



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 24-036

For business meeting on September 20, 2024

Title

Court Interpreters: Implementation of
Assembly Bill 1032

Agenda Item Type

Action Required

Rules, Forms, Standards, or Statutes Affected

Amend Cal. Rules of Court, rule 2.893;
revise forms INT-100-INFO, INT-110,
INT-120, and INT-140

Effective Date

January 1, 2025

Date of Report

August 21, 2024

Recommended by

Court Interpreters Advisory Panel
Hon. Brian L. McCabe, Chair
Mr. Hector Gonzalez, Jr., Vice-Chair

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Executive Summary

Recent statutory changes were enacted by Assembly Bill 1032 (Pacheco; Stats. 2023, ch. 556), relating to provisionally qualified court interpreters. The Court Interpreters Advisory Panel recommends the amendment of rule 2.893 of the California Rules of Court and revisions to four forms to conform with those changes.

Recommendation

The Court Interpreters Advisory Panel recommends that the Judicial Council, effective January 1, 2025:

1. Amend California Rules of Court, rule 2.893 to incorporate revised statutory language and to clarify the processes for qualification and appointment of provisionally qualified and temporary interpreters;
2. Revise *Procedures to Appoint a Noncertified or Nonregistered Spoken Language Interpreter as Either Provisionally Qualified or Temporary* (form INT-100-INFO) by renaming it

Procedures to Appoint a Noncertified or Nonregistered Spoken Language Interpreter and reorganizing the contents to track the amended rule of court;

3. Revise *Qualifications of a Noncertified or Nonregistered Spoken Language Interpreter* (form INT-110) by renaming it *Provisional Qualification of Noncertified or Nonregistered Spoken Language Interpreter*, adding revised requirements for provisional qualification, and streamlining the contents of the form;
4. Revise *Certification of Unavailability of Certified or Registered Interpreter* (form INT-120) by renaming it *Certification of Unavailability of Certified or Registered Interpreter and Availability of Provisionally Qualified Interpreter*, streamlining the options to demonstrate a diligent search, reorganizing the certification section, and removing two pages of instructions; and
5. Revise *Temporary Use of a Noncertified or Nonregistered Spoken Language Interpreter* (form INT-140) by renaming it *Temporary Qualification of Noncertified or Nonregistered Spoken Language Interpreter*, revising the caption to better track other Judicial Council forms in this set, and amending the findings and order to reflect the requirements of rule 2.893.

The proposed amended rule and revised forms are attached at pages 9–27.

Relevant Previous Council Action

California Government Code sections 68560–68566 present a statutory scheme for the qualification and appointment of spoken-language interpreters in the California courts. The provisions establish two types of credentialed interpreters—certified¹ and registered²—and authorize the Judicial Council to designate languages and testing requirements for each type.

The Government Code requires interpreters of court proceedings to be certified or registered for the language required, with an exception for good cause.³ The Legislature requires the Judicial Council to establish guidelines and a process for the good cause qualification and appointment of noncertified and nonregistered interpreters.⁴

In response to these statutory requirements, the Judicial Council adopted rule 2.893 of the California Rules of Court, effective January 1, 1996.⁵ The rule was repealed and replaced,

¹ A “certified interpreter” interprets between English and a language designated by the Judicial Council and is certified by an entity approved by the Judicial Council (Gov. Code, §§ 68562(b), 68566).

² A “registered interpreter” interprets between English and a language not designated by the Judicial Council and is qualified under the procedures and guidelines adopted by the Judicial Council (*id.*, § 68561(d)).

³ *Id.*, § 68561.

⁴ *Id.*, §§ 68561(c), 68564(d)–(e).

⁵ This rule of court was originally adopted as rule 984.2. The rule was renumbered as 2.893 as part of the 2007 reorganization of the California Rules of Court.

effective January 1, 2018, to include a process for temporary appointments and to provide specific requirements for statements on the record when appointing a noncertified or nonregistered interpreter.

Form INT-100-INFO, an information sheet describing the provisional appointment process, originated in 1996 as form IN-120, *Procedure to Appoint a Noncertified Interpreter in Criminal and Juvenile Delinquency Proceedings*. By 2006, the form had been renumbered as IN-100. The form was revised again, effective January 1, 2009, at which time it was again renumbered to include “-INFO” to denote its status as an information sheet. Effective January 1, 2018, this form was revoked, and a new version was adopted, to include additional court settings for the appointment of noncertified and nonregistered interpreters.

Form INT-110 was originally adopted as form IN-110, effective January 1, 1996. This form is used by the courts to review and evaluate the qualifications of a noncertified or nonregistered interpreter. It was last revised, effective January 1, 2018, to greater distinguish between provisional and temporary appointments, to add the ability to indicate prior six-month qualification periods, and to allow prospective provisional interpreters to indicate interpreter and translator credentials, exams pursued, and other training and relevant work experience.

Form INT-120 was originally adopted as form IN-100, effective January 1, 1996, with the purpose of facilitating certification of unavailability of a certified interpreter by the court interpreter coordinator. By 2006, the form had been renumbered as IN-120. This form was last revised effective January 1, 2009; changes at that time included adding references to nonregistered interpreters and designated languages.

Form INT-140 was adopted by the Judicial Council effective January 1, 2018, and is intended for optional use by the court to facilitate the appointment of a temporary interpreter in the very limited circumstances in which a temporary interpreter is permitted by rule 2.893.

Analysis/Rationale

Government Code sections 71800–71828, also known as the Trial Court Interpreter Employment and Labor Relations Act, address the employment status of court interpreters and describe the responsibilities of superior courts with respect to issues of hiring and negotiation of employment contracts.

As part of this statutory scheme, Government Code section 71802 requires courts to employ only certified and registered interpreters and places limitations on hiring independent contractors in lieu of employee interpreters. This section also provides that noncertified and nonregistered interpreters may be appointed in accordance with the good cause and qualification procedures adopted by the Judicial Council under section 68561(c).

AB 1032 added time limits, effective January 1, 2025, on the appointment of noncertified and nonregistered interpreters to section 71802, which now specifies that noncertified interpreters working in English and Spanish are limited to 45 court days or parts of court days in a calendar

year, and noncertified or nonregistered interpreters working in any other language or languages are limited to 75 court days or parts of court days in a calendar year.

In addition, section 71801 was amended to include a definition of “relay interpreting,” and sections 71802(d) and 71803(c) were amended to permit courts to hire nonregistered interpreters as employees to perform relay interpretation in specified circumstances.

The panel recommends updating the provisional qualification and appointment process in rule 2.893 and the corresponding forms to reflect these new statutory provisions. In addition, the panel identified several areas of the rule and forms that could be streamlined and clarified, as described below.

California Rules of Court, rule 2.893

This rule has been amended to incorporate the new statutory limits on the appointment of noncertified and nonregistered interpreters, revise the definitions in subdivision (b) to bring them in line with statute, and streamline the provisional qualification process in subdivision (e). Under the current rule, provisional qualification is granted in six-month periods, with escalating requirements for qualification in the second and subsequent periods, and a maximum of four six-month periods allowed for noncertified interpreters working in Spanish. Because the limits on appointments mandated under AB 1032 are based on the calendar year, the panel recommends revising this rule to establish provisional qualification periods of 12 months, while implementing a requirement for interpreters working in any language to demonstrate efforts towards certified or registered status after two years. For third and subsequent 12-month periods of provisional qualification, the panel recommends adding language to subdivision (e)(2) requiring an interpreter to demonstrate efforts toward credentialed status, which include attempts to pass available qualifying exams for their language or languages and the completion of an online ethics training course. The proposed rule provides that a judicial officer may waive these requirements for good cause. The proposed rule has also been reorganized with subdivisions for temporary qualification and appointment in subdivision (f), and new information specific to relay interpreters in subdivision (g).

Form INT-100-INFO, *Procedures to Appoint a Noncertified or Nonregistered Spoken Language Interpreter as Either Provisionally Qualified or Temporary*

This form has been renamed *Procedures to Appoint a Noncertified or Nonregistered Spoken Language Interpreter*. The panel further recommends reorganizing the form to track the contents of the amended rule of court, rule 2.893, and adding numbering and formatting conventions to bring it in line with other Judicial Council information sheets.⁶

Form INT-110, *Qualifications of a Noncertified or Nonregistered Spoken Language Interpreter*

This form has been renamed *Provisional Qualification of Noncertified or Nonregistered Spoken Language Interpreter*. The panel further recommends revising the question about the language or

⁶ Because the form has been reorganized and significantly revised, no highlighting has been added.

languages of interpretation in item 1 of this form, and the questions seeking information on efforts towards certified or registered status for third and subsequent provisional qualification periods in items 4 and 9. Because the provisional qualification periods have been changed from six to twelve months, and the limits on provisional appointment are by calendar year as of January 1, 2025, the panel proposes to ask only for previous provisional qualification periods since January 1, 2025, in item 2 of this form. Any interpreter who was provisionally qualified during the last six months of 2024 would remain provisionally qualified through the completion of their six-month term but would be subject to the limits on provisional appointment going into effect on January 1, 2025, which would be tracked on form INT-120. The panel also recommends moving questions regarding the Judicial Council's court interpreter orientation course and the required ethics course for new certified and registered interpreters into item 3, as they are courses that would only be taken by interpreters who have achieved certified or registered status in other languages. In addition, the panel has proposed revisions to a variety of items asked of provisional interpreters, in response to concerns expressed by courts and justice partners, and updated and streamlined the provisional qualification finding and order for signature of the judicial officer. The changes to this form have shortened it from six to four pages.

Form INT-120, *Certification of Unavailability of Certified or Registered Interpreter*

This form has been renamed *Certification of Unavailability of Certified or Registered Interpreter and Availability of Provisionally Qualified Interpreter*. In response to comments and feedback from courts, additional recommended changes streamline the certification section to allow an interpreter coordinator to indicate that a diligent search was performed, or that the language required does not have a qualifying exam that is recognized by the Judicial Council (thereby obviating a diligent search), or that the interpreter coordinator had less than one court day to identify an available interpreter because of either a cancellation or an emergency. In addition, the recommended revisions add to this form a section titled, "Availability of Provisionally Qualified Interpreter," which allows the form to more clearly state the availability of a provisionally qualified interpreter and provide an indication as to whether that interpreter is within the statutory limits for days worked during the calendar year. The panel also recommends revising the caption of this form to bring it into line with other Judicial Council forms.⁷ The changes to this form have shortened it from three pages to one page.

Form INT-140, *Temporary Use of a Noncertified or Nonregistered Spoken Language Interpreter*

This form has been renamed *Temporary Qualification of Noncertified or Nonregistered Spoken Language Interpreter*. Additional recommended changes include revising the caption to better track other Judicial Council forms in this set and amending the findings and order to better reflect the requirements of rule 2.893.

⁷ The version of this form that was circulated for comment contained an instruction in the caption to file the form with the court administrator. This was removed post-comment as the panel is aware that practice varies across the state; some courts file this form only in their court administrative records, while others file it into the case file.

Policy implications

Consistent with their obligations under Title VI, courts are required to take reasonable steps to ensure meaningful access to legal proceedings for limited-English-proficient court users.⁸ An important element in ensuring meaningful language access is the appointment of qualified interpreters. The Government Code requires that a court interpreter be qualified to interpret in the language required, which means that the interpreter must be certified or registered, unless a court finds good cause to appoint a noncertified or nonregistered interpreter.⁹ The Judicial Council is charged with developing and implementing processes to certify and register interpreters, and with developing rules and forms for the qualification and appointment of noncertified and nonregistered interpreters, when necessary.¹⁰

In balancing the goals of developing and regulating a qualified professional interpreter workforce and ensuring the presence of a qualified interpreter for all LEP litigants who need language assistance in court, it is important to provide courts with sufficient operational flexibility. In particular, the process needs to account for situations in which relay interpretation is required because no exam currently exists that will qualify a relay interpreter to work in two non-English languages. In addition, a relay interpreter may or may not speak and understand English sufficiently to benefit from an ethics training course. The panel concluded that if any interpreter, including a relay interpreter, is working in a language for which an Oral Proficiency Exam exists, the language of the rule and forms should bolster the policy of encouraging those interpreters to pursue all testing and training opportunities available to them, while providing the court the discretion necessary to identify when it may be necessary to appoint an interpreter who is not able to become credentialed because of a lack of fluency in English. In addition, the panel concluded that any person who is qualified to provide interpretation services for court proceedings, including relay interpreters who do not speak English, should be required to demonstrate their efforts toward understanding the professional ethics rules and expectations for work in the California courts. In furtherance of this important policy, the Court Interpreters Program will make the online self-paced ethics training available to provisionally qualified interpreters through the Judicial Council's Learning Management System, upon request.

Comments

The proposal was circulated for comment from April 2–May 3, 2024, and received five comments: one from a county bar association, three from courts, and one from the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee. The comments were all supportive of the proposal, and several commenters provided recommendations for revisions to rule 2.893 and the forms, most of which were accepted and incorporated into the proposal.

⁸ 65 Fed.Reg. 50123–50124 (eff. Aug. 11, 2000).

⁹ Gov. Code, § 68561(a), (d).

¹⁰ *Id.*, §§ 68561(c), 68564(d)–(e).

The invitation to comment asked for specific comments regarding the proposal's success in balancing the "twin goals of encouraging interpreters to obtain credentials and providing courts with flexibility." The three commenters who responded to this question answered in the affirmative.

Two commenters requested that language on existing form INT-120 regarding a last-minute interpreter cancellation be retained and included with language stating that the interpreter coordinator had less than 24 hours to identify a certified or registered interpreter. The panel accepted that recommendation.

One commenter recommended revisions that would move away from referencing designated and nondesignated languages in rule 2.893 and on form INT-110 because of the difficulties of conveying this information in plain language. The panel discussed the potential benefits and drawbacks of eliminating references to designated (certified) and nondesignated (registered) languages in the rule and form. The identified benefits included eliminating surplusage in subdivision (a) of rule 2.893 and eliminating the need for a link to web content distinguishing designated and nondesignated languages on form INT-110. Removing references to designated and nondesignated languages would also allow for further condensing of the options in item 1 of this form relating to the language or languages for which the interpreter is seeking provisional qualification. The panel also considered reasons to retain the distinction between designated and nondesignated languages, including allowing the court to track progress toward either certified or registered status in item 4. If an interpreter were seeking a third or subsequent qualification period for a designated language, the judicial officer would be looking for progress toward passing the Bilingual Interpreting Exam, whereas an interpreter seeking registered status would only be able to take one of the other exams listed in item 4. Ultimately, the panel recommends removing the reference to designated and nondesignated languages in subdivision (a) of the rule of court, to clarify references to these language categories in subdivision (b), and to retain four options for languages of interpretation in item 1 of form INT-110 and the weblink to additional information about designated languages.

The chart of comments and panel responses are attached at pages 28–38.

Alternatives considered

This proposal implements legislative requirements that limit the number of days a noncertified or nonregistered interpreter may work in a court, streamlines the existing process for provisional qualification and appointment, and accounts for necessary judicial discretion. The panel determined that this proposal is necessary to ensure that the California Rules of Court and Judicial Council forms are in compliance with the statutory amendments enacted by AB 1032 and, therefore, taking no action was not an appropriate alternative.

Fiscal and Operational Impacts

The process of appointing nonregistered and noncertified interpreters has been simplified, but the significant amount of streamlining and reorganization of the rule and forms may require

education and retraining. Courts that provided comments noted the need for training, communications, and updates to case management systems; however, courts also indicated that the amount of time allotted for this work was reasonable and that the process would work in their courts. In addition, courts that maintain paper versions of the forms will incur the costs of replacing old forms with the revised forms.

Attachments and Links

1. Cal. Rules of Court, rule 2.893, at pages 9–18
2. Forms INT-100-INFO, INT-110, INT-120, and INT-140, at pages 19–27
3. Chart of comments, at pages 28–38
4. Link A: Assem. Bill 1032,
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB1032

1 **Rule 2.893. Appointment of interpreters in court proceedings**

2
3 **(a) Application**

4
5 This rule applies to all trial court proceedings in which the court appoints ~~an~~ a
6 spoken language interpreter for a ~~L~~limited English ~~P~~proficient (LEP) person. ~~This~~
7 ~~rule applies to spoken language interpreters in languages designated and not~~
8 ~~designated by the Judicial Council.~~

9
10 **(b) Definitions**

11 As used in this rule:

- 12
13
14 (1) “Designated language” means a language selected by the Judicial Council for
15 the development of a certification program under Government Code section
16 68562~~;~~
17
18 (2) “Certified interpreter” means an interpreter who is ~~certified~~qualified by the
19 Judicial Council to interpret in a designated language as defined in (b)(1).
20 ~~designated by the Judicial Council under Government Code section 68560 et~~
21 ~~seq.;~~ A certified interpreter has passed the English written exam and the
22 Bilingual Interpreting Exam.
23
24 (3) “Registered interpreter” means an interpreter who is qualified by the Judicial
25 Council to interpret in a language that is not a designated language by the
26 Judicial Council as defined in (b)(1).~~;~~ ~~who is qualified by the court under the~~
27 ~~qualification procedures and guidelines adopted by the Judicial Council;~~ ~~and~~
28 ~~who has passed a minimum of an English fluency examination offered by a~~
29 ~~testing entity approved by the Judicial Council under Government Code~~
30 ~~section 68560 et seq.;~~ A registered interpreter has passed the English written
31 exam, an Oral Proficiency Exam in English, and an Oral Proficiency Exam in
32 the target language, if available.
33
34 (4) ~~“Noncertified interpreter”~~ “Relay interpreter” means ~~an interpreter is not~~
35 ~~certified by the Judicial Council to interpret a language designated by the~~
36 ~~Judicial Council under Government Code section 68560 et seq.;~~ a person who
37 interprets between two non-English spoken languages.;
38
39 (5) ~~“Nonregistered interpreter”~~ means ~~an interpreter in a language not designated~~
40 ~~by the Judicial Council who has not been qualified under the qualification~~
41 ~~procedures and guidelines adopted by the Judicial Council under Government~~
42 ~~Code section 68560 et seq.;~~ “Noncertified” or “nonregistered” interpreter
43 means a person providing interpretation services:

- 1
2 (A) In a language designated for certification by the Judicial Council,
3 without holding a certification to provide interpretation in that
4 language;
5
6 (B) In a language identified as a registered language by the Judicial
7 Council, without holding registered status to interpret in that language,
8 under the procedures and guidelines adopted by the Judicial Council; or
9
10 (C) In two non-English languages, as a relay interpreter.

11
12 ~~(6) “Provisionally qualified” means an interpreter who is neither certified nor~~
13 ~~registered but has been qualified under the good cause and qualification~~
14 ~~procedures and guidelines adopted by the Judicial Council under Government~~
15 ~~Code section 68560 et seq.;~~
16

17 ~~(7) “Temporary interpreter” means an interpreter who is not certified, registered,~~
18 ~~or provisionally qualified, but is used one time, in a brief, routine matter.~~
19

20 **(c) Appointment of certified or registered interpreters**
21

22 If a court appoints a certified or registered court interpreter, the ~~judge~~ judicial
23 officer in the proceeding must require the following to be stated on the record:
24

25 (1)–(6) * * *
26

27 **(d) Appointment ~~or use of~~ noncertified or nonregistered interpreters**
28

29 (1) ~~When permissible~~ A noncertified or nonregistered interpreter may be
30 appointed to provide interpretation services as follows:
31

32 ~~If after a diligent search a certified or registered interpreter is not available,~~
33 ~~the judge in the proceeding may either appoint a noncertified or nonregistered~~
34 ~~interpreter who has been provisionally qualified under (d)(3) or, in the~~
35 ~~limited circumstances specified in (d)(4), may use a noncertified or~~
36 ~~nonregistered interpreter who is not provisionally qualified.~~

37 (A) Under a provisional appointment as described in (e); or
38

39 (B) Under a temporary appointment as described in (f).
40

41 (2) *Required record*
42

43 In all cases in which a noncertified or nonregistered interpreter is appointed

1 or used, the judge judicial officer in the proceeding must require the
2 following to be stated on the record:

3
4 (A) The language to be interpreted;

5
6 ~~(B) A finding that a certified or registered interpreter is not available and a~~
7 ~~statement regarding whether a *Certification of Unavailability of*~~
8 ~~*Certified or Registered Interpreter* (form INT-120) for the language to~~
9 ~~be interpreted is on file for this date with the court administrator;~~

10
11 ~~(C)~~ (B) A finding that good cause exists to appoint a noncertified or
12 nonregistered interpreter;

13
14 ~~(D)~~ (C) The name of the interpreter;

15
16 ~~(E)~~ (D) A statement that the interpreter is not certified or registered to
17 interpret in the language to be interpreted;

18
19 ~~(F)~~ (E) A finding that the interpreter is qualified to interpret in the
20 proceeding as required in ~~(d)(3) (e) or (d)(4) (f), with any other findings~~
21 ~~required under those subdivisions; and~~

22
23 ~~(G)~~ (F) A statement that the interpreter was administered the interpreter's
24 oath.

25
26 ~~(3) Provisional qualification~~

27
28 ~~(A) A noncertified or nonregistered interpreter is provisionally qualified if~~
29 ~~the presiding judge of the court or other judicial officer designated by~~
30 ~~the presiding judge:~~

31
32 ~~(i) Finds the noncertified or nonregistered interpreter to be~~
33 ~~provisionally qualified following the Procedures to Appoint a~~
34 ~~Noncertified or Nonregistered Spoken Language Interpreter as~~
35 ~~Either Provisionally Qualified or Temporary (form INT-100-~~
36 ~~INFO); and~~

37
38 ~~(ii) Signs an order allowing the interpreter to be considered for~~
39 ~~appointment on *Qualifications of a Noncertified or Nonregistered*~~
40 ~~*Spoken Language Interpreter* (form INT-110). The period~~
41 ~~covered by this order may not exceed a maximum of six months.~~
42

1 ~~(B) To appoint a provisionally qualified interpreter, in addition to the~~
2 ~~matters that must be stated on the record under (d)(2), the judge in the~~
3 ~~proceeding must state on the record:~~

4
5 ~~(i) A finding that the interpreter is qualified to interpret the~~
6 ~~proceeding, following procedures adopted by the Judicial Council~~
7 ~~(see forms INT 100-INFO, INT 110, and INT 120);~~

8
9 ~~(ii) A finding, if applicable, that good cause exists under (f)(1)(B) for~~
10 ~~the court to appoint the interpreter beyond the time ordinarily~~
11 ~~allowed in (f); and~~

12
13 ~~(iii) If a party has objected to the appointment of the proposed~~
14 ~~interpreter or has waived the appointment of a certified or~~
15 ~~registered interpreter.~~

16
17 ~~(4) Temporary use~~

18
19 ~~At the request of an LEP person, a temporary interpreter may be used to~~
20 ~~prevent burdensome delay or in other unusual circumstances if:~~

21
22 ~~(A) The judge in the proceeding finds on the record that:~~

23
24 ~~(i) The LEP person has been informed of their right to an interpreter~~
25 ~~and has waived the appointment of a certified or registered~~
26 ~~interpreter or an interpreter who could be provisionally qualified~~
27 ~~by the presiding judge as provided in (d)(3);~~

28
29 ~~(ii) Good cause exists to appoint an interpreter who is not certified,~~
30 ~~registered, or provisionally qualified; and~~

31
32 ~~(iii) The interpreter is qualified to interpret that proceeding, following~~
33 ~~procedures adopted by the Judicial Council (see forms INT 100-~~
34 ~~INFO and INT 140).~~

35
36 ~~(B) The use of an interpreter under this subdivision is limited to a single~~
37 ~~brief, routine matter before the court. The use of the interpreter in this~~
38 ~~circumstance may not be extended to subsequent proceedings without~~
39 ~~again following the procedure set forth in this subdivision.~~
40

1 (e) **Appointment of intermediary interpreters working between two languages**
2 **that do not include English- Provisional qualification and appointment of**
3 **noncertified or nonregistered interpreters**
4

5 An interpreter who works as an intermediary between two languages that do not
6 include English (a relay interpreter) is not eligible to become certified or registered.
7 However, a relay interpreter can become provisionally qualified if the judge finds
8 that he or she is qualified to interpret the proceeding following procedures adopted
9 by the Judicial Council (see forms INT-100 INFO, INT-110, and INT-120). The
10 limitations in (f) below do not apply to relay interpreters.

11
12 (1) When permissible

13
14 If, after a diligent search, a certified or registered interpreter is not available,
15 the judicial officer in the proceeding may appoint a noncertified or
16 nonregistered interpreter who has been provisionally qualified under this
17 subdivision.

18
19 (2) Provisional qualification

20
21 (A) A noncertified or nonregistered interpreter is provisionally qualified if a
22 judicial officer of a superior court finds the noncertified or
23 nonregistered interpreter to be provisionally qualified to interpret in a
24 specific language or languages and signs the order allowing the
25 interpreter to be considered for appointment on *Provisional*
26 *Qualification of Noncertified or Nonregistered Spoken Language*
27 *Interpreter* (form INT-110).

28
29 (B) A provisional qualification is valid for one year from the date of
30 judicial officer signature on form INT-110.

31
32 (C) Interpreters seeking a third or subsequent provisional qualification
33 period after January 1, 2025, must demonstrate their efforts to achieve
34 certified or registered status, by providing the following information to
35 the court, either orally or on form INT-110:

36
37 (i) Whether they have completed the Judicial Council's online self-
38 paced court interpreter ethics training within the past two years;
39 and

40
41 (ii) Whether they have made at least two attempts to pass a
42 qualifying exam in the past two years, if such a qualifying exam
43 exists. Interpreters, including relay interpreters, working in a

1 language for which an Oral Proficiency Exam exists must attempt
2 that exam.

3
4 (D) When an interpreter seeks a third or subsequent provisional
5 qualification period after January 1, 2025, the judicial officer must find
6 that the interpreter has made the efforts required in (C) or must indicate
7 that good cause exists to appoint the interpreter in form INT-110's
8 *Provisional Qualification Finding and Order of the Court.*
9

10 (3) Required record

11
12 In addition to the matters that must be stated on the record under (d)(2), to
13 make a provisional appointment of a noncertified or nonregistered interpreter,
14 the judicial officer in the proceeding must state on the record:
15

16 (A) A finding that a certified or registered interpreter is not available and a
17 statement that *Certification of Unavailability of Certified or Registered*
18 *Interpreter and Availability of Provisionally Qualified Interpreter*
19 (form INT-120) for the language to be interpreted is on file for this date
20 with the court administrator;
21

22 (B) A finding that the interpreter has been provisionally qualified to
23 interpret in the required language or languages, following procedures
24 adopted by the Judicial Council (see forms INT-100-INFO and INT-
25 110);
26

27 (C) A finding, if applicable, that there is a necessity to appoint the
28 interpreter beyond the time ordinarily allowed in (4); and
29

30 (D) Whether a party has objected to the appointment of the proposed
31 interpreter or has waived the appointment of a certified or registered
32 interpreter.
33

34 (4) Limits on provisional appointment

35
36 (A) Unless the judicial officer in the proceeding determines there is a
37 necessity, a noncertified interpreter who is provisionally qualified
38 under this rule to interpret in Spanish may not interpret in a superior
39 court for more than 45 court days or parts of court days within a
40 calendar year.
41

42 (B) Unless the judicial officer in the proceeding determines there is a
43 necessity, a noncertified or nonregistered interpreter who is

1 provisionally qualified under this rule to interpret in a language other
2 than Spanish may not interpret in a superior court for more than 75
3 court days or parts of court days within a calendar year.

4
5 **(f) ~~Limit on appointment of provisionally qualified noncertified and~~**
6 **~~nonregistered interpreters~~**

7
8 ~~(1) A noncertified or nonregistered interpreter who is provisionally qualified~~
9 ~~under (d)(3) may not interpret in any trial court for more than any four~~
10 ~~six-month periods, except in the following circumstances:~~

11
12 ~~(A) A noncertified interpreter of Spanish may be allowed to interpret for no~~
13 ~~more than any two six-month periods in counties with a population~~
14 ~~greater than 80,000.~~

15
16 ~~(B) A noncertified or nonregistered interpreter may be allowed to interpret~~
17 ~~more than any four six-month periods, or any two six-month periods~~
18 ~~for an interpreter of Spanish under (f)(1)(A), if the judge in the~~
19 ~~proceeding makes a specific finding on the record in each case in which~~
20 ~~the interpreter is sworn that good cause exists to appoint the interpreter,~~
21 ~~notwithstanding the interpreter's failure to achieve Judicial Council~~
22 ~~certification.~~

23
24 ~~(2) Except as provided in (f)(3), each six-month period under (f)(1) begins on the~~
25 ~~date a presiding judge signs an order under (d)(3)(A)(ii) allowing the~~
26 ~~noncertified or nonregistered interpreter to be considered for appointment.~~

27
28 ~~(3) If an interpreter is provisionally qualified under (d)(3) in more than one court~~
29 ~~at the same time, each six-month period runs concurrently for purposes of~~
30 ~~determining the maximum periods allowed in this subdivision.~~

31
32 ~~(4) Beginning with the second six-month period under (f)(1), a noncertified or~~
33 ~~nonregistered interpreter may be appointed if he or she meets all of the~~
34 ~~following conditions:~~

35
36 ~~(A) The interpreter has taken the State of California Court Interpreter~~
37 ~~Written Exam at least once during the 12 calendar months before the~~
38 ~~appointment;~~

39
40 ~~(B) The interpreter has taken the State of California's court interpreter~~
41 ~~ethics course for interpreters seeking appointment as a noncertified or~~
42 ~~nonregistered interpreter, or is certified or registered in a different~~
43 ~~language from the one in which he or she is being appointed; and~~

1
2 ~~(C) — The interpreter has taken the State of California’s online court~~
3 ~~interpreter orientation course, or is certified or registered in a different~~
4 ~~language from the one in which he or she is being appointed.~~

5
6 ~~(5) — Beginning with the third six-month period under (f)(1), a noncertified or~~
7 ~~nonregistered interpreter may be appointed if he or she meets all of the~~
8 ~~following conditions:~~

9
10 ~~(A) — The interpreter has taken and passed the State of California Court~~
11 ~~Interpreter Written Exam with such timing that he or she is eligible to~~
12 ~~take a Bilingual Interpreting Exam; and~~

13
14 ~~(B) — The interpreter has taken either the Bilingual Interpreting Exam or the~~
15 ~~relevant Oral Proficiency Exam(s) for his or her language pairing at~~
16 ~~least once during the 12-calendar months before the appointment.~~

17
18 ~~(6) — The restrictions in (f)(5)(B) do not apply to any interpreter who seeks~~
19 ~~appointment in a language pairing for which no exam is available.~~

20
21 ~~(7) — The restrictions in (f)(4) and (5) may be waived by the presiding judge for~~
22 ~~good cause whenever there are fewer than 25 certified or registered~~
23 ~~interpreters enrolled on the Judicial Council’s statewide roster for the~~
24 ~~language requiring interpretation.~~

25
26 **(f) Temporary appointment of noncertified or nonregistered interpreter**

27
28 **(1) When permissible**

29
30 If the judicial officer in a proceeding finds that a certified or registered
31 interpreter is not available, a noncertified or nonregistered interpreter may be
32 appointed to interpret for a single, brief, routine matter before the court in
33 order to prevent burdensome delay or in other unusual circumstances.

34
35 **(2) Required record**

36
37 A noncertified or nonregistered interpreter may be appointed on a temporary
38 basis, if, in addition to the requirements of (d)(2), the judicial officer in the
39 proceeding finds on the record that:

40
41 **(A) The LEP person has been informed of their right to an interpreter and**
42 **has waived the appointment of a certified or registered interpreter or an**

1 interpreter who could be provisionally qualified by the judicial officer
2 in the proceeding, as provided in (e);

3
4 (B) Good cause exists to appoint an interpreter who is not certified,
5 registered, or provisionally qualified; and

6
7 (C) The interpreter is qualified to interpret that proceeding, following
8 procedures adopted by the Judicial Council (see forms INT-100-INFO
9 and INT-140).

10
11 (3) Limits on temporary appointment

12
13 The appointment of an interpreter under this subdivision is limited to a single,
14 brief, routine matter before the court. The use of the interpreter in this
15 circumstance may not be extended to subsequent proceedings without again
16 following the procedure set forth in this subdivision.

17
18 **(g) Appointment of relay interpreter**

19
20 (1) When permissible

21
22 If, after a diligent search, a certified or registered interpreter is not available
23 to interpret between English and the language required for a court
24 proceeding, the court may appoint a relay interpreter to interpret between two
25 non-English spoken languages and a second interpreter who can interpret
26 between one of the relay interpreter's languages and English. A relay
27 interpreter may be appointed provisionally as described in (e), or on a
28 temporary basis as described in (f).

29
30 (2) Required record

31
32 (A) If the relay interpreter is appointed as a provisional interpreter, the
33 judicial officer must make the record required for all appointments of
34 noncertified and nonregistered interpreters in (d)(2), must follow the
35 rules for provisional qualification in (e)(2), and must make the record
36 required in (e)(3).

37
38 (B) If the relay interpreter is appointed as a temporary interpreter, the
39 judicial officer must make the record required for all appointments of
40 noncertified and nonregistered interpreters in (d)(2) and the record
41 required in (f)(2).

42
43 (3) Limits on appointment of relay interpreters

1
2 (A) A relay interpreter who is qualified for a provisional appointment
3 described in (e) is subject to the time limits for appointment set forth in
4 (e)(4).

5
6 (B) A relay interpreter with a temporary appointment described in (f) is
7 subject to the limits on temporary appointment to a single, brief, and
8 routine matter before the court.

9
10 **Advisory Committee Comment**

11
12 **Subdivisions (c) and (d)(2).** When a court reporter is transcribing the proceedings, or an
13 electronic recording is being made of the proceedings, a ~~judge~~ judicial officer may satisfy the “on
14 the record” requirement by stating the required details of the interpreter appointment in open
15 court. If there is no court reporter and no electronic recording is being made, the “on the record”
16 requirement may be satisfied by stating the required details of the interpreter appointment and
17 documenting them in writing—such as in a minute order, the official clerk’s minutes, a formal
18 order, or even a handwritten document—that is entered in the case file.

19
20 **Subdivision ~~(d)(4)(f)~~.** This provision is intended to allow for the one-time use of a noncertified or
21 nonregistered interpreter who is not provisionally qualified to interpret for an LEP person in a
22 courtroom event. This provision is not intended to be used to meet the extended or ongoing
23 interpretation needs of LEP court users.

24
25 **Subdivision ~~(b)(7) and (d)(4)(f)~~.** When determining whether the matter before the court is a
26 “brief, routine matter” for which a noncertified or nonregistered interpreter who has not been
27 provisionally qualified may be used, the judicial officer should consider the complexity of the
28 matter at issue and likelihood of potential impacts on the LEP person’s substantive rights,
29 keeping in mind the consequences that could flow from inaccurate or incomplete interpretation of
30 the proceedings.

Procedures to Appoint a Noncertified or Nonregistered Spoken Language Interpreter

The court is required to appoint a certified or registered interpreter. If a certified or registered interpreter is not available, the court may appoint a noncertified or nonregistered interpreter on a **provisional** or **temporary** basis, according to the instructions provided in this information sheet.

1. Provisional Qualification and Appointment

a. When Allowed

If, after a diligent search, a certified or registered interpreter is not available, a noncertified or nonregistered interpreter who has been provisionally qualified may be appointed.

b. Provisional Qualification Process

- (1) The noncertified or nonregistered interpreter may complete, sign, and submit to a judicial officer *Provisional Qualification of Noncertified or Nonregistered Spoken Language Interpreter* (form INT-110). Alternatively, a judicial officer may use form INT-110 to conduct a voir dire process to evaluate the qualifications of the proposed interpreter.
- (2) The judicial officer reviews the information on form INT-110. If the judicial officer finds that the interpreter is eligible for provisional qualification, the judicial officer will sign the finding and order on page 4 of the form.
- (3) A provisional qualification is valid for one year from the date of signature by the judicial officer.

c. Limits on Provisional Qualification

Interpreters seeking a third or subsequent period of provisional qualification after January 1, 2025, must demonstrate efforts to become certified or registered by indicating on form INT-110 that they have, during the previous two years:

- (1) Completed the Judicial Council's online self-paced court interpreter ethics training; and
- (2) Made at least two attempts to pass a qualifying exam for the language or languages of interpretation, if such a qualifying exam exists. Interpreters, including relay interpreters, working in a language or languages for which an Oral Proficiency Exam exists, must attempt that exam.

d. Provisional Appointment Process

- (1) The court must certify that no certified or registered interpreter is available for the required language or languages on the date of the proceeding. This certification is made when the court completes, signs, and files with the court administrator *Certification of Unavailability of Certified or Registered Interpreter and Availability of Provisionally Qualified Interpreter* (form INT-120).
- (2) After the court has made this certification, a provisionally qualified interpreter may be appointed by the judicial officer in a proceeding. If the prospective interpreter has not yet been made provisionally qualified, the judicial officer must review the qualifications on form INT-110, according to the instructions above.

e. Required Record

To appoint a provisionally qualified interpreter, the judicial officer in the proceeding must state the following on the record:

- (1) A finding that good cause exists to appoint a noncertified or nonregistered interpreter;
- (2) A finding that a certified or registered interpreter is not available and a statement that form INT-120 for the language to be interpreted is on file with the court administrator;
- (3) The name of the noncertified or nonregistered interpreter to be appointed, and the language or languages to be interpreted;
- (4) That the interpreter is not certified or registered to interpret in the languages required, and that the interpreter has been provisionally qualified to interpret in the required language or languages, and the date of qualification;
- (5) Whether a party has objected to the appointment of the proposed interpreter or has waived the appointment of a certified or registered interpreter;
- (6) A finding that the appointment is within the time limits in California Rules of Court, rule 2.893, or a finding that there is a necessity for the court to appoint the interpreter beyond these time limits; and
- (7) That the interpreter was administered the interpreter's oath.

f. Limits on Provisional Appointments

Unless the judicial officer in the proceeding determines there is a necessity:

- (1) A noncertified interpreter who is provisionally qualified under this rule to interpret in Spanish and English may not interpret in a superior court for more than 45 court days or parts of court days within a calendar year.
- (2) A noncertified or nonregistered interpreter who is provisionally qualified under this rule to interpret in a language or languages other than Spanish and English may not interpret in a superior court for more than 75 court days or parts of court days within a calendar year.

2. Temporary Appointment

a. When Allowed

If the court finds that a certified or registered interpreter is not available, a noncertified or nonregistered interpreter may be appointed to interpret for a single, brief, routine matter before the court, in order to prevent burdensome delay or in other unusual circumstances.

b. Temporary Appointment Process

- (1) A temporary appointment is allowed only for a single, brief, routine matter before the court, when necessary to prevent burdensome delay, or in other unusual circumstances.
- (2) If the judicial officer finds that a certified or registered interpreter is not available, a temporary interpreter may be appointed by the judicial officer in a proceeding. **Optional:** The judicial officer in a proceeding may ask the prospective interpreter to fill out and submit information on *Temporary Qualification of Noncertified or Nonregistered Spoken Language Interpreter* (form INT-140).

c. Required Record

To appoint a noncertified or nonregistered interpreter on a temporary basis, the judicial officer in the proceeding must state the following on the record:

- (1) A finding that a certified or registered interpreter is not available and that good cause exists to appoint an interpreter who is not certified, registered, or provisionally qualified;
- (2) The name of the noncertified or nonregistered interpreter to be appointed, and the language or languages to be interpreted;
- (3) That the interpreter is not certified or registered to interpret in the language required and that the interpreter is qualified to interpret that proceeding, following procedures adopted by the Judicial Council;
- (4) That the LEP person has been informed of their right to an interpreter and has waived the appointment of a certified or registered interpreter, or an interpreter who could be provisionally qualified; and
- (5) That the interpreter was administered the interpreter's oath.

d. Limits on Temporary Appointments

Temporary appointments are limited to single, brief, and routine matters before the court. The temporary appointment of an interpreter may not be extended to subsequent proceedings without again following the procedures above.

3. Relay Interpreters

Relay interpreters work between two non-English spoken languages and may be provisionally qualified and appointed or temporarily appointed, depending on the circumstances. If a relay interpreter is provisionally appointed, they must abide by the limit of 75 court days or parts of court days in a calendar year, as described above. If a relay interpreter is temporarily appointed, their appointment is limited to a single, brief, and routine matter before the court.

INTERPRETER NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: WORK NO.: EMAIL ADDRESS: DRIVER'S LICENSE or STATE ID:	FOR COURT USE ONLY (FILE WITH THE COURT ADMINISTRATOR) DRAFT 7.26.2024 NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	

PROVISIONAL QUALIFICATION OF NONCERTIFIED OR NONREGISTERED SPOKEN LANGUAGE INTERPRETER

This form is used to qualify a noncertified or nonregistered spoken language interpreter for provisional appointment under California Rules of Court, rule 2.893. The qualification on page 4 is valid for one year from the date of signature of the judicial officer.

1. Languages

- a. Language or languages:
- b. Select the option below that best describes your language pair:
 - English and Spanish
 - English and designated language other than Spanish
 - English and nondesignated language
 - Two non-English spoken languages (relay interpreter)

Information about languages designated by the Judicial Council and nondesignated languages is available at <https://languageaccess.courts.ca.gov/court-interpreters-resources/becoming-court-interpreter>

The following questions may be addressed to the noncertified or nonregistered interpreter as voir dire, or the court may have the prospective interpreter answer the questions in writing on this form. All of the information provided by the interpreter should be considered by the court to determine whether the interpreter is qualified to interpret the stated language.

2. Previous provisional qualification

Since January 1, 2025, have you been provisionally qualified to interpret in this language or these languages by a judicial officer in this court or any other court under California Rules of Court, rule 2.893?

- a. No
- b. Yes. For each previous provisional qualification, state

- | | |
|----------------------------|--------|
| (1) Date of qualification: | Court: |
| (2) Date of qualification: | Court: |
| (3) Date of qualification: | Court: |
| (4) Date of qualification: | Court: |
| (5) Date of qualification: | Court: |

3. Interpreter and translator credentials

a. Please list the two most relevant interpreter or translator credentials you currently hold, that are in good standing (e.g., court interpreter certification from another state, in another language, or for the federal courts; ATA certification; community college certificate).

- | | |
|----------------------|-----------------------------|
| (1) Credential name: | ID #: |
| Language pair: | Date of initial credential: |
| (2) Credential name: | ID #: |
| Language pair: | Date of initial credential: |

- b. Have you taken the Judicial Council's court interpreter orientation course? Yes (date): No
- c. Have you taken the Judicial Council's required ethics course for new certified and registered interpreters? Yes (date): No

INTERPRETER (name):

4. Interpreter examinations and evaluations (related to credentials you do not currently hold)

Note: Interpreters seeking a third or subsequent provisional qualification period after January 1, 2025, must demonstrate that during the last two years, they have made at least two attempts to pass a qualifying exam for the language or languages of interpretation, if such an exam exists. Interpreters, including relay interpreters, working in a language or languages for which an Oral Proficiency Exam exists must attempt that exam.

a. Examinations administered by the Judicial Council (complete all that apply)

- (1) Bilingual Interpreting Exam Not available for this language or these languages
 Language: (date): Results:
 Language: (date): Results:
- (2) Oral Proficiency Exam (non-English language) Not available for this language or these languages
 Language: (date): Results:
 Language: (date): Results:
- (3) Oral Proficiency Exam (English)
 Date: Results:
 Date: Results:
- (4) Written Exam (English)
 Date: Results:
 Date: Results:

Check this box if you are attaching additional information on examinations recognized by the Judicial Council.

b. Other examinations and evaluations

- (1) Have you taken the Federal Court Interpreter Certification Examination?
 Yes (dates): What were the results?
 No (check one): Not taken Not given in the language specified above
- (2) Have you taken a Court Interpreter Certification Examination from other states?
 Yes (dates): Give states and results of each:
 No (check one): Not taken Not given in the language specified above
- (3) Have your interpreting skills been evaluated in any other way? Yes No
 If yes, which aspects of your skills were evaluated? (check all that apply)
 Interpreting modes (check all that apply): Consecutive Simultaneous Sight translation
 Other (specify): What languages?
 When were you evaluated? Which authority evaluated your skills?
 What were the results?

5. Interpreting and translation training

- a. Institutions attended: (1) Year:
 (2) Year:
 (3) Year:
- b. Court interpreting observation (indicate number of hours you have observed court interpreters in the courtroom setting):
- c. Legal/court interpreting training (select one)
 (1) 40 or more hours of training in legal interpreting in the last two years
 (2) 80 or more hours of training in legal interpreting in the last four years
 (3) Less legal training than either (1) or (2) during the identified time period

6. Translation

- a. Do you have any experience in written translation? Yes No
- b. List types of documents:
- c. What languages?

INTERPRETER (name):

7. Teaching experience

- a. Do you have any language teaching experience? Yes No
- b. If yes, in which languages?
- c. At what levels?

8. Interpreting experience

- a. Have you interpreted in any court or administrative proceedings? Yes No
Please indicate how many proceedings or events you have interpreted in the last two years for each of the following types:
- | | | | |
|-------------------|--|--------------------|--------------------------|
| Criminal: | Traffic: | Juvenile: | Family: |
| Civil: | Small Claims: | Unlawful Detainer: | Probate/Conservatorship: |
| Dates (if known): | List the last two counties you have worked in: | | |
| What languages? | | | |
- Which modes of interpreting did you employ? (check all that apply)
- Consecutive Simultaneous Sight translation
- b. Have you interpreted in any noncourt setting? Yes No
Please indicate type (medical, business, education, community, other):
- Number of events interpreted in the last two years: Was your role as an interpreter compensated? Yes No
- Approximate number of total days: What languages?
- Modes of interpreting employed (check all that apply): Consecutive Simultaneous Sight translation
- c. Have you had 72 hours of legal interpreting experience with, or under the guidance of, a certified or registered court interpreter mentor (includes police interpreted work, depositions, etc., as well as mock trials and other court training simulations)?
- Yes No
- d. Number of proceedings or events you have interpreted in the last two years by remote means:
- e. Are you a member of any language-related professional organizations? Yes No
If yes, please indicate the following:
- | | |
|---------------------------|----------------------------------|
| (1) Name of organization: | How long have you been a member? |
| (2) Name of organization: | How long have you been a member? |

9. Code of professional conduct/ethics (California Rules of Court, rule 2.890)

Note: Interpreters seeking a third or subsequent provisional qualification period after January 1, 2025, must indicate that, within the last two years, they have completed the Judicial Council's online self-paced court interpreter ethics training.

- a. Have you completed the Judicial Council's online self-paced court interpreter ethics training?
- Yes (date): No
- b. Do you have a copy of the Professional Standards and Ethics for California Court Interpreters? Yes No
- c. Have you read, do you understand, and will you abide by the Professional Standards and Ethics for California Court Interpreters? Yes No
- d. Have you had any other training in professional ethics for court interpreters? Yes No
If yes, please explain:

10. Training in legal terminology and process

- a. Have you received training in criminal procedure? Yes No
Please describe:
- b. Have you received training in civil procedure? Yes No
Please describe:
- c. Describe any other training received in California legal terminology or process:

INTERPRETER (name):

11. General education

a. (Check highest level degree attained.)

[] N/A (No degree) [] High school [] Jr. college [] University [] Graduate degree [] Postgraduate

b. Name of institution:

(1) Degree awarded: Year: Major:

(2) Degree awarded: Year: Major:

12. Language training

a. How did you learn English? (Write N/A if not interpreting in English):

b. How did you learn the non-English language(s) to be interpreted?

c. In which languages were you educated?

Language (specify): Elementary Jr. high High school University

(1) [] [] [] []

(2) [] [] [] []

d. What languages [] are [] were spoken at home (specify):

13. Disqualifications, decertifications, or criminal offenses

a. Have you had any certifications that have lapsed or have you been disqualified from interpreting in any court or administrative hearing? [] Yes [] No

If yes, please explain:

b. Have you ever been convicted of violating any federal law, state law, county or municipal law, regulation, or ordinance? (Do not include traffic infractions.) [] Yes [] No

If yes, please explain:

I am 18 years of age or older and I declare under penalty of perjury under the laws of the State of California that the information provided above and on the preceding pages is true and correct. I understand that any false or misleading statements disqualify me from being considered for interpreting assignments in the trial courts, in addition to other penalties provided by law.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PROSPECTIVE INTERPRETER)

PROVISIONAL QUALIFICATION FINDING AND ORDER OF THE COURT (California Rules of Court, rule 2.893)

1. Interpreter (name):

2. Language or languages to be interpreted:

3. THE COURT FINDS that the above-named interpreter is provisionally qualified to interpret the language or languages specified above.

[] (for third or subsequent provisional qualification period after January 1, 2025 only) The court finds that this interpreter has made efforts to achieve certified or registered status or that good cause exists to provisionally qualify this interpreter.

4. THE COURT ORDERS that the above-named interpreter may be considered for appointment to interpret the language or languages specified above in any proceeding in this court for a period of one year from the date of the signature below.

Date:

(TYPE OR PRINT NAME)

JUDICIAL OFFICER)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY DRAFT 7.26.2024 NOT APPROVED BY THE JUDICIAL COUNCIL
TITLE OF CASE: DATE OF PROCEEDING: REQUIRED LANGUAGE OR LANGUAGES:	CASE NUMBER:
CERTIFICATION OF UNAVAILABILITY OF CERTIFIED OR REGISTERED INTERPRETER AND AVAILABILITY OF PROVISIONALLY QUALIFIED INTERPRETER	

UNAVAILABILITY OF CERTIFIED OR REGISTERED INTERPRETER

- I am the person responsible for assigning interpreters to this court.
- I have read and understand Government Code sections 68561, 68562, and 71802 mandating the use of certified court interpreters for court proceedings in languages that have been designated by the Judicial Council, and the use of registered interpreters for court proceedings in languages not designated by the Judicial Council.

(Select option 3, 4, or 5 below.)

- After making a diligent search, I certify that no certified or registered court interpreter is available on the date of the proceeding to interpret the required language or languages stated above. The diligent search consisted of the following:
 - I attempted to contact all certified or registered court interpreters for the required language or languages in this county.
 - I attempted to contact all certified or registered court interpreters for the required language or languages in the neighboring counties of *(specify)*:
 - I attempted to contact additional certified or registered interpreters on the Judicial Council Master List of Certified and Registered Court Interpreters.
- There is no examination recognized by the Judicial Council that would allow an interpreter to become certified or registered to provide interpretation in the language or languages required for this proceeding.
- The undersigned had less than one court day to identify an available interpreter, or a scheduled interpreter canceled less than 24 hours before the proceeding.

AVAILABILITY OF PROVISIONALLY QUALIFIED INTERPRETER

The following interpreter is available on the date of the proceeding indicated above:

- Name:**
- Provisional qualification (select one)**
 - This interpreter was provisionally qualified to interpret the required language or languages on *(date)*:
 - Provisional qualification has been requested, and form INT-110 has been provided to the court.
- Limits on provisional appointments (select one)**
 - This interpreter is within the limits on court days or parts of court days worked in this calendar year, as provided in California Rules of Court, rule 2.893.
 - This interpreter has met or exceeded, or with this appointment is likely to exceed, the limits on court days or parts of court days worked in this calendar year, as provided in California Rules of Court, rule 2.893.

I certify that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)


 (SIGNATURE OF COURT ADMINISTRATOR DESIGNEE)

INTERPRETER NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: WORK NO.: EMAIL ADDRESS:	FOR COURT USE ONLY DRAFT 7.26.2024 NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
TEMPORARY QUALIFICATION OF NONCERTIFIED OR NONGREGISTERED SPOKEN LANGUAGE INTERPRETER	CASE NUMBER:
This form is used to establish the qualifications of a temporary interpreter for the proceeding listed below. Under California Rules of Court, rule 2.893, if a certified or registered interpreter is unavailable, a temporary interpreter may be used for a single, brief, routine matter before the court to prevent burdensome delay or in other unusual circumstances.	

CASE NAME:

DATE OF PROCEEDING:

TYPE OF PROCEEDING:

LANGUAGE OR LANGUAGES REQUIRED:

The following questions may be addressed to the noncertified or nonregistered interpreter as voir dire, or the court may have the prospective interpreter answer the questions in writing on this form. All information provided by the temporary interpreter should be considered by the court to determine whether the interpreter may be used to interpret the required languages in the proceeding above.

1. General education

a. *(Check highest level degree attained.)*

- N/A (No degree)
 High school
 Jr. college
 University
 Graduate degree
 Postgraduate

b. Name of institution:

- (1) Degree awarded: Year: Major:
- (2) Degree awarded: Year: Major:

2. Language training

a. How did you learn English? *(Write N/A if not interpreting in English):*

b. How did you learn the non-English language or languages to be interpreted?

c. In which languages were you educated?

Language <i>(specify):</i>	Elementary	Jr. high	High school	University
(1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

d. What languages are were spoken at home *(specify):*

e. Have you ever been used as an interpreter in a court or administrative hearing? Yes No

If yes, please explain:

INTERPRETER (name):	CASE NUMBER:
---------------------	--------------

3. Disqualifications, decertifications, or criminal offenses

a. Have you had any certifications that have lapsed, or have you been disqualified from interpreting in any court or administrative hearing? Yes No

Please provide detail:

b. What is your relationship to the party? Acquainted Related Do not know party

Please explain or provide detail:

c. Have you ever been convicted of violating any federal law, state law, county or municipal law, regulation, or ordinance? (Do not include traffic infractions.) Yes No

If yes, please explain:

TEMPORARY INTERPRETER DECLARATION

I am 18 years of age or older and I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PROSPECTIVE INTERPRETER)

FINDING OF QUALIFICATION FOR TEMPORARY APPOINTMENT
(California Rules of Court, rule 2.893)

THE COURT FINDS

1. No certified or registered interpreter is available, and good cause exists to qualify and appoint a temporary interpreter for this single, brief, and routine matter before the court.
2. The limited English proficient person has been informed of their right to an interpreter and has waived the appointment of a certified or registered interpreter, or an interpreter who could be provisionally qualified.

THE COURT ORDERS that the above-named individual is qualified to interpret in the language or languages specified above and is appointed to interpret in this proceeding. This order expires at the conclusion of the listed proceeding.

Date:

(TYPE OR PRINT NAME)

(JUDICIAL OFFICER)

SPR 24-14

Court Interpreters: Implementation of Assembly Bill 1032 (amend Cal. Rules of Court, rule 2.893, revise forms INT-100-INFO, INT-110, INT-120, and INT-140)

All comments are verbatim unless indicated by an asterisk (*)

	Commenter	Position	Comment	Committee Response
1.	Orange County Bar Association by Christina Zabat-Fran, President	A	<p>Does the proposal appropriately address the stated purpose?</p> <p>Yes</p> <p>Does the extension of the provisional qualification period from six months to one year and the requirements to demonstrate efforts toward certified or registered status after two provisional qualification periods appropriately meet the twin goals of encouraging interpreters to obtain a credential and providing courts sufficient flexibility to ensure the presence of a qualified interpreter for court proceedings, including interpreters in language pairs for which there is no way to obtain certified or registered status?</p> <p>Yes</p>	The panel appreciates this comment.
2.	Superior Court of Orange County Civil, Probate and Language Access Services Court Operations Management Teams by Sean Lillywhite	NI	The Proposal appropriately addresses the stated purpose. The extension of the provisional qualification period from six months to one year is greatly appreciated and long overdue as are the requirements to demonstrate efforts toward certified or registered status after two provisional qualification periods. This acknowledges that often times two years is not sufficient for some candidates to become certified or registered. The courts needed this flexibility to ensure the presence of an interpreter for court proceedings while maintaining compliance with rules of court.	The panel appreciates this feedback.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

SPR 24-14

Court Interpreters: Implementation of Assembly Bill 1032 (amend Cal. Rules of Court, rule 2.893, revise forms INT-100-INFO, INT-110, INT-120, and INT-140)

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	Commenter	Position	Comment	Committee Response
			<p>The addition of the checkbox to indicate that there is no available exam is also long overdue for those language pairs for which there is no way to obtain certified or registered status.</p> <p>This court respectfully requests that the Judicial Council – Court Interpreter Program monitor compliance with the ethics and testing requirements for those interpreters who must continue with the provisional qualification process beyond two years. This could be accomplished by way of a solution on the CJER Court Interpreter Program site that could be referenced when local courts process INT-110 forms. If the local courts are left to monitor compliance, it will impose an additional burden on the local courts that may lead to some courts not verifying statements made in this regard. Instead, courts would likely accept the statements affirmed under penalty of perjury without verification.</p> <p>INT-120 Item 5 – suggest including verbiage from current form in addition to the proposed form. The undersigned had less than one court day to identify an available interpreter, or the scheduled interpreter canceled less than 24 hours before the proceeding.</p> <p>This court has a general comment regarding provisional qualification of a relay interpreter who may be hired. What happens when the court hires the interpreter and later is unable to</p>	<p>The panel appreciates this suggestion, but it exceeds the scope of the current rule and forms proposal undertaken to ensure compliance with AB 1032. Judicial Council staff will consider this suggestion as time and resources allow.</p> <p>The panel appreciates this recommendation and has made the suggested change.</p> <p>The panel appreciates this comment. AB 1032 allows courts to hire and appoint relay interpreters who are noncredentialed as employee interpreters.</p>

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			comply with the requirements and cannot be provisionally qualified?	
3.	Superior Court of Orange County Family Law and Juvenile Divisions by Katie Tobias, Operations Analyst	NI	<p><u>Does the proposal appropriately address the stated purpose?</u> Yes, the proposal appropriately addresses the stated purpose.</p> <p><u>Does the extension of the provisional qualification period from six months to one year and the requirements to demonstrate efforts toward certified or registered status after two provisional qualification periods appropriately meet the twin goals of encouraging interpreters to obtain a credential and providing courts sufficient flexibility to ensure the presence of a qualified interpreter for court proceedings, including interpreters in language pairs for which there is no way to obtain certified or registered status?</u> Yes, this appears to be a balanced approach to meeting the twin goals of encouraging interpreters to obtain credentials and providing courts with flexibility.</p> <p><u>Would the proposal provide cost savings? If so, please quantify.</u> No, the proposal does not appear to provide any cost savings.</p> <p><u>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of</u></p>	The panel appreciates these responses.

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			<p><i>training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</i></p> <p>Implementation would require revising procedures, providing communication to judicial officers and staff, and updating the case management system.</p> <p><i>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</i></p> <p>Yes, three months would provide sufficient time for implementation in Orange County.</p> <p><i>How well would this proposal work in courts of different sizes?</i></p> <p>Our court is a large court, and this could work for Orange County.</p>	
4.	Superior Court of Riverside County by Sarah Hodgson, Chief Deputy of Legal Services/General Counsel	NI	<p>The changes made to CRC 2.893 align with the new requirements put in place by AB1032. However, the proposed changes in 2.893(e)(2) do not include the waiver of requirements for interpreters seeking subsequent qualification periods. This exemption was previously available in situations where a language test was not available or when there were limited language resources, as stated in the current language under 2.893(f)(6) & (7). It is necessary</p>	<p>The panel appreciates this comment and has added subparagraph (e)(2)(D) to the rule of court in order to address this concern. The panel also added a checkbox and statement to the Provisional Qualification and Order section of form INT-110 requiring the court to state that an interpreter seeking a third or subsequent provisional qualification period has made efforts towards credentialed status, or that good cause exists to appoint that interpreter.</p>

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			<p>to have the waiver of the restriction in place for cases where an exam does not exist, as there is no way for the interpreter to comply with all requirements or when the court has no other options available. The court is currently facing challenges in finding qualified resources in certain languages, including designated languages. Removing the exemption will further reduce our options and impact availability. To ensure the availability of qualified interpreters, it is recommended that the waiver remains in the rule or that a provision for judicial officer discretion is added when there is good cause.</p>	
			<p>For better clarity, it is recommended that the required statements related to the <i>Certification of Unavailability of Certified or Registered Interpreter and Availability of Provisionally Qualified Interpreter (form INT-120)</i> in 2.893(d)(2)(B) be placed under 2.893(e)(3). These statements pertain to a provisional appointment and would be best placed under the corresponding section.</p>	<p>The panel agrees with this recommendation and has moved the requirement to certify unavailability of a certified or registered interpreter to subdivision (e), as it applies exclusively to provisional appointments.</p>
			<p>It's suggested that the changes to the definition in 2.893(b)(3) regarding 'Registered Interpreter' be further modified. The current definition may imply that the court is responsible for approving the interpreter, when it is actually the Judicial Council that does so. A suggestion could be as follows, 'An interpreter in a language identified as registered not designated by the Judicial Council, who is qualified by the court to</p>	<p>The panel agrees that this definition could be improved but believes that it is important to retain the statutory language referencing “designated” languages. Therefore, the panel revised this definition to read as follows: <i>“Registered interpreter” means an interpreter who is qualified by the Judicial Council to interpret in a language that is not a designated language as defined in (b)(1). A registered</i></p>

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			<p>interpret in the courts under the procedures and guidelines adopted by the Judicial Council, and who has passed a minimum of an English fluency examination offered by a testing entity approved by the Judicial Council under Government Code section 68560 et seq.'</p>	<p><i>interpreter has passed the English written exam, an Oral Proficiency Exam in English, and an Oral Proficiency Exam in the target language, if available.</i></p>
			<p>Regarding the extension of the qualification period:</p> <p>This is a practical solution that allows interpreters sufficient time to work on their certification without needing to request frequent renewals. It also reduces the administrative burden on the court when processing interpreter applications.</p>	<p>The panel appreciates this feedback.</p>
			<p>INT-100 Procedures to Appoint a Noncertified or Nonregistered Spoken Language Interpreter</p> <ul style="list-style-type: none"> Provisional Appointment Process Page 1_Section 1 <p>The proposed language suggests that the court (judge) processes the form INT-120. It's recommended this section be modified to allow for more flexibility in how the INT-120 is processed. <u>Language as proposed:</u> The certification is made when the court completes, signs, and files with the court administrator a Certification of Unavailability of Certified or Registered Spoken Language Interpreter and Availability of</p>	<p>The panel appreciates this comment but believes that the use of the term “court” to describe who will fill out and file the form is sufficiently broad to encompass a variety of practices across the state.</p>

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			<p>Provisionally Qualified Interpreter (form INT-120). <u>Possible suggestion:</u> The certification is made when there is a completed and signed Certification of Unavailability of Certified or Registered Spoken Language Interpreter and Availability of Provisionally Qualified Interpreter (form INT-120).</p>	
			<p>INT-100 Procedures to Appoint a Noncertified or Nonregistered Spoken Language Interpreter</p> <ul style="list-style-type: none"> Provisional Appointment Required Record Page 1 & Temporary Appointment Required Page 2 <p>The list of required findings under these sections does not include the general findings for appointing noncertified and nonregistered interpreters in 2.893(d)(2). It is recommended to add these findings to the list for a full and comprehensive list of findings to ensure they are not overlooked.</p>	<p>The panel agrees with this recommendation and has incorporated a full list of elements of the required record for both provisional and temporary appointments.</p>
			<p>INT-110 Provisional Qualification of Noncertified or Nonregistered Spoken Language Interpreter</p> <ul style="list-style-type: none"> Page 1_Section 1 <p>It's recommended that the checkbox options that indicate the applicable</p>	<p>The panel appreciates this comment but believes that revised Item 2 is sufficient to provide information to the court about prior or concurrent qualification periods.</p>

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			<p>provisional period for the interpreter remain on the form. This information is utilized by staff and judicial officers to ascertain when testing and course requirements must be met, and it ensures compliance with the statute.</p>	
			<p>INT-110 Provisional Qualification of Noncertified or Nonregistered Spoken Language Interpreter</p> <ul style="list-style-type: none"> • Page 1_Section 1.b. <p>It's suggested to combine the options '<i>English and designated language other than Spanish</i>' and '<i>English and nondesignated language</i>' into one option. Having both options does not seem necessary since both scenarios are for non-Spanish languages and have the same 75-day limitation. Additionally, removing the reference to designated and nondesignated languages, will make it more comprehensible to the reader. A possible recommendation could be the option for '<i>English and other than Spanish language</i>'.</p>	<p>The panel appreciates this suggestion but determined that there are good reasons to retain the distinction between designated and nondesignated languages in this section. First, it is helpful to clarify when an interpreter is certified to interpret in a designated language but may be seeking provisional qualification to interpret in a nondesignated language, or vice-versa. Another reason to distinguish language and certification type in this section would be to more easily track progress towards either certified or registered status in Item 4. If an interpreter were seeking a third or subsequent qualification period for a designated language, the judicial officer would be looking for progress towards passing the Bilingual Interpreting Exam, whereas an interpreter seeking registered status would only be able to take the other exams listed in Item 4.</p>
			<p>INT-110 Provisional Qualification of Noncertified or Nonregistered Spoken Language Interpreter</p> <ul style="list-style-type: none"> • Page 1_Section 3.b. 	<p>The panel appreciates this concern and has made some minor changes to the wording of this section. The option to indicate that an interpreter has participated in the orientation course is embedded under the header of Interpreter and Translator Credentials, signaling that the course</p>

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			<p>We suggest adding a note to this section to clarify that the Judicial Council's online court interpreter orientation course is exclusively available to certified or registered court interpreters. This will ensure that both the applicant and judicial officer understand that noncertified or nonregistered interpreters are not eligible for this course.</p>	<p>would only be available to a previously certified or registered interpreter. In addition, the course has recently been incorporated into a learning management system, which only certified and registered interpreters are able to access. Therefore, we have removed the term “online” from the description of the training to avoid the suggestion that it is broadly available to the public.</p>
			<p>INT-120 Certification of Unavailability of Certified or Registered Interpreter and Availability of Provisionally Qualified Interpreter</p> <ul style="list-style-type: none"> • Page 1_Section 5 <p>We would not advise removing the option to identify when the scheduled interpreter canceled with less than 24 hour notice. By stating simply that the undersigned had less than one court day to identify an available interpreter could cause questions for the judicial officer, especially when the interpreter request was placed well in advance. Instead, a suggestion could be 'The interpreter cancelled less than one court day before the proceeding OR the undersigned had less than one court day to identify an available interpreter.'</p>	<p>The panel appreciates this recommendation and has made the suggested change.</p>

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			The proposed changes would require desk procedure updates, training, and modifications to the case management system. Three months is sufficient to do so.	The panel appreciates this feedback.
5.	Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee Joint Rules Subcommittee	A	<p>The JRS notes that the proposal is required to conform to a change of law and is intended to provide significant cost savings or efficiencies.</p> <p>The JRS also notes the following:</p> <ul style="list-style-type: none"> • The proposal appropriately addresses the stated purpose. The provisional qualification period from six months to one year and the requirement to demonstrate efforts toward certified or registered status after two provisional qualification periods meets the goal to encourage the interpreters to obtain credentials and also provides sufficient flexibility to ensure the presence of a qualified interpreter. • The proposal hopefully will provide cost savings, because it will give the courts a larger pool from which to draw interpreters, which will affect the market rate for the languages of limited profusion. • Three months from Judicial Council approval of this proposal until it’s effective date will be sufficient time to implement the new rules, because courts are already familiar with the process and 	The panel appreciates these comments.

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			the forms. It would simply require courts to use the modified forms. <ul style="list-style-type: none">• Implementation should make it an easier process for all courts, because it gives more flexibility in the hiring of interpreters in languages for which there is no certification or languages of limited profusion.	