

## Procedures to Appoint a Noncertified or Nonregistered Spoken Language Interpreter

The court is required to appoint a certified or registered interpreter. If a certified or registered interpreter is not available, the court may appoint a noncertified or nonregistered interpreter on a **provisional or temporary** basis, according to the instructions provided in this information sheet.

### 1. Provisional Qualification and Appointment

#### a. When Allowed

If, after a diligent search, a certified or registered interpreter is not available, a noncertified or nonregistered interpreter who has been provisionally qualified may be appointed.

#### b. Provisional Qualification Process

- (1) The noncertified or nonregistered interpreter may complete, sign, and submit to a judicial officer *Provisional Qualification of Noncertified or Nonregistered Spoken Language Interpreter* (form INT-110). Alternatively, a judicial officer may use form INT-110 to conduct a voir dire process to evaluate the qualifications of the proposed interpreter.
- (2) The judicial officer reviews the information on form INT-110. If the judicial officer finds that the interpreter is eligible for provisional qualification, the judicial officer will sign the finding and order on page 4 of the form.
- (3) A provisional qualification is valid for one year from the date of signature by the judicial officer.

#### c. Limits on Provisional Qualification

Interpreters seeking a third or subsequent period of provisional qualification after January 1, 2025, must demonstrate efforts to become certified or registered by indicating on form INT-110 that they have, during the previous two years:

- (1) Completed the Judicial Council's online self-paced court interpreter ethics training; and
- (2) Made at least two attempts to pass a qualifying exam for the language or languages of interpretation, if such a qualifying exam exists. Interpreters, including relay interpreters, working in a language or languages for which an Oral Proficiency Exam exists, must attempt that exam.

#### d. Provisional Appointment Process

- (1) The court must certify that no certified or registered interpreter is available for the required language or languages on the date of the proceeding. This certification is made when the court completes, signs, and files with the court administrator *Certification of Unavailability of Certified or Registered Interpreter and Availability of Provisionally Qualified Interpreter* (form INT-120).
- (2) After the court has made this certification, a provisionally qualified interpreter may be appointed by the judicial officer in a proceeding. If the prospective interpreter has not yet been made provisionally qualified, the judicial officer must review the qualifications on form INT-110, according to the instructions above.

#### e. Required Record

To appoint a provisionally qualified interpreter, the judicial officer in the proceeding must state the following on the record:

- (1) A finding that good cause exists to appoint a noncertified or nonregistered interpreter;
- (2) A finding that a certified or registered interpreter is not available and a statement that form INT-120 for the language to be interpreted is on file with the court administrator;
- (3) The name of the noncertified or nonregistered interpreter to be appointed, and the language or languages to be interpreted;
- (4) That the interpreter is not certified or registered to interpret in the languages required, and that the interpreter has been provisionally qualified to interpret in the required language or languages, and the date of qualification;
- (5) Whether a party has objected to the appointment of the proposed interpreter or has waived the appointment of a certified or registered interpreter;
- (6) A finding that the appointment is within the time limits in California Rules of Court, rule 2.893, or a finding that there is a necessity for the court to appoint the interpreter beyond these time limits; and
- (7) That the interpreter was administered the interpreter's oath.

#### **f. Limits on Provisional Appointments**

Unless the judicial officer in the proceeding determines there is a necessity:

- (1) A noncertified interpreter who is provisionally qualified under this rule to interpret in Spanish and English may not interpret in a superior court for more than 45 court days or parts of court days within a calendar year.
- (2) A noncertified or nonregistered interpreter who is provisionally qualified under this rule to interpret in a language or languages other than Spanish and English may not interpret in a superior court for more than 75 court days or parts of court days within a calendar year.

### **2. Temporary Appointment**

#### **a. When Allowed**

If the court finds that a certified or registered interpreter is not available, a noncertified or nonregistered interpreter may be appointed to interpret for a single, brief, routine matter before the court, in order to prevent burdensome delay or in other unusual circumstances.

#### **b. Temporary Appointment Process**

- (1) A temporary appointment is allowed only for a single, brief, routine matter before the court, when necessary to prevent burdensome delay, or in other unusual circumstances.
- (2) If the judicial officer finds that a certified or registered interpreter is not available, a temporary interpreter may be appointed by the judicial officer in a proceeding. **Optional:** The judicial officer in a proceeding may ask the prospective interpreter to fill out and submit information on *Temporary Qualification of Noncertified or Nonregistered Spoken Language Interpreter* (form INT-140).

#### **c. Required Record**

To appoint a noncertified or nonregistered interpreter on a temporary basis, the judicial officer in the proceeding must state the following on the record:

- (1) A finding that a certified or registered interpreter is not available and that good cause exists to appoint an interpreter who is not certified, registered, or provisionally qualified;
- (2) The name of the noncertified or nonregistered interpreter to be appointed, and the language or languages to be interpreted;
- (3) That the interpreter is not certified or registered to interpret in the language required and that the interpreter is qualified to interpret that proceeding, following procedures adopted by the Judicial Council;
- (4) That the LEP person has been informed of their right to an interpreter and has waived the appointment of a certified or registered interpreter, or an interpreter who could be provisionally qualified; and
- (5) That the interpreter was administered the interpreter's oath.

#### **d. Limits on Temporary Appointments**

Temporary appointments are limited to single, brief, and routine matters before the court. The temporary appointment of an interpreter may not be extended to subsequent proceedings without again following the procedures above.

### **3. Relay Interpreters**

Relay interpreters work between two non-English spoken languages and may be provisionally qualified and appointed or temporarily appointed, depending on the circumstances. If a relay interpreter is provisionally appointed, they must abide by the limit of 75 court days or parts of court days in a calendar year, as described above. If a relay interpreter is temporarily appointed, their appointment is limited to a single, brief, and routine matter before the court.