

CERTIFICATION OF UNAVAILABILITY OF CERTIFIED OR REGISTERED INTERPRETER

INTERPRETER'S NAME: LANGUAGE: Number of six- month periods this interpreter has been used: _____ <input type="checkbox"/> Within <input type="checkbox"/> Beyond the period allowed by Cal. Rules of Courts, rule 2.893.	<small>FOR COURT USE ONLY (FILE WITH THE COURT ADMINISTRATOR)</small>
<small>INSERT NAME OF COURT, JUDICIAL DISTRICT, AND BRANCH COURT, IF ANY:</small>	

CERTIFICATION OF UNAVAILABILITY

Case Number:

Date of Proceeding:

1. I am the person responsible for assigning interpreters to this court.
2. I have read and understand Government Code sections 68560.5 and 68561 mandating the use of certified court interpreters in court proceedings in languages that have been designated by the Judicial Council, and the use of registered interpreters in proceedings in languages not designated by the Judicial Council.
3. After making a diligent search, I certify that NO CERTIFIED OR REGISTERED COURT INTERPRETER IS AVAILABLE ON THIS DATE to interpret in the language stated above.
4. I have diligently attempted to contact all certified or registered court interpreters for this language in this county and in the neighboring counties of (specify):
5.
 - a. I attempted to contact interpreters on the Judicial Council Master List of Certified Court Interpreters.
 - b. I have also made the following efforts to obtain an interpreter (see section 2.0, p.2):
 - (1) I attempted to contact the regional coordinator for this region.
 - (2) I attempted to contact interpreters on the list of Federal Certified Interpreters (Spanish, Haitian-Creole, or Navajo only).
 - (3) I attempted to contact interpreters on the Master List of Certified Administrative Hearing Interpreters published by the State Personnel Board.
 - (4) I attempted to contact interpreter agencies in this area.
 - c. The scheduled interpreter canceled less than 24 hours before the proceeding.
6. I certify that the *Qualifications of a Noncertified or Nonregistered Interpreter* (form INT -110) for the interpreter named above was filed with the court administrator within the past six months.
7. I certify that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

 _____
(SIGNATURE OF COURT ADMINISTRATOR DESIGNEE)

(See procedures on reverse)

**PROCEDURES FOR DETERMINING UNAVAILABILITY OF A
CERTIFIED OR REGISTERED COURT INTERPRETER
(Gov. Code, sections 68561(c), 68564(d), 71802(b)(1) and (d))**

1.0 Definitions

- 1.1 "Certified court interpreter" means a natural person who holds a valid certificate as a certified court interpreter issued by the Judicial Council or by a certification entity approved by the Judicial Council (Gov. Code, section 68566). **(Note:** Only interpreters of a designated language may be certified. As of January 1, 1996, interpreters named on the list previously established by the State Personnel Board, or interpreters with documentation from the State Personnel Board or any other entity, are not "certified court interpreters," unless they also possess a valid certificate from the Judicial Council.)
- 1.2 "Registered court interpreter" means any person who interprets in a court proceeding using a language not designated by the Judicial Council whom the court qualifies under procedures and guidelines adopted by the Judicial Council AND who passes an English fluency examination offered by a testing entity approved by the Judicial Council. (Gov. Code, section 68561(d).)
- 1.3 "Designated languages" are the following languages now designated by the Judicial Council: Arabic, Armenian (Eastern), Armenian (Western) , Cantonese, Japanese, Korean, Mandarin, Portuguese, Russian, Spanish, Tagalog, and Vietnamese. The designated languages may change depending on the results of a language use and need study (Gov. Code, section 68562(a)).
- 1.4 "Diligent search" refers to the procedures (*outlined below in section 2.0*) followed by the court in good faith to find a certified or registered court interpreter in the target language.
- 1.5 "Interpreter coordinator" refers to the person who is responsible for assigning interpreters to a court.

2.0 Procedures for Diligent Search

- 2.1 Before the court may use a noncertified or nonregistered interpreter, the interpreter coordinator shall attempt to contact interpreters on the Judicial Council Master List of Certified Court Interpreters. If no certified or registered court interpreter is available, the interpreter coordinator shall take the following steps in the order listed:
 - a. The interpreter coordinator shall attempt to contact the regional coordinator for the region.
 - b. The interpreter coordinator shall attempt to contact interpreters on the list of Federal Certified Interpreters (Spanish, Haitian-Creole, or Navajo only).
 - c. The interpreter coordinator shall attempt to contact interpreters on the Master List of Certified Administrative Hearing Interpreters published by the State Personnel Board.
 - d. The interpreter coordinator shall attempt to contact interpreter agencies in the area.

3.0 Procedures Upon Finding of Unavailability

- 3.1 If a certified or registered court interpreter cannot be located, this form documenting the efforts made to comply with these provisions shall be completed and filed in the case. Contact shall be maintained with the courtroom officers to keep them apprised of the status of efforts to locate a certified or registered court interpreter.
- 3.2 The judge may choose to continue the matter until a certified or registered court interpreter is available.

OR

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(Gov. Code, sections 68561(c), 68564(d), 71802(b)(1) and (d))**

- 3.3 The judge may determine that it is acceptable to proceed with a noncertified or nonregistered interpreter. If so, the judge on the record shall (1) find that good cause exists for the court to appoint a noncertified or nonregistered interpreter; (2) find the noncertified or nonregistered interpreter to be qualified to interpret in the proceeding based on the interpreter's declaration of qualifications and the presiding judge's order provisionally qualifying the interpreter (form INT -110), and, if the judge deems it necessary, on the judge's examination of the interpreter; and (3) appoint the noncertified or nonregistered interpreter to interpret in the proceeding. The court shall inform the parties that the interpreter is not certified or registered and may request a stipulation or waiver. A party may object to the interpreter at any time during the proceeding that it appears to the party that the interpreter is unqualified. The court shall record in the minute order or docket the name of the noncertified or nonregistered interpreter and the other information required by California Rules of Court, rule 2.893.
- 3.4 If a particular matter is heard using a noncertified or nonregistered interpreter and further proceedings are set for a future date, the interpreter coordinator shall continue efforts to obtain the services of a certified or registered court interpreter for all subsequent hearing dates. At the discretion of the court, the interpreter appointed on a particular matter may remain on that matter.