

PROCEDURES TO APPOINT A NONCERTIFIED OR NONREGISTERED SPOKEN LANGUAGE INTERPRETER AS EITHER PROVISIONALLY QUALIFIED OR TEMPORARY

The court is required to appoint a certified or registered interpreter. If a certified or registered interpreter is not available, the court may **provisionally qualify** (Cal. Rules of Court, rule 2.893(d)(3)) or **temporarily use** an interpreter (Cal. Rules of Court, rule 2.893(d)(4)). *These procedures include **different instructions** for provisional qualification and temporary use.*

How does the court appoint a potential noncertified or nonregistered interpreter?

- The court must determine if a certified or registered interpreter is expected to be available by reviewing and completing a *Certification of Unavailability of Certified or Registered Interpreter* (form **INT-120**). Form **INT-120** must be completed, signed, and filed on the day of the proceeding.
- The court must also determine if a noncertified or nonregistered interpreter is being temporarily used per rule 2.893(b)(7) and (d)(4), or if the interpreter needs to be provisionally qualified or is already provisionally qualified.

What is the process for provisionally qualifying an interpreter?

- To provisionally qualify an interpreter, the presiding judge or judicial designee must review the declaration on *Qualifications of a Noncertified or Nonregistered Spoken Language Interpreter* (form **INT-110**) and sign the six-month Finding of Provisional Qualification and Order of the Presiding Judge.
- Requirements to provisionally qualify an interpreter are different during the first six-month period and subsequent six-month periods. The presiding judge or judicial designee should be careful to review whether the proposed interpreter has met those requirements under rule 2.893(f).

What is the process for temporary use of an interpreter?

- After the interpreter has completed and signed the Temporary Interpreter Declaration on *Temporary Use of a Noncertified or Nonregistered Spoken Language Interpreter* (form **INT-140**), the judge must review and sign the Finding of Qualification for a Single Proceeding.
- A separate form **INT-140** must be completed for each language and each usage of an interpreter.
- The judge's finding must include that the Limited English Proficient (LEP) person has waived the appointment of a certified or registered interpreter.
- Form **INT-140** is intended for a single, brief appearance before the court and may not be extended to subsequent proceedings without completing a new form **INT-140**.

What are the record-keeping requirements when using a noncertified or nonregistered interpreter?

- There are specific requirements as to **who** must make findings on the record and **what** details must be included whenever a noncertified or nonregistered interpreter is used. To learn more about these requirements in each situation, review rule 2.893(d)(2) and (d)(4)(A) of the California Rules of Court.
- File the completed *Certification of Unavailability of Certified or Registered Interpreter* (form **INT-120**) with the court on the day of the proceeding.
- Process the completed *Qualifications of a Noncertified or Nonregistered Spoken Language Interpreter* (form **INT-110**) in accordance with the court's record-keeping procedures.
- Retain the completed *Temporary Use of a Noncertified or Nonregistered Spoken Language Interpreter* (form **INT-140**) in the case file, unless *voire dire* is used.

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What does an interpreter need to do to become provisionally qualified?

- Complete and sign under oath the *Qualifications of a Noncertified or Nonregistered Spoken Language Interpreter* (form **INT-110**) and submit it to the court.
- Renew the declaration in form **INT-110** after the first six months *if* the interpreter remains uncertified or unregistered and provisionally qualified.
- If seeking provisional qualification in additional six-month periods, the interpreter must take the written court interpreter exam, required ethics courses, and/or relevant bilingual interpreting or oral proficiency exams. These requirements are detailed in rule 2.893 of the California Rules of Court.