

### Summary of key provisions of Evidence Code §756

Interpreters are to be provided FREE of charge in civil actions and proceedings. If there are insufficient funds, interpreters in civil cases<sup>1</sup> must be prioritized in the following actions and proceedings:

(1)

- Domestic violence
- Parentage, petitions for custody and support of minor children, divorce, separation, and annulment actions where a protective order has been granted or is being sought.
- Civil harassment protective orders where there is the allegation of violence or threats of violence, reasonable fear or violence, or stalking.
- Elder and dependent adult abuse protective orders where there are allegations of physical abuse or neglect.

(2) Unlawful detainer

(3) Termination of parental rights

(4) Guardianship or conservatorship, including appointment or termination of guardian or conservator

(5) By a parent to obtain sole legal or physical custody of a child, or rights to visitation.

(6) All other civil harassment and elder and dependent adult abuse protective orders (ie. in civil harassment, where no allegation of violence, threats or fear of violence, or stalking has occurred; in elder and dependent adult abuse, to include cases where no allegations of physical abuse or neglect)

(7) All other family law

(8) All other civil

**If funds do not allow provision for every party that is otherwise eligible, preference is given to fee-waiver eligible parties for proceedings under (3) – (8).**

Can go outside priority order if:

- Qualified interpreter is available at location, and
- No higher priority and eligible proceeding is taking place at same location, during the period of time for which the interpreter has already been compensated.

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<sup>1</sup> Provision of interpreters in civil matters is not intended to negatively affect in any way the provision of interpreters in already mandated cases such as criminal, juvenile and mental competency proceedings.

**Summary of Government Code § 68561**

Amended effective Jan. 2015.

Subsections (a) through (e) remain the same. They provide, in summary:

- (a) Every person appointed to interpret must be certified (except for good cause).
- (b) Clarifies the need for court interpreter credentialing through the Judicial Council, even for those previously qualified by other entities.
- (c) A non-certified, non-registered interpreter can be appointed if good cause and procedures for qualifying interpreter are followed.
- (d) To interpret in non-designated language, person who interprets must be qualified using qualification and guidelines by the Judicial Council. Sets up the registered interpreter designation.
- (e) Interpreters must prove to the court that they meet the requirements of this section.

**New sections, summarized:**

- (f) If the court appoints a non-certified, non-registered interpreter under “good cause” exception and following provisional qualification requirements, the following **MUST** be on the record:
  - A finding that a certified or registered interpreter is not available
  - The name of the qualified interpreter
  - A statement that there is good cause, and that qualification requirements and all required procedures have been followed
  - A statement that interpreter was sworn in as required
- (g) If the court uses a certified or registered court interpreter, the following **MUST** be on the record:
  - Name of interpreter
  - Current certification or registration number
  - A statement that the interpreter’s identification has been verified, either via Judicial Council badge, or other documentation proving certification or registration and photo identification
  - The language to be interpreted
  - A statement that interpreter was sworn in as required
- (h) Establishes similar requirements as laid out under subdivision (g) for depositions.

**Summary of [California Rule of Court Rule 2.893](#)<sup>2</sup>  
Appointment of noncertified interpreters in criminal cases  
and juvenile delinquency proceedings**

- Currently applies to trial court proceedings in criminal cases and juvenile delinquency proceedings under W&I Code §602 et seq. in which the court determines that an interpreter is required.
- A noncertified interpreter may be appointed if:
  - He or she is provisionally qualified following *Procedures and Guidelines to Appoint a Noncertified Interpreter in Criminal and Juvenile Delinquency Proceedings (Designated Languages)* ([Form INT-100-INFO](#));
  - Court completes, signs and files a *Certification of Unavailability of Certified or Registered Interpreter* ([Form INT-120](#)); and
  - Judge signs an order allowing the interpreter to be considered for appointment on *Qualifications of a Noncertified Interpreter* ([Form INT-110](#)).

Judge must find on the record that:

- Good cause exists to appoint the noncertified interpreter; and
  - 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](#)).
- A noncertified interpreter who is NOT provisionally qualified, may interpret:
    - To prevent burdensome delay or in other unusual circumstances, at the request of the defendant or of the minor in a juvenile delinquency proceeding,
    - For a brief, routine matter as long as the judge, on the record:
      - Indicates that the defendant or minor has waived the appointment of a certified interpreter and the appointment of an interpreter found provisionally qualified by the presiding judge;
      - Finds that good cause exists to appoint an interpreter who is neither certified nor provisionally qualified; and
      - Finds that the interpreter is qualified to interpret that proceeding.
    - The appointment of a noncertified, not provisionally qualified interpreter in this situation is only effective in that proceeding and cannot be extended to other proceedings without an additional waiver, findings, and appointment.

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<sup>2</sup> The California Language Access Plan, Recommendation #70, requires amendment of this rule of court to include civil proceedings. In the meantime, LAP Recommendation #9, requires courts to follow the procedures laid out in CRC 2.893 for civil matters as well.