

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT SPR17-20

Title

Court Interpreters: Noncertified and
Nonregistered Spoken Language Interpreter
Qualifications

Action Requested

Review and submit comments by April 28,
2017

Proposed Rules, Forms, Standards, or Statutes

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

Proposed Effective Date

January 1, 2018

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Proposed by

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

Executive Summary and Origin

The Court Interpreters Advisory Panel proposes adopting a substantially modified version of the rule that establishes the procedures for provisional qualification and temporary use of noncertified and nonregistered spoken language interpreters and of the form that provides information about these procedures. The panel also proposes revising the form regarding the qualifications of noncertified and nonregistered interpreters and adopting a new form regarding the temporary use of such interpreters. These changes would implement legislation that took effect January 1, 2015 and clarify existing processes. Additional changes to the rule and to form INT-110 would encourage noncertified and nonregistered interpreters to pursue certified and registered status.

Background

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. 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.) 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.,

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

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.¹

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),² 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.

Finally, 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.

The Proposal

The proposal is responsive to concerns or problems that have been raised by judges and courtroom personnel as well as interpreter stakeholders. It is also required to implement recent legislative changes.

1. Include all case types when provisionally qualifying interpreters

As part of implementing the legislation expanding court interpreter services to civil case types, the Court Interpreters Advisory Panel is proposing that the provisional qualification of

¹ 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.

² The plan is available at www.courts.ca.gov/documents/CLASP_report_060514.pdf.

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. Rule 2.893, form INT-100-INFO, and form INT-110 would be modified to clarify that all case types are considered in the provided guidelines. The rule would be revised to make clear that both noncertified and nonregistered interpreters are subject to the guidelines.

2. Implement changes required by Government Code section 68561

As noted above, recent legislation amended Government Code Section 68561 to require specified findings be made on the record when an interpreter is used. This proposal would rename, modify, and restructure rule 2.893 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.

3. 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 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 guidelines for provisional qualification and guidelines for temporary use. Two separate forms—one for the use of a provisionally qualified interpreter (INT-110) and another for the temporary use of an interpreter (INT-140)—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. The new form treats temporary use as a separate process.

4. Encourage prospective interpreters to become certified or registered without making it impossible for courts to get interpreters in hard-to-find, other-than-Spanish languages

The proposed 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 becoming 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 periods are shorter for Spanish than for other languages, and nothing in this proposal changes any of the maximums or their exceptions.

- **Subdivision (f)(4).** While requirements for the first period of provisional qualification remain unchanged, the proposed amendments in this new subdivision include 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).** The proposed amendments in this new subdivision include 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. Interpreters in very rare or hard-to-find languages will not be required to meet these additional requirements.

- **Subdivision (f)(7)** accordingly assures 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 hard-to-find languages.)

- **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.

Please note that, because the proposed 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 is proposing repealing/revoking the existing rule and form and replacing them with the substantially modified versions attached to this invitation to comment.

5. Make Other Changes to form INT-110

Other proposed changes to form INT – 110 include:

- The introduction section establishes whether or not the interpreter works in a language, or language pairing, for which there is no testing.
- Questions 2, 4(b) & (c), 6(b) & (c) 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.
- Question 6(a) specifies additional types of proceedings or events in which the interpreter may have worked during the previous six months.

Alternatives Considered

Several 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 proposed 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 INT-110, the committee determined that the greatest clarity is provided by the current proposal for two separate forms.

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.

Lengthening or shortening the 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. 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. 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. 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.

Implementation Requirements, Costs, and Operational Impacts

No significant costs are anticipated if the proposal is implemented. While new form INT-140 and changes to rule 2.893 and form INT-110 may necessitate some training, the training is not believed to be extensive or difficult to implement. Further, the changes clarifying the use of a temporary interpreter versus a provisionally qualified interpreter would make existing protocols more self-explanatory.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the four stated purposes?
- 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?
- Does the length of the individual provisional qualification periods seem too short, too long, or just right?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- 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 systems.
- Would 3.5 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- 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.)
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rule 2.893, at pages 9–16
2. Form INT-100-INFO, at pages 17–18
3. Form INT-110, at pages 19–24
4. Form INT-140, at pages 25–26

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

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

2
3 **(a) Application**

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

9
10 **(b) Definitions**

11 As used in this rule:

- 12
13
14 (1) “Designated language” means a language selected by the Judicial Council for
15 the development of a certification program under Government Code section
16 68562;
- 17
18 (2) “Certified interpreter” means an interpreter who is certified by the Judicial
19 Council to interpret a language designated by the Judicial Council under
20 Government Code section 68560 et seq;
- 21
22 (3) “Registered interpreter” means an interpreter in a language not designated by
23 the Judicial Council, who is qualified by the court under the qualification
24 procedures and guidelines adopted by the Judicial Council, and who has
25 passed a minimum of an English fluency examination offered by a testing
26 entity approved by the Judicial Council under Government Code section
27 68560 et seq.;
- 28
29 (4) “Noncertified interpreter” means an interpreter who is not certified by the
30 Judicial Council to interpret a language designated by the Judicial Council
31 under Government Code section 68560 et seq.;
- 32
33 (5) “Nonregistered interpreter” means an interpreter in a language not designated
34 by the Judicial Council who has not been qualified under the qualification
35 procedures and guidelines adopted by the Judicial Council under Government
36 Code section 68560 et seq.;
- 37
38 (6) “Provisionally qualified” means an interpreter who is neither certified nor
39 registered but has been qualified under the good cause and qualification
40 procedures and guidelines adopted by the Judicial Council under Government
41 Code section 68560 et seq.;
- 42

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

3
4 **(c) Appointment of certified or registered interpreters**

5
6 If a court appoints a certified or registered court interpreter, the judge in the
7 proceeding must require the following to be stated on the record:

- 8
9 (1) The language to be interpreted;
10
11 (2) The name of the interpreter;
12
13 (3) The interpreter’s current certification or registration number;
14
15 (4) A statement that the interpreter’s identification has been verified as required
16 by statute;
17
18 (5) A statement that the interpreter is certified or registered to interpret in the
19 language to be interpreted; and
20
21 (6) A statement that the interpreter was administered the interpreter’s oath or that
22 he or she has an oath on file with the court.

23
24 **(d) Appointment or use of noncertified or nonregistered interpreters**

25
26 (1) *When permissible*
27 If after a diligent search a certified or registered interpreter is not available,
28 the judge in the proceeding may either appoint a noncertified or nonregistered
29 interpreter who has been provisionally qualified under (d)(3) or, in the
30 limited circumstances specified in (d)(4), may use a noncertified or
31 nonregistered interpreter who is not provisionally qualified.

32
33 (2) *Required record*

34 In all cases in which a noncertified or nonregistered interpreter is appointed
35 or used, the judge in the proceeding must require the following to be stated
36 on the record:

37
38 (A) The language to be interpreted;

39
40 (B) A finding that a certified or registered interpreter is not available and a
41 statement regarding whether a *Certification of Unavailability of*
42 *Certified or Registered Interpreter* (form INT-120) for the language to
43 be interpreted is on file for this date with the court administrator;

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- (C) A finding that good cause exists to appoint a noncertified or nonregistered interpreter;
- (D) The name of the interpreter;
- (E) A statement that the interpreter is not certified or registered to interpret in the language to be interpreted;
- (F) A finding that the interpreter is qualified to interpret in the proceeding as required in (d)(3) or (d)(4); and
- (G) A statement that the interpreter was administered the interpreter’s oath.

(3) Provisional qualification

- (A) A noncertified or nonregistered interpreter is provisionally qualified if the presiding judge of the court or other judicial officer designated by the presiding judge:
 - (i) Finds the noncertified or nonregistered interpreter to be provisionally qualified following the *Procedures and Guidelines to Appoint a Noncertified or Nonregistered Interpreter as Either Provisionally Qualified or Temporary* (form INT-100-INFO); and
 - (ii) Signs an order allowing the interpreter to be considered for appointment on *Qualifications of a Noncertified or Nonregistered Interpreter* (form INT-110). The period covered by this order may not exceed a maximum of six months.
- (B) To appoint a provisionally qualified interpreter, in addition to the matters that must be stated on the record under (d)(2), the judge in the proceeding must find on the record:
 - (i) That the interpreter is qualified to interpret the proceeding, following procedures adopted by the Judicial Council (see forms INT-100-INFO, INT-110, and INT-120); and
 - (ii) If applicable, that good cause exists under (f)(1)(B) for the court to appoint the interpreter beyond the time ordinarily allowed in (f);

1 (4) Temporary use
2 A noncertified or nonregistered interpreter who is not provisionally qualified
3 under (d)(3) may be temporarily used in a brief, routine matter if:
4

5 (A) At the request of an LEP person, the judge in the proceeding finds on
6 the record that:

7
8 (i) The LEP person has been informed and has waived the
9 appointment of a certified or registered interpreter or an
10 interpreter who could be provisionally qualified by the
11 presiding judge as provided in (d)(3);

12
13 (ii) Good cause exists to appoint an interpreter who is not certified,
14 registered, or provisionally qualified; and

15
16 (iii) The interpreter is qualified to interpret that proceeding,
17 following procedures adopted by the Judicial Council (see
18 forms INT-100-INFO and INT-140).

19
20 (B) The use of an interpreter under this subdivision is limited to a single
21 brief, routine matter before the court. The use of the interpreter in this
22 circumstance may not be extended to subsequent proceedings without
23 again following the procedure set forth in this subdivision.

24
25 (5) If a party objects to the appointment of the proposed interpreter or waives the
26 appointment of a certified or registered interpreter, that objection or waiver
27 must be made on the record.

28
29 (e) **Appointment of intermediary interpreters working between two languages**
30 **that do not include English**

31
32 An interpreter who works as an intermediary between two languages that do not
33 include English (a relay interpreter) is not eligible to become certified or registered.
34 However, a relay interpreter can become provisionally qualified if the judge finds
35 that he or she is qualified to interpret the proceeding following procedures adopted
36 by the Judicial Council (see forms INT-100-INFO, INT-110, and INT-120). The
37 limitations in (f) below do not apply to relay interpreters.
38

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.

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

3 ~~(a) Application~~

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

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

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

11 ~~(1) Noncertified interpreter provisionally qualified~~

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

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

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

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

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

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

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

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

30 ~~(A) To prevent burdensome delay or in other unusual circumstances, at the~~
31 ~~request of the defendant, or of the minor in a juvenile delinquency~~
32 ~~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 interpreters 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.
- 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.

**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.

QUALIFICATIONS OF A NONCERTIFIED OR NONREGISTERED SPOKEN LANGUAGE INTERPRETER

INT-110

INTERPRETER NAME:
LANGUAGE:
[] Original filing in this court
Mark which 6-month period applies to this interpreter: 1st 2nd 3+
[] Within the period allowed by Cal. Rules of Court, rule 2.893
[] Beyond the period allowed by Cal. Rules of Court, rule 2.893
NAME OF COURT, JUDICIAL DISTRICT, AND BRANCH COURT (IF ANY):
FOR COURT USE ONLY (FILE WITH THE COURT ADMINISTRATOR)
DRAFT: NOT APPROVED BY THE JUDICIAL COUNCIL

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

Interpreter's name: Phone (home):
Address: Phone (work):
Driver's license: State:
Language: OR State I.D.: State:

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?
[] No
[] Yes. For each period state (see p. 5):
Beginning date: Court:
Beginning date: Court:
Beginning date: Court:
Beginning date: Court:
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):	COURT NAME:
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3. Interpreter examinations and evaluations (related to credentials you do not currently hold)

a. Have you taken the State of California Bilingual Interpreting Exam (BIE) or the Oral Proficiency Exam in English (OPE) and/or in the other language to be interpreted? *(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?

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):	COURT NAME:
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6. Interpreting experience

a. Have you interpreted in any court or administrative proceedings? Yes No

Please mark 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

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 and do you understand 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):	COURT NAME:
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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:
 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. 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:

INTERPRETER (name):	COURT NAME:
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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):	COURT NAME:
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PROVISIONAL QUALIFICATION and ORDER OF THE PRESIDING JUDGE

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

1. Interpreter (name):

Case Number:

2. Language:

Date of Proceeding:

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

TEMPORARY USE OF A NONCERTIFIED OR NONREGISTERED
SPOKEN LANGUAGE INTERPRETER

INT-140

INTERPRETER NAME: LANGUAGE: <input type="checkbox"/> Original filing in this court Case number: Date of proceeding:	<i>FOR COURT USE ONLY (FILE WITH THE COURT ADMINISTRATOR)</i>
NAME OF COURT, JUDICIAL DISTRICT, AND BRANCH COURT (IF ANY):	DRAFT: NOT APPROVED BY THE JUDICIAL COUNCIL
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. To appoint a provisionally qualified interpreter for a 6-month period, use form INT-110.	

Interpreter's name: Phone (home):
Address: Phone (work):
Driver's license.: State:
Language: **OR** State I.D.: State:

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:
 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)	<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):

INTERPRETER (name):	COURT NAME:
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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)
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**FINDING OF QUALIFICATION FOR A SINGLE PROCEEDING
(Cal. Rules of Court, rule 2.893(d)(4))**

- 1. **Interpreter (name):** _____ **Case Number:** _____
- 2. **Language:** _____ **Date of Proceeding:** _____
- 3. **Finding: Under Cal. Rules of Court, 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.**

4. 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
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