18, effective 9/29/18. Statutory Authority: RCW 18.155.040. WSR 97-12-089, § 246-10-121, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 43.70.040. WSR 93-13-005 (Order 369), § 246-10-121, filed 6/3/93, effective 7/4/93.]