



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: September 14–15, 2017

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Title

Court Interpreters: Noncertified and  
Nonregistered Spoken Language Interpreter  
Qualifications

Agenda Item Type

Action Required

Effective Date

January 1, 2018

Rules, Forms, Standards, or Statutes Affected

Repeal and adopt Cal. Rules of Court, rule  
2.893; revoke and adopt form  
INT-100-INFO; adopt form INT-140; revise  
form INT-110

Date of Report

July 18, 2017

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Recommended by

Court Interpreters Advisory Panel  
Hon. Brian L. McCabe, Chair

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### Executive Summary

The Court Interpreters Advisory Panel (CIAP) recommends repealing the rule that establishes the procedures for provisional qualification and temporary use of noncertified and nonregistered interpreters in criminal and juvenile cases and revoking the information form that describes these procedures. CIAP recommends replacing them with a new rule that generally addresses the appointment of spoken language interpreters in all cases and a new information form that addresses the procedures for appointment of provisionally qualified and temporary interpreters in all cases. Additional changes to the rule and revisions to the form regarding the qualifications of noncertified and nonregistered interpreters would encourage noncertified and nonregistered interpreters to pursue certified and registered status. CIAP also recommends adopting a new form regarding the temporary use of such interpreters. These changes would implement legislation that took effect January 1, 2015, clarify existing processes, and effectuate provisions in the *Strategic Plan for Language Access in the California Courts* (the Language Access Plan).

## Recommendation

CIAP recommends that the Judicial Council, effective January 1, 2018:

1. Repeal California Rules of Court, rule 2.893 and adopt a new rule 2.893 that:
  - a. Addresses appointment of spoken language interpreters in all case types;
  - b. Establishes that the provisional qualification of interpreters in civil case types should follow the same rules and procedures, and be subject to the same standards, as provisional qualification in criminal and juvenile proceedings;
  - c. Defines the various types of interpreters and separately addresses their use;
  - d. Requires specified findings be made on the record when an interpreter is used to implement recent legislation;
  - e. Clarifies that interpreters in both certified and registered languages are subject to the same rules and procedures for provisional qualification or temporary use;
  - f. Clarifies the requirements and limitations for the temporary use of an interpreter; and
  - g. Encourages prospective interpreters to become certified or registered without making it impossible for courts to get interpreters in hard-to-find, other-than-Spanish languages.
2. Revoke current *Procedures and Guidelines to Appoint a Noncertified or Nonregistered Interpreter in Criminal and Juvenile Delinquency Proceedings* (form INT-100-INFO) and adopt new *Procedures to Appoint a Noncertified or Nonregistered Spoken Language Interpreter as Either Provisionally Qualified or Temporary* (form INT-100-INFO) to reflect and implement the changes to rule 2.893.
3. Revise *Qualifications of a Noncertified or Nonregistered Interpreter (Provisional Qualifications by Order of Presiding Judge)* (form INT-110) to:
  - a. Reflect and implement the changes to rule 2.893; and
  - b. Clarify the difference between a provisionally qualified interpreter and a temporary interpreter.
4. Adopt *Temporary Use of a Noncertified or Nonregistered Spoken Language Interpreter* (form INT-140), to clarify and separately address the use of temporary interpreters when a certified, registered, or provisionally qualified interpreter is not available.

The text of the amended and repealed rules, and the new, revised, and revoked forms are attached at pages 11-31.

## Previous Council Action

Rule 2.893 was adopted as rule 984.2 effective January 1, 1996 and previously amended and renumbered effective January 1, 2007. As originally adopted it applied to interpreters in criminal and juvenile cases.

On November 29, 1995, through a circulating order, the Judicial Council modified language in the rule, to allow for the temporary use of interpreters when a certified, registered, or provisionally qualified interpreter is not available. This is important for establishing the Judicial Council's intentions for handling these two separate types of interpreters.

## Rationale for Recommendation

The recommended changes to rule 2.893 and new and modified forms discussed below are required to implement recent legislative changes and are also responsive to concerns or problems that have been raised by judges, courtroom personnel, and interpreters. Because the recommended changes to rule 2.893 and form INT-100-INFO are so extensive, these changes are not shown with underlining, strikeouts, and shading. Instead, the committee recommends repealing the existing rule and revoking the existing form, and replacing them with a new rule and form.

## Background

Existing statutes, rules, and forms address the provisional qualification and temporary use of noncertified and nonregistered spoken language interpreters in criminal and juvenile cases. (See Gov. Code, § 68561.)

Gov. Code, § 68561 §§ (c) and (d) require the Judicial Council establish procedures and guidelines for appointing noncertified interpreters and for appointing all interpreters in non-designated languages. Rule 2.893 and its related body of forms are these procedures and guidelines.

Currently, rule 2.893 establishes the procedures for provisional qualification and temporary use of noncertified and nonregistered spoken language interpreters in criminal cases and juvenile delinquency proceedings. *Procedures and Guidelines to Appoint a Noncertified or Nonregistered Interpreter in Criminal and Juvenile Delinquency Proceedings* (form INT-100-INFO) provides some guidance about these procedures and *Qualifications of a Noncertified or Nonregistered Interpreter* (form INT-110), addresses the qualifications of noncertified and nonregistered interpreters.<sup>1</sup>

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<sup>1</sup> Form INT-120, *Certification of Unavailability of a Certified or Registered Interpreter*, addresses the availability of certified or registered interpreters and the court's search for one. Since this relates to court operations, the Court Executives Advisory Committee will be reviewing the form and updates to form INT-120 are not part of this proposal.

Legislation that took effect January 1, 2015 (Assem. Bill 1657; Stats. 2014, ch. 721) added Government Code section 68092.1, which expanded the case types in which interpreters may be provided to include civil cases. The *Strategic Plan for Language Access in the California Courts* (the Language Access Plan),<sup>2</sup> which was adopted on January 22, 2015, also calls for an expansion of the provision of interpreter services into all case types by 2018. Additional legislation that took effect January 1, 2015 (Assem. Bill 2370; Stats. 2014, ch. 424) amended Government Code section 68561, which added requirements about what details must be included on the record whenever an interpreter, including a noncertified or nonregistered interpreter, is appointed. The rule and forms need to be updated to reflect these changes.

While most judicial officers, court staff, and limited English proficiency stakeholders are familiar with the “provisional qualification” components of rule 2.893 and its related forms, there is also a lesser understood provision for the use of an interpreter for a single event only—when absolutely needed—using a different standard. The current structure of the rule does not sufficiently distinguish between these two statuses and therefore has created confusion.

Although only three percent of all language interpretation in the courts is conducted by noncertified or nonregistered interpreters, the provisional qualification process is still of critical importance to the smooth operation of the courts. There is concern that some noncertified and nonregistered interpreters use the provisional qualification process as a way to continue to work in the courts without ever attempting to become certified or registered. The existing rule text does not identify any incentive within the provisional qualification process that would encourage the interpreter to pursue certified or registered status, nor does it provide a procedure for doing so.

### **Generally address the appointment of interpreters and apply procedures for provisionally qualifying interpreters in all case types**

As part of implementing Assem. Bill 1657; Stats. 2014, ch. 721 which expands court interpreter services to civil case types, CIAP recommends that rule 2.893 be amended to address appointment of all interpreters, not just noncertified or nonregistered interpreters, in all case types, not just criminal and juvenile cases. CIAP also recommends that provisional qualification of interpreters in civil case types follow the same rules and procedures, and be subject to the same standards, as provisional qualification in criminal and juvenile proceedings. To do this, CIAP is recommending that rule 2.893, form INT-100-INFO, and form INT-110 be modified to encompass all case types. CIAP is also recommending amendments to the rule to make clear that noncertified and nonregistered interpreters are subject to the same set of requirements.

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<sup>2</sup> The plan is available at [www.courts.ca.gov/documents/CLASP\\_report\\_060514.pdf](http://www.courts.ca.gov/documents/CLASP_report_060514.pdf).

### **Add requirements for findings on the record**

As noted above, Assem. Bill 2370; Stats. 2014, ch. 424 amended Government Code section 68561 to require specified findings be made on the record when an interpreter is used. CIAP recommends that rule 2.893 be amended to include these new requirements:

Subdivision (c) adds requirements for stating details on the record for the use of certified and registered interpreters, including the language to be interpreted, the interpreter's name, the interpreter's certification or registration number, a statement that the interpreter's identification has been verified, a statement that the interpreter is certified or registered to interpret in the language to be interpreted, and a statement that the interpreter was administered the interpreter's oath or has an oath on file with the court.

Subdivisions (d)(2)(D), (E), (F), and (G) add requirements for stating details on the record for the use of noncertified or nonregistered interpreters, including the name of the interpreter, that the interpreter is not certified or registered to interpret in the language to be interpreted, a finding that the interpreter is qualified to interpret in the proceeding as required under the provisional qualification or temporary-use guidelines, and a statement that the interpreter was administered the interpreter's oath.

### **Better distinguish between “provisionally qualified” and “temporary use”**

The adoption of new form INT-140, *Temporary Use of a Noncertified or Nonregistered Spoken Language Interpreter*, along with the restructuring of rule 2.893 and form INT-100-INFO, will help to clarify the requirements and limitations of a temporary use of an interpreter by defining the various types of interpreters and separately addressing their use. The text of the rule has been restructured to more clearly distinguish between provisional qualification and temporary use. Having two separate forms—one for the use of a provisionally qualified interpreter (form INT-110) and another for the temporary use of an interpreter (form INT-140)—will make it much easier for court staff to know which process to follow. In addition, each form cross-references the other. The form INT-140 process for the temporary use of an interpreter may be handled quickly in the courtroom for a single-use event, while the form INT-110 process is more involved and requires sign-off by the presiding judge.

### **Encourage prospective interpreters to become certified or registered**

The recommended changes to rule 2.893 and form INT-110 include modifications that will encourage noncertified or nonregistered interpreters to continue on the path toward certified or registered status and become more competent as a court interpreter while protecting the courts' ability to access interpreters in the most hard-to-find languages. Currently, interpreters are provisionally qualified for six-month periods, and the provisional qualification process is overseen by the presiding judge of the court. The current maximum number of six-month periods are shorter for Spanish than for other languages. This proposal would not change any of the maximums or their exceptions, but it would add new requirements for interpreters requesting a second or subsequent six-month qualification period:

- **Subdivision (f)(4).** This new subdivision includes the following requirements for interpreters requesting their second six-month period of provisional qualification:
  - Must take the State of California Court Interpreter Written Exam at least once in the 12 calendar months leading up to their appointment for a second six-month period;
  - Must have taken the State of California’s court interpreter ethics course for interpreters seeking appointment as a noncertified or nonregistered interpreter, or already be certified or registered in a different language from the one in which they are being appointed for a second six-month period; and
  - Must have taken the State of California’s online court interpreter orientation course, or be certified or registered in a different language from the one in which they are being appointed.
- **Subdivision (f)(5).** This new subdivision includes the following requirements for interpreters requesting their third or subsequent six-month period of provisional qualification:
  - Must have taken and passed the State of California Court Interpreter Written Exam; and
  - Must have taken either the Bilingual Interpreting Exam or the relevant Oral Proficiency Exam for their language pairing at least once during the 12 calendar months leading up to the appointment.

While the committee believes these changes may increase the number of interpreters who seek certified or registered status, instead of remaining long-term provisionally qualified interpreters, they remain very aware of court concerns about accessing interpreters in hard-to-find languages. Therefore, interpreters in very rare or hard-to-find languages will not be required to meet these additional requirements. Subdivision (f)(7) provides that interpreters in languages with fewer than 25 people on the Judicial Council’s master list of certified and registered interpreters (Master List) will not be subject to these new requirements. (For example, the requirements would currently apply to Spanish, Mandarin, Korean, French, Farsi, Vietnamese, and Russian interpreters, but would not apply to interpreters in very hard-to-find languages.) In addition, subdivision (f)(6) includes further protections to the supply of needed interpreters by carving out requirements related to taking the oral exams and by making clear that subdivision (f)(5)(b) will not apply to any interpreter who seeks appointment in a language pairing for which no exam is available. For example, this would currently apply to the Japanese-to-English pairing or to someone seeking appointment as a Spanish-to-indigenous language interpreter.

#### **Other changes to form INT-110**

Other recommended changes to form INT-110 include:

- Adding a check box to the first section of the form that an interpreter can use to indicate he or she works in a language, or language pairing, for which there is no testing.

- Adding items 2, 4(b) & (c); and 6(b) & (c) to help the court better assess an interpreter's preparations for court interpreting by looking at interpreter or translator credentials which the interpreter might hold and the time the interpreter has spent observing court, in legal training, working as an interpreter, or under the guidance of a certified or registered court interpreter mentor.
- Revising item 6(a) to include additional types of proceedings or events in which the interpreter may have worked during the previous six months.

## **Comments, Alternatives Considered, and Policy Implications**

### **External comments**

The proposal was circulated for public comment between February 27, 2017, and April 28, 2017. Eight separate comments were received, representing more than a dozen organizations and courts. Two courts submitted join comments but were listed separately on the comment chart. Four of the nine commentators agreed with the proposal, three of the commentators agreed with the proposal with certain amendments and two commentators did not indicate their position. CIAP considered the comments and provisions of the Language Access Plan and made limited revisions to the rule and its related forms, as they were proposed. A chart summarizing the comments and the committee's responses is attached at pages 33-61.

### ***One set of procedures to appoint interpreters in all case types***

Most commentators noted their overall support for the proposal, which makes it so that only one set of procedures will apply to all case types whether they be criminal, juvenile, or civil.

### ***Encourage prospective interpreters to become certified or registered***

Most commentators noted their support for attempts to encourage noncertified and nonregistered interpreters to take steps towards achieving certified or registered status. Although certain questions were raised about how processes would be carried out, commentators were hopeful that requirements to test, take ethics courses, and take orientation courses would result in more certified and registered interpreters. CIAP made a few minor technical corrections and added one clarifying instruction to the form INT-100-INFO.

### ***Length of provisional qualification periods***

In considering likely court concerns about how this revised process might discourage interpreters from working in the courts, the committee considered lengthening the six-month periods of provisional qualification. The invitation to comment specifically identified this as an alternative that had been considered by the committee.

Two court commentators suggested lengthening the period of provisional qualification for languages with fewer than 25 interpreters or where no exams were available in the interpreter's language pairing. CIAP discussed different lengths for different languages and felt strongly that introducing a different set of processes for different languages would create confusion and burden for the courts. Additionally, CIAP wanted to make sure that interpreters would continue

to meet the requirements not related to testing, such as ethics training and online orientation courses, without adding to the length of time with which those requirements could be met.

In the end, the committee chose to stay with the existing six-month periods and believes that the exemption to meeting the new requirements in subdivision (f)(7) of the rule will create sufficient safeguards for the courts.

### ***Requiring a database of provisionally qualified interpreters***

As the committee considered the possible impacts of multiple requirements spread over multiple six-month periods of provisional qualification, they discussed the idea of creating a database that could aid in tracking provisional qualification status. The invitation to comment specifically identified this as an alternative that had been considered by the committee.

All court commentators responded that the creation of a statewide database to assist with tracking provisionally qualified interpreters would be helpful to the courts.

While the committee believed such a database might be useful, it did not feel that centralized tracking was required and was concerned about delaying the needed changes to the rule and to forms INT-100-INFO and INT-110 to await the development of such a database. The committee believed that the period-tracking questions and the signature under penalty of perjury elements on form INT-110 would be sufficient to ensure courts were accessing interpreters in a manner consistent with the updated rule.

CIAP staff has been made aware of the perceived usefulness of such a database and will be able to consider implementation if this report's recommendations are accepted.

### ***The use of temporary interpreters***

One commentator, representing 16 legal services or legal aid organizations, specifically suggested defining the term "brief, routine matter" in order to restrict the use of temporary interpreters and provided draft language. CIAP discussed the suggestions in detail and decided the overall package of changes to the rule and its related forms, together with new committee advisory comments, provided sufficient safeguards and information to protect LEP court users, parties, and court interests, including providing access to justice. Additionally, CIAP determined that the need to leave room for judicial discretion to consider sometimes-complex situations and make case-specific decisions outweighed the benefits of a rigid definition. CIAP opted for the inclusion of additional advisory committee comments, which are included in the recommended rule. This decision was made by a subcommittee vote of four to two.

The same commentator suggested adding additional obligations for a "knowing and express" waiver when an LEP party would be moving forward without a certified, registered, or provisionally qualified interpreter. CIAP reviewed the requirements for reporting on the record that a waiver was required with the use of a temporary interpreter, researched original historical records about when the temporary interpreter language was first introduced, considered the entire



package of changes to the rule and its related forms—including the new on-the-record reporting requirements—and felt that sufficient safeguards were in place without the “knowing and express” language. This decision was made by a unanimous subcommittee vote of four to zero.

### **Internal comments**

CIAP staff had discussions with the staff of the Civil and Small Claims Advisory Committee and reported back to CIAP’s Language Access Subcommittee related to possible specific inclusion in the rule of language related to small claims cases. CIAP was advised that proposed legislation related to eliminating the exclusion of requirements for certified or registered interpreters in small claims cases was in draft mode, and waiting until after any future related legislation took effect would be more appropriate in trying to draft related changes to rule 2.893 at this time.

### **Alternatives Considered**

In addition to the alternatives considered in response to the public comments, several other alternatives were considered, as outlined below.

#### ***Establishing different provisional qualification standards for case types outside of criminal and juvenile***

The committee considered whether a different provisional qualification standard would be appropriate outside of the criminal and juvenile case types. In consideration of the Language Access Plan, which specifically recommended the same level of qualification for different case types (Recommendation 8), and because no compelling arguments to support different qualification standards were raised, the committee decided to modify the process to cover all case types.

#### ***Not clarifying the use of temporary interpreters***

The committee considered not making changes to rule 2.893 regarding the use of temporary interpreters. However, the committee believes the existing rule text creates significant confusion as to the applicability of form INT-110 when an interpreter is not going to be provisionally qualified. In the end, the committee determined that the recommended changes to the rule would provide the greatest clarity.

The committee considered making changes to the rule without creating the new form INT-140, which is specifically about one-time, temporary interpreters. The committee also considered modifying form INT-110 to have two sections: one related to provisional qualification and one related to temporary interpreters. After reviewing mockups of a split form INT-110, the committee determined that the greatest clarity is provided by the current recommendation for two separate forms; commentator response seemed to support this approach.

#### ***Not exempting interpreters who are provisionally qualified, or exempting interpreters when a number other than 25 are registered or certified in a language***

The committee discussed applying the same requirements for the second and subsequent six-month provisional qualification periods to all interpreters regardless of language. There were

concerns that courts would then face insurmountable barriers to providing language access in certain rarely used languages. Applying the same requirements for testing, orientation classes, and ethics courses to all interpreters—even those working in languages with very few interpreting resources—would likely create hardships for courts, especially smaller and more remote courts. The committee decided to create exemptions for such situations.

In determining how best to balance court interests in accessing interpreters in hard-to-find languages with encouraging interpreters to pursue certified and registered status, the committee considered both higher and lower thresholds for the exemption. Based on the 25-interpreter minimum, the committee reviewed which languages would currently be subject to the second and third or subsequent six-month period requirements for provisional qualification and decided 25 was the best cutoff point. With 25 as the cutoff, interpreters in very rare or hard-to-find languages would not be required to meet the additional requirements.

Prospective interpreters in languages with 25 or more interpreters on the Master List already have more preparation resources available to them, including training opportunities, the possibility of seeking out a mentor, and additional on-the-job or volunteer experience.

Articulating the various types of triggers for provisional qualification may encourage all prospective interpreters to pursue certified or registered status. The detailed requirements in updated form INT-110 create a clear roadmap for the types of preparation that can have the greatest potential to assist interpreters in passing the qualifying exams for certified and registered status.

### **Implementation Requirements, Costs, and Operational Impacts**

Implementation requirements, costs, and operational impacts are expected to be very limited. Commentators representing a number of courts around the state discussed implementation requirements, which included limited training needs and operational issues but none of them were presented as challenging. Commentators were divided as to whether or not 3.5 months would be sufficient time to implement the recommended changes. The Superior Court of Los Angeles County represents the largest court system in the state and submitted a comment that 3.5 months would be sufficient to implement the recommended changes. Other large courts, including Orange, Riverside, and San Diego suggested they might need six months to implement the recommended changes.

CIAP chose to move forward with a January 1, 2018 effective date and believes that is sufficient time for courts to implement the required changes. This is based on the premise that civil expansion is an idea that will be at least three years old by the effective date of the changes, the fact that the new form INT-140 does not create a new policy but only assists to clarify existing policies, as well as the Los Angeles court's positive view of the timeframe.

The Trial Court Presiding Judges/Court Executives Advisory Committees' Joint Rules Working Group reviewed the proposal and commented there would only be minor operational impacts but

believed certain modifications to the form INT-110 would assist interpreter coordinators around the state in their work and make it easier to define who is qualified when using a noncertified or nonregistered interpreter.

The recommended changes will require a limited amount of training. Impacts will most likely be concentrated on (1) the use of the new form INT-140, and (2) ensuring judicial officers and court staff are well-equipped to make appropriate decisions about the use of provisionally qualified versus temporary interpreters when a certified or registered interpreter is not available. Since the recommendation is introducing additional tools and clarification to help with existing policies, impacts are expected to be small.

### **Relevant Strategic Plan Goals and Operational Plan Objectives**

This proposal supports Goal I, Access, Fairness, and Diversity, of the Judicial Council’s strategic plan. This goal emphasizes that all persons will have equal access to the courts and court proceedings and programs, and that court procedures will be fair and understandable to court users. Equal access depends on being able to understand the proceedings. This rule and form proposal requires the court to inform the public about how to request an interpreter in civil matters and helps courts plan for the need to provide interpreters in specific court proceedings. The proposal is directly in line with policy statement 9 of Goal I, which raises the need to “[i]mplement, enhance, and expand multilingual and culturally responsive programs, including ... interpreter services.”

### **Attachments and Links**

1. New Cal. Rules of Court, rule 2.893, at pages 12–17
2. Repealed Cal. Rules of Court, rule 2.893, at pages 18–19
3. New Form INT-100-INFO, at pages 20–21
4. Revoked Form INT-100-INFO, at pages 22–24
5. Form INT-110, at pages 25–30
6. Form INT-140, at pages 31–32
7. Comment Chart, at pages 33–61

Rule 2.893 of the California Rules of Court is repealed and adopted, effective January 1, 2018, to read:

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

**(a) Application**

This rule applies to all trial court proceedings in which the court appoints an interpreter for a Limited English Proficient (LEP) person. This rule applies to spoken language interpreters in languages designated and not designated by the Judicial Council.

**(b) Definitions**

As used in this rule:

- (1) “Designated language” means a language selected by the Judicial Council for the development of a certification program under Government Code section 68562;
- (2) “Certified interpreter” means an interpreter who is certified by the Judicial Council to interpret a language designated by the Judicial Council under Government Code section 68560 et seq.;
- (3) “Registered interpreter” means an interpreter in a language not designated by the Judicial Council, who is qualified by the court under the qualification 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.;
- (4) “Noncertified interpreter” means an interpreter who is not certified by the Judicial Council to interpret a language designated by the Judicial Council under Government Code section 68560 et seq.;
- (5) “Nonregistered interpreter” means an interpreter in a language not designated by the Judicial Council who has not been qualified under the qualification procedures and guidelines adopted by the Judicial Council under Government Code section 68560 et seq.;
- (6) “Provisionally qualified” means an interpreter who is neither certified nor registered but has been qualified under the good cause and qualification procedures and guidelines adopted by the Judicial Council under Government Code section 68560 et seq.;

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

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

If a court appoints a certified or registered court interpreter, the judge in the proceeding must require the following to be stated on the record:

- (1) The language to be interpreted;
- (2) The name of the interpreter;
- (3) The interpreter’s current certification or registration number;
- (4) A statement that the interpreter’s identification has been verified as required by statute;
- (5) A statement that the interpreter is certified or registered to interpret in the language to be interpreted; and
- (6) A statement that the interpreter was administered the interpreter’s oath or that he or she has an oath on file with the court.

**(d) Appointment or use of noncertified or nonregistered interpreters**

- (1) *When permissible*  
If after a diligent search a certified or registered interpreter is not available, the judge in the proceeding may either appoint a noncertified or nonregistered interpreter who has been provisionally qualified under (d)(3) or, in the limited circumstances specified in (d)(4), may use a noncertified or nonregistered interpreter who is not provisionally qualified.

- (2) *Required record*  
In all cases in which a noncertified or nonregistered interpreter is appointed or used, the judge in the proceeding must require the following to be stated on the record:

(A) The language to be interpreted;

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

- 1  
2 (C) A finding that good cause exists to appoint a noncertified or  
3 nonregistered interpreter;  
4  
5 (D) The name of the interpreter;  
6  
7 (E) A statement that the interpreter is not certified or registered to interpret  
8 in the language to be interpreted;  
9  
10 (F) A finding that the interpreter is qualified to interpret in the proceeding  
11 as required in (d)(3) or (d)(4); and  
12  
13 (G) A statement that the interpreter was administered the interpreter's oath.  
14

15 (3) Provisional qualification  
16

- 17 (A) A noncertified or nonregistered interpreter is provisionally qualified if  
18 the presiding judge of the court or other judicial officer designated by  
19 the presiding judge:  
20  
21 (i) Finds the noncertified or nonregistered interpreter to be  
22 provisionally qualified following the *Procedures to Appoint a*  
23 *Noncertified or Nonregistered Spoken Language Interpreter as*  
24 *Either Provisionally Qualified or Temporary* (form INT-100-  
25 INFO); and  
26  
27 (ii) Signs an order allowing the interpreter to be considered for  
28 appointment on *Qualifications of a Noncertified or Nonregistered*  
29 *Spoken Language Interpreter* (form INT-110). The period  
30 covered by this order may not exceed a maximum of six months.  
31  
32 (B) To appoint a provisionally qualified interpreter, in addition to the  
33 matters that must be stated on the record under (d)(2), the judge in the  
34 proceeding must state on the record:  
35  
36 (i) A finding that the interpreter is qualified to interpret the  
37 proceeding, following procedures adopted by the Judicial Council  
38 (see forms INT-100-INFO, INT-110, and INT-120);  
39  
40 (ii) A finding, if applicable, that good cause exists under (f)(1)(B)  
41 for the court to appoint the interpreter beyond the time  
42 ordinarily allowed in (f); and

(iii) If a party has objected to the appointment of the proposed interpreter or has waived the appointment of a certified or registered interpreter.

(4) Temporary use

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

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

(i) 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 by the presiding judge as provided in (d)(3);

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

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

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

(e) **Appointment of intermediary interpreters working between two languages that do not include English**

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

1 **(f) Limit on appointment of provisionally qualified noncertified and**  
2 **nonregistered interpreters**  
3

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

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

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

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

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

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

32 (A) The interpreter has taken the State of California Court Interpreter  
33 Written Exam at least once during the 12 calendar months before the  
34 appointment;  
35

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



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

4  
5           (5) Beginning with the third six-month period under (f)(1), a noncertified or  
6           nonregistered interpreter may be appointed if he or she meets all of the  
7           following conditions:

8  
9           (A) The interpreter has taken and passed the State of California Court  
10           Interpreter Written Exam with such timing that he or she is eligible to  
11           take a Bilingual Interpreting Exam; and

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

16  
17           (6) The restrictions in (f)(5)(B) do not apply to any interpreter who seeks  
18           appointment in a language pairing for which no exam is available.

19  
20           (7) The restrictions in (f)(4) and (5) may be waived by the presiding judge for  
21           good cause whenever there are fewer than 25 certified or registered  
22           interpreters enrolled on the Judicial Council’s statewide roster for the  
23           language requiring interpretation.

#### 24 25                                   **Advisory Committee Comment**

26  
27           **Subdivisions (c) and (d)(2).** When a court reporter is transcribing the proceedings, or an  
28           electronic recording is being made of the proceedings, a judge may satisfy the “on the record”  
29           requirement by stating the required details of the interpreter appointment in open court. If there is  
30           no court reporter and no electronic recording is being made, the “on the record” requirement may  
31           be satisfied by stating the required details of the interpreter appointment and documenting them in  
32           writing—such as in a minute order, the official clerk’s minutes, a formal order, or even a  
33           handwritten document—that is entered in the case file.

34  
35           **Subdivision (d)(4).** This provision is intended to allow for the one-time use of a noncertified or  
36           nonregistered interpreter who is not provisionally qualified to interpret for an LEP person in a  
37           courtroom event. This provision is not intended to be used to meet the extended or ongoing  
38           interpretation needs of LEP court users.

39  
40           **Subdivision (b)(7) and (d)(4).** When determining whether the matter before the court is a “brief,  
41           routine matter” for which a noncertified or nonregistered interpreter who has not been  
42           provisionally qualified may be used, the judicial officer should consider the complexity of the  
43           matter at issue and likelihood of potential impacts on the LEP person’s substantive rights,  
44           keeping in mind the consequences that could flow from inaccurate or incomplete interpretation of  
45           the proceedings.

**Rule 2.893. Appointment of noncertified interpreters in criminal cases and juvenile delinquency proceedings**

**~~(a) Application~~**

~~This rule applies to trial court proceedings in criminal cases and juvenile delinquency proceedings under Welfare and Institutions Code section 602 et seq. in which the court determines that an interpreter is required.~~

**~~(b) Appointment of noncertified interpreters~~**

~~An interpreter who is not certified by the Judicial Council to interpret a language designated by the Judicial Council under Government Code section 68560 et seq. may be appointed under Government Code section 68561(c) in a proceeding if:~~

~~(1) Noncertified interpreter provisionally qualified~~

~~(A) The presiding judge of the court, or other judicial officer designated by the presiding judge:~~

~~(i) Finds the noncertified interpreter to be provisionally qualified following the *Procedures and Guidelines to Appoint a Noncertified Interpreter in Criminal and Juvenile Delinquency Proceedings (Designated Languages)* (form IN 100); and~~

~~(ii) Signs an order allowing the interpreter to be considered for appointment on *Qualifications of a Noncertified Interpreter* (form IN-110); and~~

~~(B) The judge in the proceeding finds on the record that:~~

~~(i) Good cause exists to appoint the noncertified interpreter; and~~

~~(ii) The interpreter is qualified to interpret the proceeding, following procedures adopted by the Judicial Council (see forms IN 100, IN 110, and IN 120).~~

~~(C) Each order of the presiding judge under (b)(1) finding a noncertified interpreter to be provisionally qualified and allowing the interpreter to be considered for appointment in a proceeding is for a six-month period.~~

~~(2) Noncertified interpreter not provisionally qualified~~

~~(A) To prevent burdensome delay or in other unusual circumstances, at the request of the defendant, or of the minor in a juvenile delinquency proceeding, the judge in the proceeding may appoint a noncertified~~

1 ~~interpreter who is not provisionally qualified under (b)(1) to interpret a~~  
2 ~~brief, routine matter provided the judge, on the record:~~

3 ~~(i) Indicates that the defendant or minor has waived the appointment of a~~  
4 ~~certified interpreter and the appointment of an interpreter found~~  
5 ~~provisionally qualified by the presiding judge;~~

6 ~~(ii) Finds that good cause exists to appoint an interpreter who is neither~~  
7 ~~certified nor provisionally qualified; and~~

8 ~~(iii) Finds that the interpreter is qualified to interpret that proceeding.~~

9 ~~(B) The findings and appointment under (b)(2)(A) made by the judge in the~~  
10 ~~proceeding are effective only in that proceeding. The appointment must not~~  
11 ~~be extended to subsequent proceedings without an additional waiver,~~  
12 ~~findings, and appointment.~~

## PROCEDURES TO APPOINT A NONCERTIFIED OR NONREGISTERED SPOKEN LANGUAGE INTERPRETER AS EITHER PROVISIONALLY QUALIFIED OR TEMPORARY

The court is required to appoint a certified or registered interpreter. If a certified or registered interpreter is not available, the court may **provisionally qualify** (Cal. Rules of Court, rule 2.893(d)(3)) or **temporarily use** an interpreter (Cal. Rules of Court, rule 2.893(d)(4)). *These procedures include **different instructions** for provisional qualification and temporary use.*

### How does the court appoint a potential noncertified or nonregistered interpreter?

- The court must determine if a certified or registered interpreter is expected to be available by reviewing and completing a *Certification of Unavailability of Certified or Registered Interpreter* (form **INT-120**). Form **INT-120** must be completed, signed, and filed on the day of the proceeding.
- The court must also determine if a noncertified or nonregistered interpreter is being temporarily used per rule 2.893(b)(7) and (d)(4), or if the interpreter needs to be provisionally qualified or is already provisionally qualified.

### What is the process for provisionally qualifying an interpreter?

- To provisionally qualify an interpreter, the presiding judge or judicial designee must review the declaration on *Qualifications of a Noncertified or Nonregistered Spoken Language Interpreter* (form **INT-110**) and sign the six-month Finding of Provisional Qualification and Order of the Presiding Judge.
- Requirements to provisionally qualify an interpreter are different during the first six-month period and subsequent six-month periods. The presiding judge or judicial designee should be careful to review whether the proposed interpreter has met those requirements under rule 2.893(f).

### What is the process for temporary use of an interpreter?

- After the interpreter has completed and signed the Temporary Interpreter Declaration on *Temporary Use of a Noncertified or Nonregistered Spoken Language Interpreter* (form **INT-140**), the judge must review and sign the Finding of Qualification for a Single Proceeding.
- A separate form **INT-140** must be completed for each language and each usage of an interpreter.
- The judge's finding must include that the Limited English Proficient (LEP) person has waived the appointment of a certified or registered interpreter.
- Form **INT-140** is intended for a single, brief appearance before the court and may not be extended to subsequent proceedings without completing a new form **INT-140**.

### What are the record-keeping requirements when using a noncertified or nonregistered interpreter?

- There are specific requirements as to **who** must make findings on the record and **what** details must be included whenever a noncertified or nonregistered interpreter is used. To learn more about these requirements in each situation, review rule 2.893(d)(2) and (d)(4)(A) of the California Rules of Court.
- File the completed *Certification of Unavailability of Certified or Registered Interpreter* (form **INT-120**) with the court on the day of the proceeding.
- Process the completed *Qualifications of a Noncertified or Nonregistered Spoken Language Interpreter* (form **INT-110**) in accordance with the court's record-keeping procedures.
- Retain the completed *Temporary Use of a Noncertified or Nonregistered Spoken Language Interpreter* (form **INT-140**) in the case file, unless *voire dire* is used.

**PROCEDURES TO APPOINT A NONCERTIFIED OR  
NONREGISTERED SPOKEN LANGUAGE INTERPRETER AS EITHER  
PROVISIONALLY QUALIFIED OR TEMPORARY**

**What does an interpreter need to do to become provisionally qualified?**

- Complete and sign under oath the *Qualifications of a Noncertified or Nonregistered Spoken Language Interpreter* (form **INT-110**) and submit it to the court.
- Renew the declaration in form **INT-110** after the first six months *if* the interpreter remains uncertified or unregistered and provisionally qualified.
- If seeking provisional qualification in additional six-month periods, the interpreter must take the written court interpreter exam, required ethics courses, and/or relevant bilingual interpreting or oral proficiency exams. These requirements are detailed in rule 2.893 of the California Rules of Court.

## PROCEDURES AND GUIDELINES TO APPOINT A NONCERTIFIED OR NONREGISTERED INTERPRETER IN CRIMINAL AND JUVENILE DELINQUENCY PROCEEDINGS

The court is required to appoint a certified interpreter to interpret a language designated by the Judicial Council (Gov. Code, section 68561) or a registered interpreter to interpret in a language not designated<sup>1</sup> by the Judicial Council. The court may appoint a noncertified interpreter *if* the court (1) on the record finds good cause to appoint a noncertified interpreter and finds the interpreter to be qualified and (2) follows the procedures adopted by the Judicial Council (Gov. Code, sections 68561(c), 68564(d) and (e); Cal. Rules of Court, rule 2.893). The court may appoint nonregistered interpreters only if (1) a registered interpreter is unavailable and (2) the good cause qualifications and procedures adopted by the Judicial Council under Government Code section 68561(c) have been followed. See Gov. Code, section 71802(b)(1) and (d).)

The following procedures are applicable in criminal proceedings and juvenile delinquency proceedings under Welfare and Institutions Code section 602 et seq.

### 1. The proposed interpreter:

- a. Completes and signs under oath the form *Qualifications of a Noncertified or Nonregistered Interpreter* (form INT -110).
- b. Files the form with the court administrator.
- c. Renews the declaration of *Qualifications of a Noncertified or Nonregistered Interpreter* after six months.

### 2. The court administrator or designee:

- a. Reviews the proposed interpreter's declaration on *Qualifications of a Noncertified or Nonregistered Interpreter*.
- b. Submits the proposed interpreter's declaration on *Qualifications of a Noncertified or Nonregistered Interpreter* to the presiding judge.
- c. Sends a current copy of the *Qualifications of a Noncertified or Nonregistered Interpreter* (signed by the presiding judge within the past six months) to the courtroom.
- d. Informs the presiding judge (form INT-110) whether the proposed interpreter is within or beyond the maximum provisional qualification period allowed by California Rules of Court, rule 2.893.
- e. On the day of the proceeding, completes, signs, and files with the court a *Interpreter* (form INT-120). *Certification of Unavailability of Certified or Registered*.
- f. Continues his or her efforts to obtain a certified or registered interpreter for the proceeding.

### 3. The presiding judge or judicial designee:

- a. Reviews the declaration on *Qualifications of a Noncertified or Nonregistered Interpreter*.
- b. May examine the proposed interpreter on his or her qualifications and may require additional information and documentation specified in the order.
- c. Signs the six-month "Finding of Provisional Qualification and Order of the Presiding Judge" (form INT-110, p.4), if the presiding judge finds the proposed interpreter to be provisionally qualified to interpret in the court in the language specified.
- d. Renews the "Finding of Provisional Qualification and Order of the Presiding Judge" after six months, *if* the interpreter remains uncertified or unregistered and provisionally qualified.
- e. Makes a finding of good cause to allow a noncertified or nonregistered interpreter to interpret beyond the maximum provisional qualification period allowed by California Rules of Court, rule 2.893 (see form INT-110, p.4).

<sup>1</sup> Languages are designated by the Judicial Council under Government Code section 68562.

## PROCEDURES AND GUIDELINES TO APPOINT A NONCERTIFIED OR NONREGISTERED INTERPRETER IN CRIMINAL AND JUVENILE DELINQUENCY PROCEEDINGS

### 4. Judge at the proceeding:

- a. May review the *Qualifications of a Noncertified or Nonregistered Interpreter* (form INT -110) of the proposed interpreter.
- b. May examine the proposed interpreter on his or her qualifications to interpret in the proceeding and may require additional information and documentation.
- c. Makes a finding on the record that good cause exists to use the noncertified or nonregistered interpreter.
- d. If applicable, finds on the record that good cause exists under California Rules of Court, rule 2.893 to appoint a noncertified or nonregistered interpreter who has exceeded the provisional qualification periods allowed by rule 2.893.
- e. Finds on the record that the proposed interpreter is qualified to interpret the proceeding.
- f. Continues the proceeding until a certified, registered, or better-qualified interpreter is available.
- g. **OR** Informs the parties on the record that the proposed interpreter is not certified or registered.
- h. May request a stipulation or waiver from the parties on the record to the appointment of the noncertified or nonregistered interpreter.
- i. Rules on any objection to the appointment of the noncertified or nonregistered interpreter.
- j. Appoints the proposed noncertified or nonregistered interpreter to interpret in the proceeding and may appoint the interpreter to remain in the proceeding on subsequent days.

### 5. Courtroom clerk:

- a. Retains in the courtroom the interpreter's *Qualifications of a Noncertified or Nonregistered Interpreter*.
- b. Records in the docket or minute order the information required by California Rules of Court, rule 2.893 as follows:
  - (1) The name of the interpreter;
  - (2) The language to be interpreted;
  - (3) The fact that the interpreter was administered the interpreter's oath;
  - (4) The fact that the interpreter is not certified or registered to interpret in the language to be interpreted;
  - (5) Whether a *Certification of Unavailability of Certified or Registered Interpreters* for the language to be interpreted is on file for this date with the court administrator;
  - (6) The court's finding that good cause exists for the court to appoint a noncertified or nonregistered interpreter;
  - (7) The court's finding that the interpreter is qualified to interpret in the proceeding;
  - (8) If applicable, the court's finding under rule 2.893 that good cause exists for the court to use a noncertified or nonregistered interpreter beyond the time allowed in rule 2.893; and
  - (9) If applicable, the objection or waiver of the defendant or minor under rule 2.893.

**PROCEDURES AND GUIDELINES TO APPOINT A NONCERTIFIED OR  
NONREGISTERED INTERPRETER  
IN CRIMINAL AND JUVENILE DELINQUENCY PROCEEDINGS**

**INSTRUCTIONS FOR THE COURT'S FINDING OF GOOD CAUSE AND APPOINTMENT  
OF NONCERTIFIED OR NONREGISTERED INTERPRETER**

Before the court appoints a noncertified or nonregistered interpreter, the court must make a good-cause finding on the record at the beginning of the proceeding (Gov. Code, sections 68561(c), 71802(b)(1) and (d)). The appointment and finding below states the elements required.

The court appoints the noncertified or nonregistered interpreter to interpret the stated language in the proceeding on today's date. *(At the discretion of the court, this interpreter may remain on a particular matter begun on today's date.)*

The court finds good cause to appoint the interpreter based on the certification of the interpreter coordinator<sup>2</sup> of his or her efforts to obtain an interpreter and that a certified or registered court interpreter is not available. The coordinator's certification is on file.

The court finds the noncertified or nonregistered interpreter to be qualified to interpret in this proceeding based on (1) the interpreter's declaration of qualifications to the presiding judge and (2) the presiding judge's order provisionally qualifying the interpreter, which are on file with the court administrator, and *(optional)* (3) this court's examination in this proceeding of the interpreter.

The appointed interpreter *(choose one)*:

1. has **not** been appointed by any trial court beyond the period specified in California Rules of Court, rule 2.893 **-OR-**
2. has been appointed by a trial court beyond the period specified in California Rules of Court, rule 2.893, and the court finds good cause exists under rule 2.893 to continue using the interpreter.

---

<sup>2</sup> Person who is responsible for assigning interpreters to a court.



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

**QUALIFICATIONS OF A NONCERTIFIED OR NONREGISTERED SPOKEN LANGUAGE INTERPRETER**

This form is used to appoint a PROVISIONALLY QUALIFIED interpreter for a 6-month period under rule 2.893(d)(4), in one language.  
**If you are using a temporary interpreter in a single brief appearance only, use form INT-140.**

**LANGUAGE** (list only one)
**Mark which 6-month period applies to this interpreter:**
☐ 1st
 ☐ 2nd
 ☐ 3rd
 ☐ 4th
 ☐ 5+

☐ Within the period allowed by Cal. Rules of Court, rule 2.893

☐ Beyond the period allowed by Cal. Rules of Court, rule 2.893

Please mark all that apply:

- ☐ Designated language: noncertified interpreter  
☐ Nondesignated language: nonregistered interpreter  
☐ Provisionally qualifying for a 6-month period

☐ Language with no certified or registered status available, either not working from English to another language (relay interpreter) or no certified exam available in the language pairing

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 appointed to interpret the stated language.

**1. Previous provisional qualification periods (since January 1996)**

- a. Since January 1, 1996, have you been provisionally qualified by a presiding judge in this court or any other court under Cal. Rules of Court, rule 2.893? (A period may not exceed 6-months. See also p. 5):

☐ No

☐ Yes. For each period state:

Beginning date: Court:

Beginning date: Court:

Beginning date: Court:

Beginning date: Court:

☐ See attachment (for additional information)

- b. Since January 1, 1996, have you interpreted in any court without being provisionally qualified?

☐ No ☐ Yes (explain, giving court names and dates):
**2. Interpreter and translator credentials**

Please list the two most relevant interpreter or translator credentials you currently hold, and which 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; etc.):

Credential name:

ID #:

Language pair:

Date of initial credential:

Credential name:

ID #:

Language pair:

Date of initial credential:

INTERPRETER (name):

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

- a. Have you taken the State of California Written Exam, Bilingual Interpreting Exam (BIE), or the Oral Proficiency Exam in English (OPE) and/or in the other language to be interpreted? Certain examination requirements apply after the first 6-month period of provisional qualification (See page 5). (list all exams, date taken, and results):

☐ None taken

☐ Yes (fill in below):

Exam/language: (date): What were the results?

Exam/language: (date): What were the results?

Exam/language: (date): What were the results?

Exam/language: (date): What were the results?

☐ See attachment (for additional information)

- b. 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

- c. 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

- d. 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:

☐ Consecutive ☐ Simultaneous ☐ Sight translation

☐ Other (specify):

What languages?

When were you evaluated?

What were the results?

Which authority evaluated your skills?

**4. Interpreting and translation training**

- a. Institutions attended:

Year:

Year:

Year:

- b. Court interpreting observation (please 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 2 years

(2) ☐ 80 or more hours of training in legal interpreting in the last 4 years

(3) ☐ Less legal training than either (1) or (2) during the identified time period

**5. Teaching experience**

Do you have any language teaching experience? ☐ Yes ☐ No

If yes, which languages?

At what levels?

INTERPRETER (name):

## 6. 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 6 months for each type:

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 list (medical, business, education, community, other):

Number of events interpreted in the last 6 months:

Is your role as an interpreter compensated? ☐ Yes ☐ No

Approximate number of total days:

What languages?

Which modes of interpreting did you employ? (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

## 7. Translation

- a. Do you have any experience in written translation? ☐ Yes ☐ No

- b. List types of documents:

- c. What languages?

## 8. Code of professional conduct/ethics (Cal. Rule of Court, rule 2.890)

- a. Have you had any training in professional ethics for court interpreters? ☐ Yes ☐ No

Please explain:

- b. Have you taken the State of California's court interpreter ethics course for interpreters seeking provisional qualification?

☐ Yes (date): ☐ No

(Required after the first 6-month period of provisional qualification unless you are certified or registered in a different language.)

- c. Do you have a copy of the Standards of Professional Conduct for Court Interpreters? ☐ Yes ☐ No

- d. Have you read, do you understand, and will you abide by the Standards of Professional Conduct for Court Interpreters?

☐ Yes ☐ No

## 9. Training in legal terminology

What training have you received in California legal terminology as required by Government Code section 68564?

INTERPRETER (name):

### 10. Orientation to court interpreting

- 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. Have you taken the Judicial Council's online court interpreter orientation course? ☐ Yes (date): ☐ No

(Required after the first 6-month period of provisional qualification unless you are certified or registered in a different language.)

### 11. General education

Highest level degree attained:

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

Name of institution:

Degree awarded: Year: Major:

Degree awarded: Year: Major:

### 12. Language training

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

- b. How did you learn the language to be interpreted?

- c. In which languages were you educated?

Language (specify):	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):

### 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

Please provide detail:

- 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:

INTERPRETER (name):

### INTERPRETER'S DECLARATION

Once an interpreter is provisionally qualified in one court, the relevant 6-month period applies to all courts. Please complete this declaration based on the timing of your provisional qualification status in any California trial court.

(Check all that apply)

1. ☐ I am unable to become certified or registered because there are no exams in my language pairing.
2. ☐ I am 18 years of age or older.
3. ☐ I have **never** been provisionally qualified or appointed to interpret in any trial court under California Rules of Court, rule 2.893.
4. ☐ I have been provisionally qualified in a different court, and I am currently in my first 6-month period of provisional qualification with any California trial court.
5. ☐ I am in my second or subsequent 6-month period of provisional qualification, and I have met the specific testing and course requirements required under rule 2.893(f)(4) or (5).
6. ☐ **Noncertified interpreters only**

I have been provisionally qualified or appointed to interpret in the trial courts under California Rules of Court, rule 2.893, AND

- a. ☐ I have **not** exceeded any of the provisional qualification periods stated below (see Cal. Rules of Court, rule 2.893).

- (1) Two 6-month periods for noncertified Spanish interpreters in counties with a population greater than 80,000.
- (2) Four 6-month periods for noncertified Spanish interpreters in counties with a population less than 80,000.
- (3) Four 6-month periods for noncertified interpreters of designated languages other than Spanish.

- b. ☐ I have exceeded the provisional qualification periods specified in California Rules of Court, rule 2.893.

7. ☐ **Nonregistered interpreters only**

I have been provisionally qualified or appointed to interpret in the trial courts under California Rules of Court, rule 2.893, AND

- a. ☐ I have **not** exceeded any of the provisional qualification periods stated below (see Cal. Rules of Court, rule 2.893):

- (1) Four 6-month periods for nonregistered interpreters.

- b. ☐ I have exceeded the provisional qualification periods specified in California Rules of Court, rule 2.893.

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)

INTERPRETER (name):

**PROVISIONAL QUALIFICATION and ORDER OF THE PRESIDING JUDGE**

(Gov. Code, §§ 68561(c) & (d), 68564(d) & (e), and 71802(b)(1) & (d))

1. **Interpreter (name):**
2. **Language:**
3. **Finding:** For six months from the date of this order, the above-named interpreter is found to be provisionally qualified to be considered for appointment to interpret the language specified in any proceeding in this court, and
  - a. ☐ has not exceeded the provisional qualification periods specified in California Rules of Court, rule 2.893.
  - b. ☐ has exceeded the provisional qualification periods specified in California Rules of Court, rule 2.893, but good cause exists under rule 2.893 to continue appointing the interpreter.
  - c. ☐ is in their second or greater 6-month provisional qualification period and has met any applicable testing or course requirements as specified in California Rules of Court, rule 2.893(f)(4) or (5).
  - d. ☐ is in their second or greater 6-month provisional qualification period and has not met any applicable testing or course requirements as specified in California Rules of Court, rule 2.893(f)(4) or (5), but good cause exists under rule 2.893 to continue appointing the interpreter.
4. THE COURT ORDERS that the above-named interpreter may be considered for appointment by any judge of this court to interpret the specified language in any proceeding for which the judge in the proceeding finds the interpreter to be qualified. **This order expires six months from the date of signature.**

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

☐ PRESIDING JUDGE

☐ DESIGNATED JUDICIAL OFFICER

INTERPRETER NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: WORK NO. : E-MAIL ADDRESS:	FOR COURT USE ONLY (FILE WITH THE COURT ADMINISTRATOR)
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	DRAFT: NOT APPROVED BY THE JUDICIAL COUNCIL
<b>TEMPORARY USE OF A NONCERTIFIED OR NONREGISTERED          SPOKEN LANGUAGE INTERPRETER</b>	CASE NUMBER:
This form is used to establish the qualifications of a TEMPORARY INTERPRETER for the proceeding listed below. Temporary interpreters under Cal. Rules of Court, rule 2.893(d)(4) may be used in brief appearances such as to set a continued hearing date. <b>To appoint a provisionally qualified interpreter for a 6-month period, use form INT-110.</b>	

**LANGUAGE** (*list only one*):

**DATE OF PROCEEDING:**

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 temporary interpreter should be considered by the court to determine whether the interpreter may be used to interpret the stated language in the proceeding above.

**1. General education**

Highest level degree attained:

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

Name of institution:

Degree awarded: Year: Major:

Degree awarded: Year: Major:

**2. Language training**

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

b. How did you learn the language 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*):

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:
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### 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 A SINGLE PROCEEDING (Cal. Rules of Court, rule 2.893(d)(4))

1. **Finding: Under Cal. Rules of Court, rule 2.893(d)(4), good cause exists to use** the above-named temporary interpreter, who is found to be qualified to interpret THE PROCEEDING LISTED ABOVE and not for a 6-month period.

Additionally, the judge has indicated on the record that **the limited English proficient (LEP) person has waived the appointment of a certified, registered, or provisionally qualified interpreter.**

2. THE COURT ORDERS that the above-named individual may be used to interpret the specified language for which the judge in the proceeding finds the temporary interpreter to be qualified. **This order expires at the conclusion of the listed proceeding.**

Date:

	▶	
(TYPE OR PRINT NAME)		<input type="checkbox"/> JUDGE OF THE SUPERIOR COURT



## SPR17-20

**Court Interpreters: Noncertified and Nonregistered Spoken Language Interpreter Qualifications** Repeal and adopt Cal. Rules of Court, rule 2.893; revoke and adopt form INT-100-INFO; revise form INT-110; and adopt form INT 140

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

	Commentator	Position	Comment	Committee Response
1.	Carolyn Kim on behalf of: Asian Americans Advancing Justice – Los Angeles (Carolyn Kim) Asian Americans for Community Involvement (Melissa Luke) Asian Law Alliance (Richard Konda) Asian Pacific Islander Legal Outreach (Arati Vasan) California Rural Legal Assistance (Michael Meute) Center for the Pacific Asian Family (Debra Suh) Child Care Law Center (Patti Prunhuber) Kids in Need of Defense (Cory Smith) Korean Resource Center (Jenny Seon) Korean American Family Services (Connie Chung Joe) Law Foundation of Silicon Valley (Hilary Armstrong) Legal Aid Association of California (Salena Copeland) Legal Aid Foundation of Los Angeles (Joann Lee) Los Angeles Center for Law and Justice (Michelle Carey) San Diego Volunteer Lawyer Program (Amy Fitzpatrick) Thai Community Development Center (Panida Rzonca)	NI	<p>To Whom It May Concern:</p> <p>We are writing on behalf of the undersigned groups to provide public comment to the Judicial Council as it considers changes to the rules and forms related to provisional qualification and temporary use of noncertified and nonregistered interpreters. Thank you for considering our comments regarding the effects of these proposed changes on California's Limited English Proficient (LEP) litigants.</p> <p><b>I. Inclusion of all case types when provisionally qualifying interpreters</b></p> <p>In light of the courts' welcome expansion of interpreters into all case types and the critical importance to California's court users of ensuring interpreter qualifications in all matters, we support the application of provisional qualification procedures for noncertified and nonregistered interpreters to all case types. In particular, we support the proposed change to California Rule of Court 2.893 to ensure that process and guidelines for provisional qualification of noncertified and nonregistered interpreters are the same for criminal and civil cases. The maintenance of two separate systems or standards for provisional qualification in civil and criminal matters would be confusing and inefficient for court staff and interpreters and would likely lead to unequal outcomes in terms of access for LEP litigants depending on the case type.</p>	<p>The committee notes the commentator's support for the proposal. No response required.</p>

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	Commentator	Position	Comment	Committee Response
			<p><b>II. Distinction between “provisional qualification” and “temporary use”</b></p> <p>We also welcome the Judicial Council’s efforts to clarify and limit the role of “temporary use” interpreters through the proposed restructuring of rule 2.893 and the proposed modification of form INT-110 (for the use of a provisionally qualified interpreter) and adoption of INT-140 (for the temporary use of an interpreter), with an important caveat.</p> <p>The use of a qualified interpreter in all proceedings is the only way to fully ensure that an LEP court user’s language access rights are protected. The use of anyone other than a certified, registered, or provisionally qualified interpreter to provide language assistance in any proceeding before the court raises serious access concerns for the LEP litigant. However, we also understand that in occasional, exceptional circumstances, a court user may wish to proceed on a one-time basis without a certified, registered or provisionally qualified interpreter, and there should be procedures in place to allow for the appointment of a temporary use interpreter in such rare cases.</p> <p>Proposed rule 2.893(d)(4) permits the temporary use of an individual who is not certified, registered, or provisionally qualified to interpret in a “brief, routine matter” if certain conditions</p>	<p>CIAP agrees that clarifying the distinction between <i>provisional qualification</i> and <i>temporary use</i> will be helpful to both the courts and the LEP court users, and agrees that the adoption of the INT-140 will be critical in the clarification process.</p> <p>CIAP also agrees that an additional advisory committee note could be helpful in explaining the use of temporary interpreters is not intended as an ongoing method of doing business for the courts but may be required upon consideration of a number of factors, and when certified, registered or provisionally qualified interpreters are not available. CIAP has included a note to that effect.</p> <p>CIAP disagrees that a very specific definition of “brief, routine matter” is necessary and instead continues to find it is critical to allow for judicial officer discretion on a case-by-case basis, for one</p>

## SPR17-20

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	Commentator	Position	Comment	Committee Response
			<p>are met. We strongly recommend that “brief, routine matter” be defined or clarified in the proposed rule to avoid the potential overuse of this process. There is an understandable temptation for judicial officers and court staff to opt for the most streamlined process available, so safeguards must be in place to ensure that the definition of what is brief and routine does not expand into areas with potentially serious impacts on the substantive rights of LEP court users.</p> <p>We propose that the “brief, routine matters” referenced in the rule be limited to courtroom events that do not involve testimony or cross-examination, that typically last less than ten minutes, and that are not complex. This description should be included in the definition section or as an Advisory Committee Note to the proposed rule. A revision or Advisory Committee Note should include examples where a “temporary use” interpreter would be permitted, i.e., where the likelihood of potential impacts on an LEP litigant’s substantive rights is lowest. One example of such an event would be the continuance of proceedings in order to locate a certified, registered, or provisionally qualified interpreter.</p> <p>We welcome the requirement in proposed rule 2.893(d)(4) that the LEP person make a</p>	<p>event only, as indicated in proposed Rule 2.893 and its expanded advisory committee comment together with the new INT-140 form.</p> <p>In order to maintain this critical judicial officer discretion, such as what might be required to implement a Temporary Restraining Order (TRO) for a limited number of days, even while <i>not</i> implementing one for a longer period of time, based on testimony facilitated by a temporary interpreter, it is imperative that blanket exclusions not be included in the rule or its definitions.</p> <p>CIAP specifically disagrees with adding an obligation for a knowing waiver, because CIAP</p>

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**Court Interpreters: Noncertified and Nonregistered Spoken Language Interpreter Qualifications** Repeal and adopt Cal. Rules of Court, rule 2.893; revoke and adopt form INT-100-INFO; revise form INT-110; and adopt form INT 140

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	Commentator	Position	Comment	Committee Response
			<p>knowing waiver of a certified, registered, or provisionally qualified interpreter before someone without these qualifications is permitted to interpret. We recommend that 2.893(d)(4)(A)(i) be amended to read: “The LEP person has been informed of his or her right to, and has waived the appointment of a certified or registered interpreter or an interpreter who could be provisionally qualified by the presiding judge as provided in (d)(3).” This would clarify that the LEP litigant in fact has the right to an interpreter with the stated qualifications, not just that one could be made available, a critical distinction that would help communicate the importance of the waiver to the LEP litigant.</p> <p>We appreciate the Judicial Council’s efforts to improve access to interpreters for LEP court</p>	<p>believes the existing obligations to inform the LEP person and include the related court activity on the record is sufficient.</p> <p>However, CIAP has made clarifications to the structure of related waiver provisions for both temporary use and provisionally qualified interpreters, in order to help clarify what is required. CIAP reviewed the initial introduction to the rule of temporary use/temporary interpreter language in 1997 and believes the current proposal, which includes requirements to inform court users of a right to an interpreter and requirements to put any related waiver on the record.</p> <p>CIAP believes that the newly proposed struction for the rule (moving proposed section (d)(5) up to section (3)(B)(iii) clarifies that when the court is appointing a provisionally qualified interpreter, the affected court user may object to the appointment or waive their right to a certified or registered interpreter, while distinguishing that in case of the use of a temporary interpreter, the court may only go forward if the LEP court user has in fact waived their right to a certified, registered or provisionally qualified interpreter. In both cases whatever actions take place, the court must include them on the record.</p> <p>The committee notes the commentator’s support for the proposal, No response required.</p>

## SPR17-20

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	Commentator	Position	Comment	Committee Response
			users in all case types. We believe that the above recommendations will enhance the courts' ability to protect the rights and interests of LEP court users in California to ensure that uniformly high quality language services are delivered in all court proceedings.	
2.	Orange County Bar Association Michael L. Baroni President	A	The proposal does appropriately address the four stated purposes.	The committee appreciates this information.
3.	State Bar of California, Standing Committee on the Delivery of Legal Services Sharon Djemal Chair, Office of Legal Services Standing Committee on the Delivery of Legal Services (SCDLS)	A	<p><b>Does the proposal appropriately address the stated purpose?</b> Yes.</p> <p><b>Does the proposal appropriately address the four stated purposes?</b> Yes, however SCDLS is concerned about how courts that need interpretation will vet provisional or temporary use interpreters.</p> <p><b>Does it also appropriately address the stated purpose of encouraging interpreters to pursue certified or registered status without making it unduly difficult for courts to get interpreters in hard-to-find, other-than-Spanish languages?</b> Yes, when provisional status expires, interpreters will want to pursue certified or</p>	<p>The committee appreciates this information.</p> <p>CIAP believes that the additional questions in the INT – 110 will provide courts with a better roadmap of what to look for in a provisionally qualified interpreter. CIAP also believes a more clear separation of types of interpreter, through the addition of the INT – 140 form and the restructuring of Rule 2.893 will also help clarify what is, or is not, required for a temporary interpreter.</p> <p>The committee appreciates this information.</p>

## SPR17-20

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	Commentator	Position	Comment	Committee Response
			<p>registered status to continue to be contracted with the court.</p> <p><b>Does the length of the individual provisional qualification periods seem too short, too long, or just right?</b>  The length seems too short depending on the court's calendar. A provisional interpreter may only be called upon a few times every six months. In that situation, being a provisional interpreter may not be worthwhile.</p> <p><b>Additional comments</b>  SCDLS suggests that with respect to temporary use interpreters, it would be helpful to specify what types of cases the temporary use interpreter can appear in such as a calendar hearing, hearing on merits of a case, etc.</p> <p>In the rare instance that a court certified interpreter is not available because none exist in a particular language, it would be helpful if the courts have a defined system to vet provisional interpreters. Such a system could help reduce or avoid rescheduled court proceedings.</p> <p>Maintaining a database of provisional interpreters may be challenging. Since the provisional status is temporary for six months, it</p>	<p>CIAP disagrees that the six-month period of provisional qualification is too short. The goal of provisional qualification is not for an interpreter to be used many times, but rather to only be used when a court is not able to find a certified or registered interpreter.</p> <p>CIAP disagrees that providing a list of specific types of cases is necessary and instead continues to find it is critical to allow for judicial officer discretion on a case-by-case basis, for one event only, as indicated in proposed Rule 2.893, CIAP's expanded advisory committee comment and the new INT – 140 form. The INT – 140 form provides the limited example of a continuance on its first page just below the header.</p> <p>CIAP believes that the INT-100, INT-100 and INT-140 forms, together with the underlying Rule 2.893 provide a system to help courts vet potential interpreters when certified and registered interpreters are not available.</p> <p>CIAP will pass along the suggestion to Judicial Council staff regarding future development of a database of provisionally qualified interpreters.</p>

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	Commentator	Position	Comment	Committee Response
			<p>is possible that by the time the interpreter is needed, their status is already expired, or the court will not be able to determine whether or not the provisional interpreter is competent to interpret within the six month period. An interpreter that is not competent may waste the court's time and resources because the court will be billed for interpreter services and at the same time may have to continue hearings because interpretation is not adequate. And while the proposal will allow limited and non-English speakers to have interpretation, it is uncertain how well suited or competent the interpreter will be as the provisional or temporary interpreter does not need to pass the certification exams. Legal aid and pro bono legal services organizations serving higher populations of limited and non-English speakers will also be impacted.</p> <p>It is somewhat ambiguous as to what languages will be considered rare and not require a court certified interpreter. Please refer to the Strategic Plan for Language Access in the California Courts adopted by the Judicial Council in 2015 as there is good information on this topic.</p>	
4.	Superior Court of California, County of Los Angeles	A	<p><b>Does the proposal appropriately address the four stated purposes?</b></p> <p>Yes.</p>	The committee appreciates this information.

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	Commentator	Position	Comment	Committee Response
			<p><b>Does it also appropriately address the stated purpose for encouraging interpreters to pursue certified or registered status without making it unduly difficult for courts to get interpreters in hard-to-find, other-than-Spanish languages?</b></p> <p>Not necessarily. At Los Angeles Superior Court we currently require our provisionally qualified interpreters to renew their status every six months. We speak with them upon first contact and continually throughout the six months encouraging them to seek certified/registered status. Many times they cannot find a proper language school (Armenian, Arabic, etc.) or simply cannot afford the process. Additionally, the JCC does not regularly offer testing in the target languages and many independent contractors can make more money in the private sector.</p> <p><b>What would implementation requirements be for courts?</b></p> <p>1. Bench officer training on new requirements prior to implementation of INT-140</p> <ul style="list-style-type: none"><li><input type="checkbox"/> 600 bench officers</li><li>o Supervising Judges communication</li><li><input type="checkbox"/> Temporary judge program</li><li>o Update TJP training material</li><li>o Send communication re changes via email</li><li><input type="checkbox"/> Revise and provide Bench Card for Judges – Working with Court Interpreters</li></ul> <p>2. Courtroom Staff training on process of INT-</p>	<p>CIAP shares the concern that training in other-than-Spanish (OTS) languages may have limited availability; however, training workshops are available in many languages and language – neutral trainings are increasing.</p> <p>CIAP believes that the carve-out for languages with fewer than 25 interpreters who are certified or registered will protect interpreters who may have the most difficulties in this regard.</p> <p>CIAP also believes that demand drives the market. If interpreters feel encouraged or are required to get training, this will improve the market availability of training in certain languages.</p> <p>The committee appreciates this information.</p>



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	Commentator	Position	Comment	Committee Response
			<p>140 vs. INT 110</p> <ul style="list-style-type: none"><li><input type="checkbox"/> 550 courtrooms</li><li><input type="checkbox"/> 700 judicial assistants</li><li><input type="checkbox"/> Email/staff communication meeting</li></ul> <p>3. Court wide advisement to management and staff</p> <ul style="list-style-type: none"><li><input type="checkbox"/> Revision of Guide for Judicial Assistants – Working with Court Interpreters in the Courtroom</li></ul> <p>4. Docket entry language change in CMS</p> <p><b>Would 3.5 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</b></p> <p>Yes.</p> <p><b>Would a database of provisionally qualified interpreters available only to the courts (and not outside stakeholders who also use California’s certified and registered interpreters) be useful to your court? (Note: Such a database may be developed in the future, but is not a part of this proposal.)</b></p>	<p>The committee appreciates this information.</p> <p>CIAP will pass along the suggestion to Judicial Council staff regarding future development of a database of provisionally qualified interpreters.</p>
5.	Superior Court of California, County of Orange <sup>1</sup>	A	<p><b>Does the proposal appropriately address the four stated purposes?</b></p> <p>See response to #2</p>	<p>See below</p>

<sup>1</sup> The Superior Court of California, Counties of Orange and Riverside submitted comments jointly, however because their positions were different overall, and related to specific issues, we have included them here as separate commentators.

## SPR17-20

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			<p><b>Does it also appropriately address the stated purpose of encouraging interpreters to pursue certified or registered status without making it unduly difficult for court to get interpreters in hard-to-find, other-than-Spanish languages?</b></p> <p>This proposal may not encourage interpreters to pursue certified or registered status because the amendments mainly affect interpreters who are in the group in which language pairings do not have exams available (e.g. Japanese) or there are fewer than 25 certified or registered interpreters enrolled on the Judicial Council's statewide roster for the language requiring interpretation (e.g. Tagalog) and therefore the requirements can be waived.</p> <p>Also, our Court requests clarification on the following: • For interpreters who have been provisionally qualified prior to implementation of the amendment, would the time periods start over or continue counting by next in order? • What are the consequences to interpreters who do not comply with the requirements? • Could the trial courts still hire and provisionally qualify interpreters who attempted to pass the bilingual interpreting exam, but did not pass?</p>	<p>CIAP believes that the various requirements will still motivate interpreters by providing them with a roadmap of the kinds of activities that will better prepare them to be a court interpreter such as taking the online orientation class and preparing for and attempting to pass the exams. So even if an interpreter works in a language which is exempted from the requirements, they will still see those requirements when signing an INT- 110 and be able to review the INT- 110 and have an idea of what they should be doing to better prepare themselves.</p> <p>Additionally, while courts are not required to do so, they may request that certain repeating provisionally qualified interpreters (working in exempted languages) take steps to show their commitment to the interpreting profession and to bettering themselves as interpreters. As an example, a court may require a provisionally qualified interpreter who works in an exempted language to take the online orientation course, even though they are not required to do so.</p> <p>CIAP believes that in order to make sure everyone has the proper notice, a court does not need to</p>

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			<p><b>Does the length of the individual provisional qualification periods seem too short, too long, or just right?</b></p> <p>The length of provisional qualification periods seems appropriate for those interpreters who should obtain registered/certified status. However, our court would recommend extending the time frame to 1 year or until such time as an exam becomes available for those interpreters who cannot become registered/certified (e.g. interpreters who seek appointment in a language pairing for which no exam is available). For interpreters who work in language pairings for which there are fewer than 25 certified or registered interpreters enrolled on the Judicial Council’s master list, the qualification periods are appropriate. Our Court also requests clarification on the following: “(f)(3) If an interpreter is provisionally qualified under (d)(3) in more than one court at the same time, each six-month period runs concurrently for purposes of determining the maximum periods allowed in this subdivision.”</p> <ul style="list-style-type: none"> <li>• What if the courts do not provisionally qualify the interpreter on the same date?</li> <li>• Does this extend the date to when the last</li> </ul>	<p>begin counting the first provisional qualification period until after Rule 2.893 has been repealed and replaced.</p> <p>CIAP disagrees with extending the timeframe to one year for interpreters that do not have an exam available in their language pairing. CIAP believes the shorter timeframe will encourage interpreters to meet other ongoing requirements for ethics or taking the online orientation workshop. Additionally, it may be too difficult to manage separate time requirements for different languages.</p> <ul style="list-style-type: none"> <li>• Courts do not need to provisionally qualify an interpreter on the same date for their six month time periods to run concurrently. The earliest start date for a six-month period would begin the clock.</li> <li>• No, the six-month periods are intended to run concurrently so that if a court provisionally qualifies an interpreter within a different court’s existing six-month period, the interpreter in the second court may not have a complete six month period available to them with the second court.</li> <li>• Currently there is no way for courts to</li> </ul>

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			<p>court qualified the interpreter?</p> <ul style="list-style-type: none"><li>• Will each court be required to track waivers of the requirements?</li></ul> <p><b>What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising process and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.</b></p> <p>Training of the following staff/Judicial Officers would be required: • Court Interpreter Coordinators: 2 hours • Court Interpreter Supervisor: 2 hours • Training of Civil and Family Law Courtroom clerks: 1 hour • Judicial Designee: unknown (TBD) • Judicial Officers: unknown (TBD)</p> <p>Revision of the following procedures would be required: • Court Interpreter Coordinators processes and procedures would need to be updated to reflect the new requirements</p> <p>New docket code and corresponding case</p>	<p>track six-month provisional qualification periods between courts. Instead, the INT - 110 asked the interpreter to indicate which of their six-month periods applies to the particular interpreter. Additionally, on page 5 of the INT-110, as part of the interpreter's declaration (item number 5), the interpreter must indicate they have met the specific testing and course requirements required of them, based on which six-month period they are in.</p> <p>The committee appreciates this information.</p>

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			<p>management system updates would be required for use of form INT-140 in order to capture minutes accurately and track usage data elements.</p> <p><b>Would 3.5 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</b> No, 6 months may be a more realistic implementation/effective date.</p> <p><b>Would a database of provisionally qualified interpreters available only to the courts (and not outside stakeholders who also use California’s certified and registered interpreters) be useful to your court?</b> Yes</p> <p><b>How well would this proposal work in courts of different sizes?</b> This proposal would work for a large court.</p>	<p>CIAP disagrees that more than 3.5 months from Judicial Council approval of this proposal until its effective date is required for implementation. While a number of commentators responded, responses were divided, with some courts suggesting the largest courts would need more time. The largest court in the state, Los Angeles, indicated that 3.5 months was sufficient time. As such, no change is being made to the January 1, 2018 effective date.</p> <p>CIAP will pass along the suggestions to Judicial Council staff regarding creation of a database of provisionally qualified interpreters for future development.</p> <p>The committee appreciates this information.</p>

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	Commentator	Position	Comment	Committee Response
			<p>Comments on the Proposal as a Whole – Position on Proposal</p> <p>- AGREE WITH PROPOSED CHANGES On page 4 of 6 of the proposed form INT-110, the interrogatory reads: “What is your relationship to the party?” This court seeks further clarification on how this interrogatory should be answered when the provisional qualification is for a six month period during which time the interpreter may be appointed on multiple cases. Similarly, on page 6 of 6 where a case number and date of proceeding is requested. Can the interpreter answer “various” to this interrogatory?</p> <p>On page 6 of 6, this court recommends that a waiver option be added under item 3.d.</p> <p>With regard to Form INT-140, this court is generally concerned about the unintended consequences of its use if it becomes a replacement for: 1. Not taking the necessary steps to identify language need at the earliest possible stage in the process; 2. Not making the efforts to locate a certified / registered / provisionally qualified interpreter, even same day; and 3. Not tracking the future language</p>	<p>CIAP agrees that both questions on the form INT–110 were not consistent with the six-month length of the provisional qualification. Both the question on page 4 and the items related to case number and date have been deleted.</p> <p>CIAP disagrees with the suggestion of including a waiver on page 6 of the INT-110 form. CIAP reviewed the form for the inclusion of a waiver option. The underlying rule already includes exceptions for languages with fewer than 25 certified/registered interpreters and did not believe an additional waiver was required.</p> <p>A separate form INT-140 must be completed for each language and each usage of an interpreter. While the INT-140 form is itself new, the provisions which allow for a court to temporarily use an interpreter, who has not met all of the requirements for provisional qualification, are not new. CIAP believes its additional advisory committee notes will be helpful in explaining temporary interpreters are not intended as an</p>

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**Court Interpreters: Noncertified and Nonregistered Spoken Language Interpreter Qualifications** Repeal and adopt Cal. Rules of Court, rule 2.893; revoke and adopt form INT-100-INFO; revise form INT-110; and adopt form INT 140

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	Commentator	Position	Comment	Committee Response
			needs for the court user. Also it may increase labor concerns with the interpreter union if its use becomes too frequent and it may also have the consequence of not encouraging interpreters to become certified, registered or even provisionally qualified. But if it is used sparingly as the Bench Guide indicates for “brief and routine matters”, “such as to set a continued hearing date” and only for the proceeding at hand, then this court is in favor of documenting interpreter use in this way, but generally cautions the possible expansion of the definition “brief and routine” matters. This court is also generally concerned with the delays and disruption this form may bring about to the courtroom process.	<p>ongoing method of doing business for the courts, but something which may be required when considering a number of factors and when certified, registered or provisionally qualified interpreters are not available. CIAP believes that use of temporary interpreters will be limited due to the overall structure of the qualification process, including requirements for provisionally qualified interpreters. Additionally, CIAP believes that other processes and solutions need to be developed to focus on early identification of language access needs and that <i>not</i> adopting the INT-140 will not alleviate Orange’s concern but only make tracking this type of situation more difficult and more invisible.</p> <p>CIAP disagrees this form will cause delays and disruption. Temporary use of interpreters should be limited as described in these comments. The INT – 140 is intended to help clarify when use of a temporary interpreter is proper, as opposed to the use of a provisionally qualified interpreter. While its use may not quicken or streamline courtroom decisions, CIAP does believe it will help to effectuate better decision-making.</p>
6.	Superior Court of California, County of Riverside	AM	<b>Does the proposal appropriately address the four stated purposes?</b> Yes	The committee appreciate this information.

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			<p><b>Does it also appropriately address the stated purpose of encouraging interpreters to pursue certified or registered status without making it unduly difficult for court to get interpreters in hard-to-find, other-than-Spanish languages?</b></p> <p>Yes, however the perception is that with the new INT-140 form we are not required to locate a certified or registered interpreter to interpret for the proceeding when a the judge can “temporarily use an interpreter” for a same day hearing. How does this work when LAP emphasizes that we are to have certified, registered or provisionally qualified interpreters for all hearings?</p> <p>Therefore, we have the following questions:</p> <p>1. Is the purpose/intent of the INT-140 form to not delay the proceedings when an interpreter request has not been made in advance or when an interpreter can’t be provided for the hearing? If so, the INT-140 would make it easier than completing the entire INT-110 form. However, being that we have the ability to have a certified interpreter via United Language Group, telephonic services I don’t know how appointing a temporary interpreter would be better than having a certified interpreter, when applicable.</p> <p>2. If the INT-140 form can be done via voir dire as mentioned in the body of the form (page 1 boxed area), the form should read optional and</p>	<p>CIAP disagrees that the INT- 140 form creates the perception of no requirements for a certified, registered or provisionally qualified interpreter. The addition of the new form helps to clarify there are two processes and judicial education that will take place after the adoption of the new rule and form will further help to clarify the courts responsibility to always seek a certified or registered interpreter first.</p> <ol style="list-style-type: none"><li>1. The temporary interpreter provisions and INT-140 continue to provide a backup mechanism for providing an interpreter when a certified, registered or provisionally qualified interpreter cannot be found and, when considering all of the circumstances including burden on the LEP person and potential dangers to parties in the case etc.. There may be times when a court will know in advance, because another interpreter is not available but the hearing must go on, or there may be times when the INT-140 is necessary last minute.</li><li>2. CIAP agrees the INT-140 should be an optional form and has modified it accordingly.</li></ol>



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			<p>not mandatory.</p> <p>3. Question number 3 under the judge's order indicates that the party has waived a certified, registered or provisionally qualified interpreter, does this mean that the court will make this order after informing the party they may be able to have a certified/registered interpreter via telephonic services?</p> <p>Also, the proposal provides a waiver for those languages that have a small pool of interpreters or where no exam exists, which allows the court to continue to hire and therefore no impact. However, once all courts expand, 25 interpreters to cover statewide may still leave some courts counting on PQs that are local to assist their court to regardless of the requirements.</p> <p><b>Does the length of the individual provisional qualification periods seem too short, too long, or just right?</b></p> <p>A one-year time frame seems more appropriate for those languages that have no testing available. It may also be more reasonable for languages that there is testing available based on the likelihood that most would not pass a written and oral exam within a six-month timeframe. This would reduce administrative and judicial workload required with processing multiple applications.</p>	<p>3. Yes, the judge would need to complete the finding of qualification for a single proceeding on page 2 of the INT-140 after the LEP person has waived the appointment of a certified, registered or provisionally qualified interpreter.</p> <p>CIAP believes that if further expansion of court provided interpreters in all case types eventually leads to a situation where 25 interpreters is not the proper threshold for exceptions to the additional requirements to become provisionally qualified, then it will be possible to modify the rule at that time. However, CIAP believes that 25 is currently the proper threshold.</p> <p>CIAP disagrees that the six-month period of provisional qualification is too short. CIAP also believes there is value in continuing with six-month periods because courts are already familiar with this period of time in their current operations. The idea is not that an interpreter would complete both the written and oral exam within a six-month timeframe. The requirements suggest that an interpreter would take a written exam within the 12 months before the second or subsequent six-month period (f)(4)(A), but that same interpreter would not need to take their relevant oral exam</p>

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			<p><b>What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising process and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.</b></p> <p>Training for all court staff, judges, procedures, tracking codes in the case management system. Training time varies from region to region. Supervisor: 2 hours Court Services Coordinators: 1 hour Courtroom Judicial Officers: 30 min each group x 14 (7 hours) Coordinator procedures would need to be revised. Bench guides would need to be created/revised. IT staff would need to create new action codes.</p> <p><b>Would 3.5 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</b></p> <p>No, at the minimum 6 months is needed.</p>	<p>until their third six-month period (f)(5)(B). As such, CIAP believes the proposed language encourages progress along the testing path and discourages procrastination.</p> <p>The committee appreciates this information.</p> <p>CIAP disagrees that more than 3.5 months from Judicial Council approval of this proposal until its effective date is required for implementation. While a number of commentators responded, responses were divided, with some courts suggesting the largest courts would need more time. The largest court in the state, Los Angeles, indicated that 3.5 months was sufficient time. As such, no change is being made to the January 1, 2018 effective date.</p>

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			<p><b>Would a database of provisionally qualified interpreters available only to the courts (and not outside stakeholders who also use California’s certified and registered interpreters) be useful to your court?</b>            Yes, without a database there will be no accountability on the number of times an interpreter has been provisionally qualified. Therefore the court will not be able to monitor this process. This would also reduce time spent searching for rare language interpreters that have already been located by other courts.</p>	<p>CIAP disagrees that there will be no accountability on the number of times an interpreter has been provisionally qualified. CIAP believes the restructuring of the INT-110 form boosts accountability by making judicial officer as well as interpreter responsibility more clear and delineated. However, CIAP agrees that a database of provisionally qualified interpreters would be useful and would also reduce time spent searching for more hard-to-find language interpreters.</p> <p>CIAP will pass along the suggestions to Judicial Council staff regarding creation of a database of provisionally qualified interpreters for future development.</p>
			<p><b>How well would this proposal work in courts of different sizes?</b>            The proposal would work for all court sizes but would require more time to implement in larger courts.</p>	<p>CIAP disagrees that larger courts need more than 3.5 months from Judicial Council approval of this proposal until its effective date for implementation. The largest court in the state, Los Angeles, indicated that 3.5 months was sufficient time. As such, no change is being made to the January 1, 2018 effective date.</p>

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			<p>Comments on the Proposal as a Whole – Position on Proposal – AGREE WITH PROPOSED CHANGES IF MODIFIED</p> <p>INT-100 INFO : It would be helpful to add the form numbers in bold by each section for the INT-120, INT-110 and INT-140.</p> <p>Under the last section of the INT-100 form “What are the record keeping requirements when using a non-certified or nonregistered interpreter?” Why does the court need to retain the completed INT-140 form in the case file if there is:</p> <ol style="list-style-type: none"><li>1. An option to approve by voir dire (as mentioned on the INT-140 form)</li><li>2. The findings will be made on the court record and</li><li>3. The process for the INT-140 is only for a one day proceeding?</li></ol> <p>Maybe information can be added to reflect that when reviewing the form by voir dire, there is no need to retain a copy of the form.</p> <p>INT-110 – Although I understand the need to clarify on the INT-110 to not use this form if using an interpreter for a one-time appearance, and to use the INT140. However, I believe it can be miss leading to those interpreters completing the INT-110 form that courts are ok with using a “Temporary Interpreter”. This may send mix messages about LAP and a perception</p>	<p>INT – 100-INFO: CIAP has made the recommended formatting changes.</p> <p>INT-100-INFO, last bullet first page: CIAP agrees with the comment and has made relevant changes to clarify the INT – 140 is not required when the court uses a voir dire process.</p> <p>INT-110- CIAP disagrees that the cross-referencing language on the INT 110 and INT 140 creates any disruptive misperception. Both forms reference the underlying rule and the INT – 100 – INFO spells everything out very clearly. Again, CIAP is not creating new substantive provisions regarding temporary interpreters but simply clarifying for the courts when it is appropriate to</p>

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			<p>that the courts are not requiring certified and registered interpreters for all hearings, as a result of the JC creating a form and guideline to allow non-certified / non-registered or provisionally qualified interpreters to interpret for a single proceeding. Maybe, instead of pointing to the INT-140 form, a modification can be made to the INT-100 INFO sheet to add information to clarify when to use the INT-140, by adding information to the first bullet, under the section for “What is the process for temporary use of an interpreter”. The language can read: “ After the court has determined that a certified/registered or provisionally qualified interpreter can’t be made available and after the proposed interpreter has completed and signed the ..... INT-140 the judge must review and sign.....for a single proceeding. Also, the INT-100 form can add the form numbers (INT-110 &amp; INT-140) in bold in the section it refers to for reference instead of pointing to the INT-140 on the INT-110 form.</p> <p>On page 1 in the first box “Mark which 6-month period applies to this interpreter”- Add a 4<sup>th</sup> period and a 5+ period. Being that the 5th period puts the interpreter beyond the period allowed by 2.893, I think this is helpful for staff and the bench to have this information at a glance on the first page.</p> <p>On page 3 of 6, 8b- Add “If no, Please explain reason” This would provide the judicial officer</p>	<p>use one and helping to better distinguish between them and provisionally qualified interpreters.</p> <p>Further, CIAP disagrees with the recommended change to the INT – 100 – INFO form because the very first substantive words on the page specifically address the need to appoint a certified or registered interpreter and only turn to provisionally qualified or temporary interpreters when the required types are not available. CIAP believes the proposed language is sufficiently clear.</p> <p>INT-110: on page 1, the recommended changes have been made.</p> <p>Page 3 of six, 8B – CIAP declined to make the recommended change because there is no relevant</p>

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			<p>with some explanation as to why the interpreter has not followed through (e.g. Interpreter out of country, etc. )</p> <p>On page 3 of 6 under Question 3- Add language regarding the testing requirements to inform the interpreter of the oral and written exam requirements after the first 6 month period. Also add a section for Interpreter to explain why testing has not been completed (e.g. test no longer being offered, etc.) This will help judge understand why this has not been completed.</p> <p>On page 4 of 6 of the proposed form INT-110, the interrogatory reads: “What is your relationship to the party?” This court seeks further clarification on how this interrogatory should be answered when the provisional qualification is for a six month period during which time the interpreter may be appointed on multiple cases.</p> <p>Similarly, on page 6 of 6 where a case number and date of proceeding is requested. Can the interpreter answer “various” to this interrogatory or it would be helpful to eliminate the case number and date of proceeding fields as this form can be used for several case numbers and proceedings.</p>	<p>explanation that would meet the Rule 2.893 requirements. If a prospective provisionally qualified interpreter is otherwise required to take the specified ethics course, during a six-month period that it is required, they would not be able to be provisionally qualified unless they work in a language which qualifies for an exception.</p> <p>Page 2 (sic) of 6, Question 3- CIAP has added the recommended language regarding exam requirements, however, CIAP disagrees with adding the language related to <i>not</i> completing the exam requirements for the same reasons listed in the response paragraph immediately preceding this one.</p> <p>Page 4 of 6- CIAP agrees with the comments and has deleted the noted interrogatory.</p> <p>Page 6 of 6 – CIAP agrees with the comments and has deleted both the case number and date of proceeding.</p>

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			<p>INT-140</p> <p>The bottom of the INT-140 should read optional and not mandatory as there is an option in the body of the form to allow the questions to be asked in writing or by voir dire. The mandatory part is that questions need to be asked of the proposed interpreter for temporary use but can be covered in the INT-100 form. Another option to not using the INT-140 form is to have the judge make a finding on the record as to the information on the INT-200 form “Foreign Language Interpreters Duties – Civil and Small Claims (for noncertified and nonregistered interpreters)..... that the proposed temporary interpreter has reviewed the INT200 form and has accepted the duties and responsibilities as referenced in the INT-200 and can interpret for that hearing only. This would eliminate the need for another form altogether and the recommended guideline information can be noted on the INT-100 INFO form as to this process.</p>	<p>INT – 140</p> <p>CIAP agrees and has changed the form to “optional” since it can be completed in writing or by voir dire.</p> <p>Further, CIAP considered instead making the change is related to the INT-200 but did not believe that to be the best path since there is a possibility that the INT-200 might be retired in the near future after possible legislation related to small claims cases and the provision of interpreters.</p>
7.	Superior Court of California, County of San Bernardino	N/I	<p><b>Does the proposal appropriately address the four stated purposes?</b></p> <p>Regarding the INT-110, the proposal continues to allow courts to make appointment decisions if there is good cause, regardless of how a prospective interpreter answers the additional questions. Our court would request clarification about the implications of a court’s decision to appoint an experienced interpreter who has not</p>	<p>There are no implications for a court’s decision to appoint an experienced interpreter who has not taken or passed exams over an inexperienced interpreter who passed some exams or achieved higher scores than an experienced interpreter. The INT- 110 collects a great deal of information about prospective provisionally qualified interpreter’s training and abilities, as well as test scores. It is up to each court to determine,</p>

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			taken or passed exams over an inexperienced interpreter who has passed some exams or achieved higher scores than the experienced interpreter.	considering all of the available information, if it is appropriate to use a particular provisionally qualified interpreter.
			<b>Does it also appropriately address the stated purpose of encouraging interpreters to pursue certified or registered status without making it unduly difficult for court to get interpreters in hard-to-find, other-than-Spanish languages?</b> Regarding the INT-110, the proposal continues to allow courts to make appointment decisions if there is good cause, regardless of how a prospective interpreter answers the additional questions. Our court would request clarification about the implications of a court's decision to appoint an experienced interpreter who has not taken or passed exams over an inexperienced interpreter who has passed some exams or achieved higher scores than the experienced interpreter.	See response above.
			<b>Does the length of the individual provisional qualification periods seem too short, too long, or just right?</b> Although a one-year timeframe is more reasonable for languages with fewer than 25 interpreters, having two different periods for the same process could be confusing. Our court would ask whether an interpreter's provisional qualification status and/or the administrator's	CIAP agrees that having two different periods for the same process would be confusing and has retained the six-month periods.  Once an interpreter has been provisionally qualified for a six-month period, they would not be impacted during that period should the 25-interpreter threshold be crossed. However, if they were to be provisionally qualified for a



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			<p>due diligence declaration (INT120) would be impacted if the number of interpreters reaches the 25interpreter threshold while an interpreter holds provisional qualification status.</p> <p><b>What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising process and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.</b></p> <p><input type="checkbox"/> Initial training for coordinators and supervisors would take about 2 hours. Judicial assistants, supervisors, managers would need about 1 hour per group. Judicial officers are difficult to gather courtwide, and could require multiple periods of 1 hour.</p> <p><input type="checkbox"/> Court Interpreter Coordinators procedures and manuals would need to be updated to reflect the new requirements</p> <p><input type="checkbox"/> Case management system codes and procedure updates would be required for use and tracking via INT-140.</p> <p><b>Would 3.5 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</b></p> <p>No, Please extend to at least 6 months.</p>	<p>subsequent six-month period the court would need to consider the number of interpreters available on the list in the particular language at that time.</p> <p>The committee appreciates this information.</p> <p>CIAP disagrees that more than 3.5 months from Judicial Council approval of this proposal until its effective date is required for implementation. While a number of commentators responded, responses were divided with some courts suggesting the largest courts would need more time. The largest court in the state, Los Angeles,</p>

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			<p><b>Would a database of provisionally qualified interpreters available only to the courts (and not outside stakeholders who also use California’s certified and registered interpreters) be useful to your court?</b> Yes, and it should include the provisional qualification periods and all contact information.</p> <p><b>How well would this proposal work in courts of different sizes?</b> The proposal works for large courts.</p>	<p>indicated that 3.5 months was sufficient time. As such, no change is being made to the January 1, 2018 effective date.</p> <p>CIAP will pass along the suggestion to Judicial Council staff regarding future development of a database of provisionally qualified interpreters.</p> <p>The committee appreciates this information.</p>
8.	Superior Court of California, County of San Diego Mike Roddy Court Executive Officer	AM	<p>General Comments: INT-110 – Page 4 of 6, #13. b. reads “What is your relationship to the Party?” This question should be removed. INT-110 is designed to provisionally qualify an interpreter for a six-month period during which time the interpreter may be appointed on multiple cases.</p> <p>INT-110 – Page 6 of 6, #1. reads “Case number:” This question should be removed. INT-110 is designed to provisionally qualify an interpreter for a six-month period during which time the interpreter may be appointed on multiple cases.</p> <p>INT-110 – Page 6 of 6, #2. reads “Date of Proceeding:” This question should be removed.</p>	<p>Page 4 of 6, #13. b. CIAP agrees and has deleted the question.</p> <p>Page 6 of 6, #1. CIAP agrees and has removed the specified language.</p> <p>Page 6 of 6, #2. CIAP agrees and has removed the specified language.</p>

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			<p>INT110 is designed to provisionally qualify an interpreter for a six-month period during which time the interpreter may be appointed on multiple cases.</p> <p><b>Does the proposal appropriately address the four stated purposes?</b> Yes.</p> <p><b>Does it also appropriately address the stated purpose of encouraging interpreters to pursue certified or registered status without making it unduly difficult for courts to get interpreters in hard-to-find, other-than-Spanish languages?</b> Yes.</p> <p><b>Does the length of the individual provisional qualification periods seem too short, too long, or just right?</b> The length appears appropriate provided that the tests and courses required to qualify in subsequent six month periods are offered on a regular basis.</p> <p><b>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management</b></p>	<p>The committee appreciates this information.</p> <p>The committee appreciates this information.</p> <p>The committee appreciates this information.</p> <p>The committee appreciates this information.</p>

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			<p><b>systems?</b> Updating training materials and internal policies/procedures, notifying staff, and adding new forms/codes into case management systems. Training time:  <input type="checkbox"/> Court interpreter coordinators – two hours  <input type="checkbox"/> Courtroom clerks – two hours  <input type="checkbox"/> Judicial officers – unknown</p> <p><b>Would 3.5 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</b> No. Six months would be a more realistic timeframe to update procedures and case management systems and train staff.</p> <p><b>Would a database of provisionally qualified interpreters available only to the courts (and not outside stakeholders who also use California’s certified and registered interpreters) be useful to your court? (Note: Such a database may be developed in the future, but is not a part of this proposal.)</b> Yes, with a tracking system maintained by Judicial Council.</p>	<p>CIAP disagrees that more than 3.5 months from Judicial Council approval of this proposal until its effective date is required for implementation. While a number of commentators responded, responses were divided with some courts suggesting the largest courts would need more time. The largest court in the state, Los Angeles, indicated that 3.5 months was sufficient time. As such, no change is being made to the January 1, 2018 effective date.</p> <p>CIAP will pass along the suggestions to Judicial Council staff regarding creation of a database of provisionally qualified interpreters for future development.</p>

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			<b>How well would this proposal work in courts of different sizes?</b> The proposal would be helpful for larger courts. A subsequent effect of interpreters becoming certified or registered in specific languages and hired as court interpreters, will further reduce the pool of qualified interpreters and will impact smaller courts	CIAP finds the comment interesting as related to the possibility that an increase in certified and registered interpreters, itself, might reduce the pool of interpreters for smaller courts. CIAP believes it is more important to encourage interpreters to become certified and registered rather than try to protect an unqualified pool for use by smaller courts.
9.	TCPJAC/CEAC Joint Rules Subcommittee	AM	<p>General Comment: The modified version of Form 110 and additional new Form 140 provide better clarification.</p> <p>Suggested Modification: The JRS recommends adding the following statement on Form INT-110 under section 1.b. Please see the yellow highlighted area on the attached form. “Please Note: A period may not exceed 6 months.”</p> <p>The JRS notes the following impact to court operations:</p> <ul style="list-style-type: none"><li>• Results in additional training, which requires the commitment of staff time and court resources – This proposal will require additional/minimal training for courtroom clerk staff in the courtroom to ensure they use the form. The modifications to the form 110 will assist the Interpreter Coordinators in their work as it will make it easier to define who is qualified as a non-certified or nonregistered interpreter.</li><li>• Increases court staff workload – The JRS estimates the proposal will result in a minimal increase in staff workload.</li></ul>	<p>CIAP has made the recommended modification to Form INT-110.</p> <p>The committee appreciates this information.</p>

To add a page number, you click in the box with the # below