



Judicial Council of California

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January 19, 2024

Subject Text

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File #: 18-012, **Version:** 1

Title

Judicial Council-Sponsored Legislation: Interpreters in Small Claims Actions (Action Required)

Summary

In order to complete the expansion of language access services, including the provision of court interpreters in small claims actions when court resources allow, the Policy Coordination and Liaison Committee, Language Access Plan Implementation Task Force, and Civil and Small Claims Advisory Committee recommend that the Judicial Council sponsor legislation to (1) delete an exception stating that interpreters are not required in small claims proceedings, and (2) authorize courts to appoint certified and registered interpreters in small claims proceedings. The latter amendment also provides judicial officers with discretion to appoint a temporary interpreter if an attempt to secure a certified/registered or provisionally qualified interpreter was not successful. The amendments support recommendations 71 and 72 in the *Strategic Plan for Language Access in the California Courts*.

Recommendation

The Policy Coordination and Liaison Committee, Language Access Plan Implementation Task Force, and Civil and Small Claims Advisory Committee recommend that the Judicial Council sponsor legislation to:

1. Amend Government Code section 68560.5(a) to delete an exception stating that interpreters are not required in small claims proceedings; and
2. Amend Code of Civil Procedure section 116.550 to authorize courts to appoint certified and registered interpreters in small claims proceedings; and
 - a. Provide that courts should follow the provisional qualification process if a certified or registered interpreter is not available; and
 - b. Provide judicial officers with discretion to appoint a temporary interpreter to assist a court user during a small claims hearing if an attempt to secure a certified/registered or provisionally qualified interpreter was not successful either after the matter was continued to allow for a further search or at the first hearing if the judicial officer determines that appointment of a temporary interpreter is appropriate without a further postponement, depending on the complexity of the case.