

PROCEDURES AND GUIDELINES TO APPOINT A NONCERTIFIED OR NONREGISTERED INTERPRETER AS EITHER PROVISIONALLY QUALIFIED OR TEMPORARY

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 designated¹ by the Judicial Council. The court may appoint a noncertified interpreter for a designated language only *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)(f) and 68564(d); Cal. Rules of Court, rule 2.893). The court may appoint nonregistered interpreters for a non-designated language 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(d), (f) and 68564(e) have been followed. See Gov. Code, section 71802(b)(1) and (d).

The court may **provisionally qualify** per Cal. Rules of Court, rule 2.893 (b)(1) or **temporarily use** an interpreter Cal. Rules of Court, rule 2.893 (b)(2). **Section A below includes instructions for Provisional Qualification. Section B, on page3, includes instructions for Use of Temporary Interpreters.**

A. Appointment of Provisionally Qualified Interpreters:

1. The proposed interpreter:

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

2. The court administrator or designee:

- a. Reviews the proposed interpreter's declaration on *Qualifications of a Noncertified or Nonregistered Spoken Language Interpreter* (form INT-110) whether appearing in person or remotely.
- b. Submits the proposed interpreter's declaration on *Qualifications of a Noncertified or Nonregistered Spoken Language Interpreter* to the presiding judge.
- c. Sends a current copy of the *Qualifications of a Noncertified or Nonregistered Spoken Language Interpreter* (form INT-110) (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 Spoken Language Interpreter* (form INT-110).
- 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).

¹ Languages are designated by the Judicial Council pursuant to Government Code section 68562.

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4. Judge at the proceeding:

- a. May review the *Qualifications of a Noncertified or Nonregistered Spoken Language 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. This finding on the record must include:
 - (1) A finding that a certified or registered interpreter is not available.
 - (2) The name of the qualified interpreter.
 - (3) A statement that the qualified interpreter meets the requirements of Government Code section 68561 subdivision (c) or (d) and that the required procedures and guidelines adopted by the Judicial Council have been followed.
 - (4) A statement that the interpreter's oath was administered to the qualified interpreter pursuant to the procedures and guidelines adopted by the Judicial Council.
- 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, if they have been provisionally qualified.
- 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 (provisionally qualified):

- a. Processes the completed form *Qualifications of a Noncertified or Nonregistered Spoken Language Interpreter* (INT-110), in accordance with the court's record keeping procedures.
- 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) The fact that 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.

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B. Use of Temporary Interpreters:

1. Procedure for one-time temporary use of non-certified, non-registered interpreter:

A noncertified or nonregistered interpreter not provisionally qualified, may be temporarily used in brief, routine matters, pursuant to California Rules of Court, rule 2.893(b)(2), when:

- a. At the request of an LEP person, the judge in the proceeding finds on the record:
 - (i) That the LEP person has been informed, and waived the appointment of, a certified or registered interpreter and the appointment of an interpreter that could be provisionally qualified by the presiding judge as provided in this rule;
 - (ii) That good cause exists to appoint an interpreter who is neither certified, registered, nor provisionally qualified; and
 - (iii) That the interpreter is qualified to interpret that proceeding, following procedures adopted by the Judicial Council. (see forms INT-100-INFO, INT-140)

- b. The judge in the proceeding must also state, or requires someone else to state, on the record:
 - (i) A finding that a certified or registered interpreter is not available;
 - (ii) The name of the qualified interpreter;
 - (iii) A statement that the qualified interpreter meets the requirements of Government Code section 68561(c) or (d) and that the required procedures and guidelines adopted by the Judicial Council have been followed; and
 - (iv) A statement that the interpreter's oath was administered to the qualified interpreter pursuant to the procedures and guidelines adopted by the Judicial Council.

- c. The usage of an interpreter in this circumstance is effective only in that one appearance 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 herein.

2. Courtroom clerk (temporary use):

- a. Retains the INT-140 *Temporary Use of a Noncertified or Nonregistered Spoken Language Interpreter* in the case file.

² Person who is responsible for assigning interpreters to a court.