

## Rule 2.893. Appointment of noncertified or nonregistered interpreters in court proceedings

### (a) Application

This rule applies to all trial court proceedings in which the court appoints an interpreter for a Limited English Proficient (LEP) person.

*(Subd (a) amended effective January 1, 2007.)*

### (b) Appointment of noncertified or nonregistered interpreters

An interpreter who is not certified by the Judicial Council to interpret a language designated by the Judicial Council under Government Code section 68560 et seq., nor registered in a nondesignated language, may be appointed or used in a court proceeding under either Government Code section 68561 subdivision (c) or (d) in two ways:

#### (1) *A noncertified or nonregistered interpreter may be provisionally qualified if:*

##### (A) 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* (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); and

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

- (i) Good cause exists to appoint the noncertified interpreter; and
- (ii) 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).

##### (C) 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 subdivision (c) or (d) of Government Code section 68561 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.

##### (D) The order of the presiding judge finding a noncertified or nonregistered interpreter to be provisionally qualified and allowing the interpreter to be considered for appointment in a proceeding is for a maximum six-month period.

#### (2) *A noncertified or nonregistered interpreter not provisionally qualified, may be temporarily used in brief, routine matters 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 subdivision (c) or (d) of Government Code 68561 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.

**(c) Appointment of intermediary or relay interpreters working between two languages which do not include English**

(1) Interpreters who work between two languages which do not include English (Relay Interpreters) are not eligible to become certified or registered, however they can become provisionally qualified if the judge finds 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). The limitations of (d) below do not apply to Relay Interpreters.

**(d) Limit on appointment of noncertified and nonregistered interpreters**

- (1) A noncertified or nonregistered interpreter allowed to be appointed under (b) may not interpret in any trial court for more than any four 6-month periods, except that:
  - (A) In counties with a population greater than 80,000, a noncertified interpreter of Spanish may be allowed to interpret for no more than any two 6-month periods.
  - (B) A noncertified or nonregistered interpreter may be allowed to interpret beyond four 6-month periods, or two 6-month periods for an interpreter of Spanish under (A), if the judge in the proceeding makes a specific finding on the record in each case in which the interpreter is sworn that good cause exists to appoint the interpreter notwithstanding that he or she has failed to achieve Judicial Council certification and the judge requires the statements set forth in Government Code section 68561(f) to be stated on the record.
- (2) Except as provided in (3), each six-month period under (1) begins on the date a presiding judge signs an order under (b)(1)(A)(ii) allowing the noncertified or nonregistered interpreter to be considered for appointment.

- (3) If an interpreter is provisionally qualified under (b)(1) in more than one court at the same time, each six-month period runs concurrently for purposes of determining the maximum periods allowed in this subdivision.
- (4) Beginning with the second 6-month period under (1)(A) a noncertified or nonregistered interpreter may only be appointed if they meet the following three conditions:
  - (a) The interpreter has taken the State of California Court Interpreter Written Exam at least once per the 12 calendar months leading up to the appointment and
  - (b) The interpreter has taken the State of California's court interpreter ethics course for interpreters seeking appointment as a noncertified or nonregistered interpreter or is certified or registered in a different language from the one in which they are being appointed and
  - (c) The interpreter has taken the State of California's online court interpreter orientation course or is certified or registered in a different language from the one in which they are being appointed.
- (5) Beginning with the third 6-month period under (1)(A) a noncertified or nonregistered interpreter may only be appointed if they meet the following two conditions:
  - (a) The interpreter has taken and passed the State of California Court Interpreter Written Exam in such a manner and with such timing that they are eligible to take a Bilingual Interpreting Exam and
  - (b) The interpreter has taken either the Bilingual Interpreting Exam or the relevant Oral Proficiency Exam(s) for their language pairing, at least once per the 12 calendar months leading up to the appointment.
- (6) In no event will the restrictions of (5)(b) apply to any interpreter who seeks appointment in a language pairing for which no exam is available.
- (7) The restrictions of (4) and (5) may be waived by the presiding judge for good cause whenever there are less than 25 certified or registered interpreters enrolled on the Judicial Council's statewide roster for the language requiring interpretation.

*(Subd (c) amended effective January 1, 2007.)*

**(e) Waiver of certified or registered interpreter or objection to noncertified or nonregistered interpreter**

- (1) If after a diligent search a certified or registered interpreter is not available, the judge in the proceeding may appoint a noncertified or nonregistered interpreter by stating on the record that:
  - (A) The proposed interpreter is not certified or registered;
  - (B) The court has found good cause to appoint a noncertified/ nonregistered interpreter; and
  - (C) The court has found the proposed interpreter to be qualified to interpret in the proceedingAnd the judge requires the following to be stated on the record:
  - (D) A finding that a certified or registered interpreter is not available;
  - (E) The name of the qualified interpreter;
  - (F) 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; and

- (G) A statement that the interpreter's oath was administered to the qualified interpreter pursuant to the procedures and guidelines adopted by the Judicial Council.
- (2) If a party objects to the appointment of the proposed interpreter or waives the appointment of a certified or registered interpreter, the objection or waiver must be on the record.

*(Subd (d) amended effective January 1, 2007.)*

**(f) Court record**

- (1) The judge in a court proceeding who appoints a noncertified or nonregistered interpreter must require the following to be stated on the record:

- (A) A finding that a certified or registered interpreter is not available;

- (B) The name of the qualified interpreter;

- (C) 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; and

- (D) A statement that the interpreter's oath was administered to the qualified interpreter pursuant to the procedures and guidelines adopted by the Judicial Council.

- (2) The minute order or docket must record the information in (A) or (B) below for each proceeding requiring the appointment of an interpreter:

- (A) *Certified or registered interpreters*

For each certified or registered interpreter, the following information must be recorded:

- (i) The name of the interpreter;

- (ii) The language to be interpreted;

- (iii) The fact that the interpreter is certified or registered to interpret in the language to be interpreted; and

- (iv) Whether the interpreter was administered the interpreter's oath or has an oath on file with the court (only court employee interpreters may have an oath on file).

- (B) *Noncertified or nonregistered interpreters*

For each noncertified or nonregistered interpreter, the following information must be recorded:

- (i) The name of the interpreter;

- (ii) The language to be interpreted;

- (iii) The fact that the interpreter was administered the interpreter's oath;

- (iv) The fact that the interpreter is not certified nor registered to interpret in the language to be interpreted;

- (v) Whether a *Certification of Unavailability of Certified or Registered Interpreter* (form INT-120) for the language to be interpreted is on file for this date with the court administrator;

- (vi) The court's finding that good cause exists for the court to appoint a noncertified or nonregistered interpreter;
- (vii) The court's finding that the interpreter is qualified to interpret in the proceeding;
- (viii) If applicable, the court's finding under (c)(1)(B) that good cause exists for the court to appoint a noncertified or nonregistered interpreter beyond the time allowed in (c); and
- (ix) If applicable, the objection or waiver of a party.

*(Subd (e) amended effective January 1, 2007.)*

*Rule 2.893 amended effective January 1, 2007; adopted as rule 984.2 effective January 1, 1996; previously amended and renumbered effective January 1, 2007.*

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## Rule 2.893. Appointment of noncertified or nonregistered interpreters in ~~criminal cases and juvenile delinquency~~COURT proceedings

### (a) Application

This rule applies to all trial court proceedings in ~~criminal cases and juvenile delinquency proceedings under Welfare and Institutions Code section 602 et seq. in~~ which the court ~~determines that~~appoints an interpreter ~~is required for a~~ Limited English Proficient (LEP) person.

(Subd (a) amended effective January 1, 2007.)

### (b) Appointment of noncertified or nonregistered interpreters

An interpreter who is not certified by the Judicial Council to interpret a language designated by the Judicial Council under Government Code section 68560 et seq., nor registered in a nondesignated language, may be appointed or used in a court proceeding under either Government Code section 68561 subdivision (c) or (d) in a proceeding if: two ways:

(1) ~~Noncertified~~ A noncertified or nonregistered interpreter may be provisionally qualified if:

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

(i) ~~Finds~~ Finds the noncertified or nonregistered interpreter to be provisionally qualified following the ~~Procedures and Guidelines to Appoint a Noncertified or Nonregistered Interpreter in Criminal and Juvenile Delinquency Proceedings (Designated Languages)~~ (form ~~ININT-100-INFO~~); and

(ii) ~~Signs~~ Signs an order allowing the interpreter to be considered for appointment on ~~Qualifications of a Noncertified or Nonregistered Interpreter~~ (form ~~ININT-110~~); and

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

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

(ii) ~~The interpreter is qualified to interpret the proceeding, following procedures adopted by the Judicial Council (see forms ININT-100, IN-INFO, INT-110, and ININT-120).~~

(C) ~~Each~~ 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 subdivision (c) or (d) of Government Code section 68561 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.

(D) The order of the presiding judge under (b)(1) finding a noncertified or nonregistered interpreter to be provisionally qualified and allowing the interpreter to be considered for appointment in a proceeding is for a maximum six-month period.

(2) ~~Noncertified~~ A noncertified or nonregistered interpreter not provisionally qualified, may be temporarily used in brief, routine matters when:

~~(A) To prevent burdensome delay or in other unusual circumstances, at~~ At the request of ~~the defendant, or of the minor in a juvenile delinquency proceeding~~ an LEP person, the judge in the proceeding ~~may appoint a noncertified interpreter who is not provisionally qualified under (b)(1) to interpret a brief, routine matter provided the judge finds~~ on the record:

~~(i) Indicates that~~ That the ~~defendant or minor~~ LEP person has been informed, and waived the appointment of a certified or registered interpreter and the appointment of an interpreter ~~found that could be~~ provisionally qualified by the presiding judge, as provided in this rule:

~~(ii) Finds that~~ That good cause exists to appoint an interpreter who is neither certified, registered, nor provisionally qualified; and

~~(iii) Finds that~~ That the interpreter is qualified to interpret that proceeding.

~~(B) The findings and appointment under (b)(2)(A) made,~~ following procedures adopted by the Judicial Council (see forms INT-100-INFO, INT-140).

~~(B) The judge in the proceeding~~ are 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 subdivision (c) or (d) of Government Code 68561 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 proceeding. The appointment must not one appearance before the court. The use of the interpreter in this circumstance may not be extended to subsequent proceedings without an additional waiver, findings, and appointment, again following the procedure set forth herein.~~

*(Subd (b) amended effective January 1, 2007; previously amended effective January 1, 2007.)*

**(c) Appointment of intermediary or relay interpreters working between two languages which do not include English**

(1) Interpreters who work between two languages which do not include English (Relay Interpreters) are not eligible to become certified or registered, however they can become provisionally qualified if the judge finds 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). The limitations of (d) below do not apply to Relay Interpreters.

**(d) Limit on appointment of noncertified and nonregistered interpreters**

(1)= A noncertified or nonregistered interpreter allowed to be appointed under (b) may not interpret in ~~the~~any trial ~~courts~~court for more than any four 6-month periods, except that:

(A)= In counties with a population greater than 80,000, a noncertified interpreter of Spanish may be allowed to interpret for no more than any two 6-month periods.

(B)= A noncertified or nonregistered interpreter may be allowed to interpret beyond four 6-month periods, or two 6-month periods for an interpreter of Spanish under (A), if the judge in the proceeding makes a specific finding on the record in each case in which the interpreter is sworn that good cause exists to appoint the interpreter notwithstanding that he or she has failed to achieve Judicial Council certification- and the judge requires the statements set forth in Government Code section 68561(f) to be stated on the record.

(2)= Except as provided in (3), each six-month period under (1) begins on the date a presiding judge signs an order under (b)(1)(A)(ii) allowing the noncertified or nonregistered interpreter to be considered for appointment.

(3)= If an interpreter is provisionally qualified under (b)(1) in more than one court at the same time, each six-month period runs concurrently for purposes of determining the maximum periods allowed in this subdivision.

(4) Beginning with the second 6-month period under (1)(A) a noncertified or nonregistered interpreter may only be appointed if they meet the following three conditions:

(a) The interpreter has taken the State of California Court Interpreter Written Exam at least once per the 12 calendar months leading up to the appointment and

(b) The interpreter has taken the State of California's court interpreter ethics course for interpreters seeking appointment as a noncertified or nonregistered interpreter or is certified or registered in a different language from the one in which they are being appointed and

(c) The interpreter has taken the State of California's online court interpreter orientation course or is certified or registered in a different language from the one in which they are being appointed.

(5) Beginning with the third 6-month period under (1)(A) a noncertified or nonregistered interpreter may only be appointed if they meet the following two conditions:

(a) The interpreter has taken and passed the State of California Court Interpreter Written Exam in such a manner and with such timing that they are eligible to take a Bilingual Interpreting Exam and

(b) The interpreter has taken either the Bilingual Interpreting Exam or the relevant Oral Proficiency Exam(s) for their language pairing, at least once per the 12 calendar months leading up to the appointment.



(6) In no event will the restrictions of (5)(b) apply to any interpreter who seeks appointment in a language pairing for which no exam is available.

(7) The restrictions of (4) and (5) may be waived by the presiding judge for good cause whenever there are less than 25 certified or registered interpreters enrolled on the Judicial Council's statewide roster for the language requiring interpretation.

*(Subd (c) amended effective January 1, 2007.)*

**(ed) Waiver of certified or registered interpreter or objection to noncertified or nonregistered interpreter**

(1)= If after a diligent search a certified or registered interpreter is not available in a criminal case or in a juvenile delinquency proceeding, the judge in the proceeding may appoint a noncertified or nonregistered interpreter by stating on the record that:

(A)= The proposed interpreter is not certified; or registered;

(B)= The court has found good cause to appoint a noncertified/ nonregistered interpreter; and

(C)= The court has found the proposed interpreter to be qualified to interpret in the proceeding;

And the judge requires the following to be stated on the record:

(D) A finding that a certified or registered interpreter is not available;

(E) The name of the qualified interpreter;

(F) 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; and

(G) A statement that the interpreter's oath was administered to the qualified interpreter pursuant to the procedures and guidelines adopted by the Judicial Council.

(2)= If ~~the defendant or minor~~ a party objects to the appointment of the proposed interpreter or waives the appointment of a certified or registered interpreter, the objection or waiver must be on the record.

*(Subd (d) amended effective January 1, 2007.)*

**(fe) Court record**

(1) The judge in a court proceeding who appoints a noncertified or nonregistered interpreter must require the following to be stated on the record:

(A) A finding that a certified or registered interpreter is not available;

(B) The name of the qualified interpreter;

(C) 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; and

(D) A statement that the interpreter's oath was administered to the qualified interpreter pursuant to the procedures and guidelines adopted by the Judicial Council.

(2) The minute order or docket must record the information in (1A) or (2B) below for each proceeding requiring the appointment of an interpreter:

(1)=A *Certified or registered interpreters*

For each certified or registered interpreter, the following information must be recorded:

(A)=i The name of the interpreter;

(B)=ii The language to be interpreted;

(C)=iii The fact that the interpreter is certified or registered to interpret in the language to be interpreted; and

(D)=iv Whether the interpreter was administered the interpreter's oath or has an oath on file with the court (only ~~certified~~court employee interpreters may have an oath on file).

(2)=B *Noncertified or nonregistered interpreters*

For each noncertified or nonregistered interpreter, the following information must be recorded:

(A)=i The name of the interpreter;

(B)=ii The language to be interpreted;

(C)=iii The fact that the interpreter was administered the interpreter's oath;

(D)=iv The fact that the interpreter is not certified nor registered to interpret in the language to be interpreted;

(E)=v Whether a ~~Certification of Unavailability of Certified Interpreters or Registered Interpreter~~ (form ~~INT~~INT-120) for the language to be interpreted is on file for this date with the court administrator;

(F)=vi The court's finding that good cause exists for the court to appoint a noncertified or nonregistered interpreter;

(G)=vii The court's finding that the interpreter is qualified to interpret in the proceeding;

(H)=viii If applicable, the court's finding under (c)(1)(B) that good cause exists for the court to appoint a noncertified or nonregistered interpreter beyond the time allowed in (c); and

(ix) If applicable, the objection or waiver of ~~the defendant or minor under (d)-a party.~~

*(Subd (e) amended effective January 1, 2007.)*

*Rule 2.893 amended effective January 1, 2007; adopted as rule 984.2 effective January 1, 1996; previously amended and renumbered effective January 1, 2007.*