

**Procedures and Guidelines to Appoint a Noncertified Interpreter
In Criminal and Juvenile Delinquency Proceedings
(Designated Languages)**

INT-100

The court is required to appoint a certified interpreter to interpret a language designated by the Judicial Council (*Gov. Code, § 68561*). The court may appoint a noncertified interpreter *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), 68564(d), (e); Cal. Rules of Court, rule 2.893*).

The following procedures are applicable in criminal proceedings and juvenile delinquency proceedings under Welfare and Institutions Code section 602 et seq.

STEP ONE: The proposed interpreter

- A. Completes and signs under oath the form *Qualifications of a Noncertified Interpreter (form IN- 110)*.
- B. Files the form with the court administrator.
- C. Renews the declaration of *Qualifications of a Noncertified Interpreter* after six months.

STEP TWO: The court administrator or designee

- A. Reviews the proposed interpreter's declaration of *Qualifications of a Noncertified Interpreter*
- B. Submits the proposed interpreter's declaration of *Qualifications of a Noncertified Interpreter* to the presiding judge.
- C. Sends a current copy of the *Qualifications of a Noncertified Interpreter* (signed by the presiding judge within the past six months) to the courtroom.
- D. Informs the presiding judge (form IN- 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 Interpreters (form IN- 120)*.
- F. Continues his or her efforts to obtain a certified interpreter for the proceeding.

STEP THREE: The presiding judge or judicial designee

- A. Reviews the declaration of *Qualifications of a Noncertified Interpreter*.
- B. May examine the proposed interpreter on his or her qualifications and may require additional information and documentation.
- C. Signs the six- month *Finding of Provisional Qualification and Order of the Presiding Judge (form IN- 110, page four)*, if the presiding judge finds the proposed interpreter to be provisionally qualified to interpret in the court in the language specified in the order.
- D. Renews the *Finding of Provisional Qualification and Order of the Presiding Judge* after six months, *if* the interpreter remains uncertified and provisionally qualified.
- E. Makes a finding of good cause to allow a noncertified interpreter to interpret beyond the maximum allowed by California Rules of Court, rule 2.893 (*see form IN- 110, page four*).

STEP FOUR: Judge at the proceeding

- A. May review the *Qualifications of a Noncertified Interpreter (form IN- 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 interpreter.

1 The languages designated by the Judicial Council under Government Code section 68562 are Arabic, Cantonese, Japanese, Korean, Portuguese, Spanish, Tagalog, and Vietnamese.

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

(Continued on reverse)

STEP FOUR: Judge at the proceeding (cont'd)

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- D. *(If applicable)* Finds on the record that good cause exists under California Rules of Court, rule 2.893 to appoint a noncertified 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. *(OR)* Continues the proceeding until a certified or a better-qualified interpreter is available.
- G. Informs the parties on the record that the proposed interpreter is not certified.
- H. May request a stipulation or waiver from the parties on the record to the appointment of the noncertified interpreter.
- I. Rules on any objection to the appointment of the noncertified interpreter.
- J. Appoints the proposed noncertified interpreter to interpret in the proceeding, and may appoint the interpreter to remain in the proceeding on subsequent days.

STEP FIVE: Courtroom clerk

- A. Retains in the courtroom the Qualifications of a Noncertified Interpreter of the interpreter.
- B. Records in the docket or minute order the information required by California Rules of Court, rule 2.893:
 - (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 to interpret in the language to be interpreted.
 - (5) Whether a *Certification of Unavailability of Certified 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 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 interpreter beyond the time allowed in rule 2.893.
 - (9) If applicable, the objection or waiver of the defendant or minor under rule 2.893.

INSTRUCTIONS FOR THE COURT'S FINDING OF GOOD CAUSE and APPOINTMENT OF NONCERTIFIED INTERPRETER

Before the court appoints a noncertified interpreter for a designated language, the court must make a good- cause finding on the record at the beginning of the proceeding (*Gov. Code, § 68561 (c)*). The appointment and finding below states the elements required.

The court appoints the noncertified interpreter to interpret the stated language in the proceeding on today's date. *(At the discretion of the court, this interpreter may remain on a particular matter begun on today's date.)*

The court finds good cause to appoint the interpreter based on the certification of the interpreter coordinator of his or her efforts to obtain an interpreter and that a certified court interpreter is not available. The coordinator's certification is on file.

The court finds the noncertified interpreter to be qualified to interpret in this proceeding based on (1) the interpreter's declaration of qualifications to the presiding judge and (2) the presiding judge's order provisionally qualifying the interpreter, which are on file with the court administrator, and *(optional)* (3) this court's examination in this proceeding of the interpreter.

The appointed interpreter *(choose one)*:

has **not** been appointed by any trial court beyond the period specified in California Rules of Court, rule 2.893 **-OR-**

has been appointed by a trial court beyond the period specified in California Rules of Court, rule 2.893, and the court finds good cause exists under rule 2.893 to continue using the interpreter.