

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, § 68561) or a registered interpreter to interpret in a language not designated 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, §§ 68561(c)(f) and 68564(d); Cal. Rules of Court, rule 2.893). The court may appoint nonregistered interpreters for a nondesignated 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 Government 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 per Cal. Rules of Court, rule 2.893(b)(2). **Section A below includes instructions for provisional qualification. Section B, on page 3, 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 *Certification of Unavailability of Certified or Registered Interpreter* (form INT-120).
- 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), 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).

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 *Qualifications of a Noncertified or Nonregistered Spoken Language Interpreter* (form 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.

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

B. Use of Temporary Interpreters

1. Procedure for one-time temporary use of noncertified, nonregistered 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 a limited-English-proficient (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 and 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 *Temporary Use of a Noncertified or Nonregistered Spoken Language Interpreter (form INT-140)* in the case file.

QUALIFICATIONS OF A NONCERTIFIED OR NONREGISTERED
SPOKEN LANGUAGE INTERPRETER

INT-110

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

This form is used to appoint a PROVISIONALLY QUALIFIED interpreter for a 6-month period.
If you are using a temporary interpreter in one brief appearance only, please use form INT-140 pursuant to rule 2.893(b)(2).

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

Please mark all that apply:

- | | |
|--|--|
| <input type="checkbox"/> Designated language: noncertified interpreter | <input type="checkbox"/> 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 |
| <input type="checkbox"/> Nondesignated language: nonregistered interpreter | |
| <input type="checkbox"/> Provisionally qualifying for a 6-month period | |

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 California Rule 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

- a. 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 how many hours you have observed court interpreters in the courtroom setting):

c. Legal/court interpreting training (select the answer below that describes your legal interpreter training):

- (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 Detainers** **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

Medical, business, education, community, other (please list):

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. Mentoring: Have you had 72 hours of legal interpreting experience with, or under the guidance of, a certified or registered court interpreter (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

a. 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 which have lapsed or have you been disqualified from interpreting in any court or administrative hearing? Yes No

Please provide detail:

- b. Mark your relationship to the party: Acquainted Related Do not know them

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 greater 6-month period of provisional qualification, and I have met the specific testing and course requirements required under rule 2.893(c)(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), 68561(d), 68564(d), 68564(e), and 71802(b)(1) and (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(c)(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(c)(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 rule 2.893(b)(2) 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 and not this form.	

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 they 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 which have lapsed or have you been disqualified from interpreting in any court or administrative hearing? Yes No

Please provide detail:

b. Mark your relationship to the party: Acquainted Related Do not know them

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(b)(2))**

1. Interpreter (name):

Case Number:

2. Language:

Date of Proceeding:

3. Finding: under rule 2.893(b)(2) 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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Rule 2.893 of the California Rules of Court would be amended, effective September 1, 2017, to read:

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

3
4 **(a) Application**

5
6 This rule applies to all trial court proceedings in ~~criminal cases and juvenile~~
7 ~~delinquency proceedings under Welfare and Institutions Code section 602 et seq. in~~
8 ~~which the court determines that appoints an interpreter is required for a Limited~~
9 English Proficient (LEP) person.

10
11 **(b) Appointment of noncertified or nonregistered interpreters**

12
13 An interpreter who is not certified by the Judicial Council to interpret a language
14 designated by the Judicial Council under Government Code section 68560 et seq.,
15 nor registered in a nondesignated language, may be appointed or used in a court
16 proceeding under either Government Code section 68561 subdivision (c) or (d) in a
17 ~~proceeding if:~~ two ways:

18
19 (1) ~~Noncertified~~ A noncertified or nonregistered interpreter may be provisionally
20 qualified if:

21
22 (A) The presiding judge of the court, or other judicial officer designated by
23 the presiding judge:

24
25 (i) Finds the noncertified or nonregistered interpreter to be
26 provisionally qualified following the *Procedures and Guidelines*
27 ~~to Appoint a Noncertified or Nonregistered Interpreter in~~
28 ~~Criminal and Juvenile Delinquency Proceedings (Designated~~
29 ~~Languages)~~ (form ~~IN~~ INT-100-INFO); and

30
31 (ii) Signs an order allowing the interpreter to be considered for
32 appointment on *Qualifications of a Noncertified or*
33 *Nonregistered Interpreter* (form ~~IN~~ INT-110); and

34
35 (B) The judge in the proceeding finds on the record that:

36
37 (i) Good cause exists to appoint the noncertified interpreter; and

38
39 (ii) The interpreter is qualified to interpret the proceeding, following
40 procedures adopted by the Judicial Council (see forms ~~IN~~ INT-
41 100-INFO, ~~IN~~ INT-110, and ~~IN~~ INT-120).
42

1 (C) ~~Each~~ The judge in the proceeding must also state, or requires someone
2 else to state, on the record:

3
4 (i) A finding that a certified or registered interpreter is not
5 available;

6
7 (ii) The name of the qualified interpreter;

8
9 (iii) A statement that the qualified interpreter meets the requirements
10 of subdivision (c) or (d) of Government Code section 68561 and
11 that the required procedures and guidelines adopted by the
12 Judicial Council have been followed; and

13
14 (iv) A statement that the interpreter's oath was administered to the
15 qualified interpreter pursuant to the procedures and guidelines
16 adopted by the Judicial Council.

17
18 (D) The order of the presiding judge under (b)(1) finding a noncertified or
19 nonregistered interpreter to be provisionally qualified and allowing the
20 interpreter to be considered for appointment in a proceeding is for a
21 maximum six-month period.

22
23 (2) ~~Noncertified~~ A noncertified or nonregistered interpreter not provisionally
24 qualified may be temporarily used in brief, routine matters when:

25
26 (A) ~~To prevent burdensome delay or in other unusual circumstances, at~~ At
27 the request of the defendant, or of the minor in a juvenile delinquency
28 proceeding an LEP person, the judge in the proceeding may appoint a
29 noncertified interpreter who is not provisionally qualified under (b)(1)
30 to interpret a brief, routine matter provided the judge, finds on the
31 record:

32
33 (i) ~~Indicates that~~ That the defendant or minor LEP person has been
34 informed and waived the appointment of a certified or
35 registered interpreter, and the appointment of an interpreter
36 ~~found~~ that could be provisionally qualified by the presiding
37 judge as provided in this rule;

38
39 (ii) ~~Finds that~~ That good cause exists to appoint an interpreter who
40 is neither certified, registered, nor provisionally qualified; and

41
42 (iii) ~~Finds that~~ That the interpreter is qualified to interpret that
43 ~~proceeding, (B)The findings and appointment under (b)(2)(A)~~

1 ~~made,~~ following procedures adopted by the Judicial Council
2 (see forms INT-100-INFO and INT-140).

3
4 (B) ~~The findings and appointment under (b)(2)(A) made by the judge in the~~
5 ~~proceeding are~~ must also state, or require someone else to state, on the
6 record:

7
8 (i) A finding that a certified or registered interpreter is not available;

9
10 (ii) The name of the qualified interpreter;

11
12 (iii) A statement that the qualified interpreter meets the requirements
13 of subdivision (c) or (d) of Government Code 68561 and that the
14 required procedures and guidelines adopted by the Judicial
15 Council have been followed; and

16
17 (iv) A statement that the interpreter's oath was administered to the
18 qualified interpreter pursuant to the procedures and guidelines
19 adopted by the Judicial Council.

20
21 (C) ~~The usage of an interpreter in this circumstance is effective only in that~~
22 ~~proceeding. The appointment must not one appearance before the court.~~
23 ~~The use of the interpreter in this circumstance may not be extended to~~
24 ~~subsequent proceedings without an additional waiver, findings, and~~
25 ~~appointment.~~ again following the procedure set forth herein.

26
27 **(e)(c) Appointment of intermediary or relay interpreters working between two**
28 **languages which do not include English**

29
30 (1) Interpreters who work between two languages which do not include English
31 (Relay Interpreters) are not eligible to become certified or registered.
32 However, they can become provisionally qualified if the judge finds that the
33 interpreter is qualified to interpret the proceeding, following procedures
34 adopted by the Judicial Council (see forms INT-100-INFO, INT-110, and
35 INT-120). The limitations of (d) below do not apply to Relay Interpreters.

36
37 **(d) Limit on appointment of noncertified and nonregistered interpreters**

38
39 (1) A noncertified or nonregistered interpreter allowed to be appointed under (b)
40 may not interpret in ~~the any trial courts~~ court for more than any four 6-month
41 periods, except that:
42

- 1 (A) In counties with a population greater than 80,000, a noncertified
2 interpreter of Spanish may be allowed to interpret for no more than any
3 two 6-month periods.
4
- 5 (B) A noncertified or nonregistered interpreter may be allowed to interpret
6 beyond four 6-month periods, or two 6-month periods for an interpreter
7 of Spanish under (A), if the judge in the proceeding makes a specific
8 finding on the record in each case in which the interpreter is sworn that
9 good cause exists to appoint the interpreter notwithstanding that he or
10 she has failed to achieve Judicial Council certification and the judge
11 requires the statements set forth in Government Code section 68561(f)
12 to be stated on the record.
13
- 14 (2) Except as provided in (3), each six-month period under (1) begins on the date
15 a presiding judge signs an order under (b)(1)(A)(ii) allowing the noncertified
16 or nonregistered interpreter to be considered for appointment.
17
- 18 (3) If an interpreter is provisionally qualified under (b)(1) in more than one court
19 at the same time, each six-month period runs concurrently for purposes of
20 determining the maximum periods allowed in this subdivision.
21
- 22 (4) Beginning with the second 6-month period under (1)(A), a noncertified or
23 nonregistered interpreter may only be appointed if they meet the following
24 three conditions:
25
- 26 (A) The interpreter has taken the State of California Court Interpreter
27 Written Exam at least once per the 12 calendar months leading up to
28 the appointment; and
29
- 30 (B) The interpreter has taken the State of California's court interpreter
31 ethics course for interpreters seeking appointment as a noncertified or
32 nonregistered interpreter, or is certified or registered in a different
33 language from the one in which they are being appointed; and
34
- 35 (C) The interpreter has taken the State of California's online court
36 interpreter orientation course, or is certified or registered in a different
37 language from the one in which they are being appointed.
38
- 39 (5) Beginning with the third 6-month period under (1)(A), a noncertified or
40 nonregistered interpreter may only be appointed if they meet the following
41 two conditions:
42

1 (A) The interpreter has taken and passed the State of California Court
2 Interpreter Written Exam in such a manner and with such timing that
3 they are eligible to take a Bilingual Interpreting Exam; and
4

5 (B) The interpreter has taken either the Bilingual Interpreting Exam or the
6 relevant Oral Proficiency Exam(s) for their language pairing, at least
7 once per the 12 calendar months leading up to the appointment.
8

9 (6) In no event will the restrictions of (5)(b) apply to any interpreter who seeks
10 appointment in a language pairing for which no exam is available.
11

12 (7) The restrictions of (4) and (5) may be waived by the presiding judge for good
13 cause whenever there are less than 25 certified or registered interpreters
14 enrolled on the Judicial Council’s statewide roster for the language requiring
15 interpretation
16

17 **(d)(e) Waiver of certified or registered interpreter or objection to noncertified or**
18 **nonregistered interpreter**
19

20 (1) If after a diligent search a certified or registered interpreter is not available, ~~in~~
21 ~~a criminal case or in a juvenile delinquency proceeding,~~ the judge in the
22 proceeding may appoint a noncertified or nonregistered interpreter by stating
23 on record that:
24

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

26
27 (B) The court has found good cause to appoint a noncertified/nonregistered
28 interpreter; and
29

30 (C) The court has found the proposed interpreter to be qualified to interpret
31 in the proceeding- and the judge requires the following to be stated on
32 record:
33

34 (i) A finding that a certified or registered interpreter is not available;
35

36 (ii) The name of the qualified interpreter;
37

38 (iii) A statement that the qualified interpreter meets the requirements
39 of Government Code section 68561 subdivision (c) or (d) and that
40 the required procedures and guidelines adopted by the Judicial
41 Council have been followed; and
42

1 (iv) A statement that the interpreter’s oath was administered to the
2 qualified interpreter pursuant to the procedures and guidelines
3 adopted by the Judicial Council.
4

5 (2) If ~~the defendant or minor~~ a party objects to the appointment of the proposed
6 interpreter or waives the appointment of a certified or registered interpreter,
7 the objection or waiver must be on the record.
8

9 ~~(e)~~(f) **Court record**

10
11 (1) The judge in a court proceeding who appoints a noncertified or nonregistered
12 interpreter must require the following to be stated on record:
13

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

15
16 (B) The name of the qualified interpreter;

17
18 (C) A statement that the qualified interpreter meets the requirements of
19 Government Code section 68561 subdivision (c) or (d) and that the
20 required procedures and guidelines adopted by the Judicial Council
21 have been followed; and
22

23 (D) A statement that the interpreter’s oath was administered to the qualified
24 interpreter pursuant to the procedures and guidelines adopted by the
25 Judicial Council.
26

27 (2) The minute order or docket must record the information in ~~(1)~~ (A) or ~~(2)~~ (B)
28 below for each proceeding requiring the appointment of an interpreter:
29

30 (A) Certified or registered interpreters

31
32 For each qualified, certified, or registered interpreter, the following
33 information must be recorded:
34

35 (i) ~~(A)~~ The name of the interpreter;

36
37 (ii) ~~(B)~~ The language to be interpreted;

38
39 (iii) ~~(C)~~ The fact that the interpreter is certified or registered to
40 interpret in the language to be interpreted; and
41

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

4
5 (B) ~~(2)~~ Noncertified or nonregistered interpreters

6
7 For each non certified or nonregistered interpreter, the following
8 information must be recorded:

9
10 (i) ~~(A)~~ The name of the interpreter;

11
12 (ii) ~~(B)~~ The language to be interpreted;

13
14 (iii) ~~(C)~~ The fact that the interpreter was administered the
15 interpreter's oath;

16
17 (iv) ~~(D)~~ The fact that the interpreter is not certified nor registered to
18 interpret in the language to be interpreted;

19
20 (v) ~~(E)~~ Whether a *Certification of Unavailability of Certified*
21 *Interpreters or Registered Interpreters* (form ~~IN~~ INT-120) for
22 the language to be interpreted is on file for this date with the
23 court administrator;

24
25 (vi) ~~(F)~~ The court's finding that good cause exists for the court to
26 appoint a noncertified or nonregistered interpreter;

27
28 (vii) ~~(G)~~ The court's finding that the interpreter is qualified to
29 interpret in the proceeding;

30
31 (viii) ~~(H)~~ If applicable, the court's finding under (c)(1)(B) that good
32 cause exists for the court to appoint a noncertified or
33 nonregistered interpreter beyond the time allowed in (c); and

34
35 (ix) If applicable, the objection or waiver of ~~the defendant or minor~~
36 ~~under (d)~~ a party.