



Judicial Council of California

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Title

Court Interpreters: Noncertified and Nonregistered Spoken Language Interpreter Qualifications (Action Required)

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.