

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 2.506-1/14\*

IN RE: COURT INTERPRETER POLICIES

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Cases sometimes involve persons who require the assistance of a foreign language interpreter or sign language interpreter when attending court proceedings. The role of the interpreter is to facilitate communication between the court and non-English speaker(s) ("NES") during criminal court proceedings. Interpreter Services are provided to the Criminal Divisions of the Circuit, County, and Juvenile Court, as well as Domestic Violence Injunction proceedings. Qualified language and sign interpreters for NES and hearing impaired individuals are ordered by the court, as mandated by sections 90.606 and 90.6063, Florida Statutes, and under the provisions of the Americans with Disabilities Act for hearing impaired individuals, for all courts.

The Court Interpreter Department of Court Administration ("**Court Interpreter Office**") consists of a director, a **supervising interpreter** and full-time Spanish and Creole staff interpreters. The court also contracts with free-lance interpreters for Sign Language, Spanish, Creole, and other exotic languages. In an effort to ensure the effective administration of justice, it is necessary that a policy be established to provide certain basic principles concerning **the use of interpreters assigned to Court Interpreter Department** in the Fifteenth Judicial Circuit ("**Staff Interpreters**").

**NOW, THEREFORE**, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

1. Staff interpreters are assigned to the Main, South, North, West and Gun Club court facilities. Interpreter services are provided to the Criminal Divisions of the Circuit, County and Juvenile Court, as well as Domestic Violence Injunction proceedings and dependency proceedings. Interpreter services shall only be utilized for individuals appearing before the court. Spoken language interpreter services shall not be provided for persons summoned for jury service.
2. Interpreter services may only be requested by a judge, judicial assistant, trial clerk, attorney of record or Court Administration. If the services of an interpreter are needed at a hearing, the attorney must so inform the judicial assistant when scheduling the hearing **or they must contact the court interpreter's office directly**. Opposing counsel must inform the judicial assistant of the need for interpreter services as soon as counsel is made aware of the need **or they must**


**coordinate the scheduling directly with the interpreter's office.** If interpreter services are needed for a trial or plea or for a witness who will testify in court, the attorney shall so inform the court at the pre-trial conference. Requests shall be made no less than two (2) business days in advance of the scheduled date for Spanish, Creole and American Sign Language interpreters, and no less than ten (10) business days in advance of the scheduled date for unique languages, which shall include all languages other than Spanish, Creole and American Sign Language. Once the need for an interpreter has been determined, the requesting party must contact the Court Interpreter **Office** via email: CAD-CourtInterpreters@pbcgov.org. Same day requests should be made by telephone at 561-355-2434 and shall be covered whenever possible, depending upon the availability of resources.

3. When **staff** interpreter services are needed to assist in more trials than the **Court Interpreter Office** has personnel to cover, cases will be given priority in the following order: (1) capital cases; (2) cases in which speedy trial has not been waived and the end of the speedy trial time period is most quickly approaching; and (3) by the severity of the offense. In the event of a conflict concerning the severity of the offense, the chief judge or his/her designee shall decide which case will be given precedence. Cases for which **staff** interpreter services were not available on the preceding day will be given priority the following day, if possible.
4. The presiding judge shall call cases involving the use of **staff** interpreters before other matters, but shall not be required to interrupt a proceeding that has already begun. Staff interpreters shall move to their next assignment if the presiding judge does not utilize the interpreter's services within 15 minutes of their arrival, or the conclusion of the immediate case before the court, whichever occurs first. The Court Interpreter **Office** will be notified when the **staff** interpreter is to return to the courtroom if the case for which their services are required is ready to be heard. When **staff** interpreters are requested for a general trial call, only one **staff** interpreter shall be present to assist with possible pleas or negotiations. Every effort shall be made to minimize the length of time the **staff** interpreter must remain in the courtroom.
5. Trials requiring foreign language interpretation shall be coordinated with the Court Interpreter Office no less than two (2) business days in advance from the scheduled date for Spanish and Creole interpreters and for languages other than Spanish and Creole, no less than ten (10) business days in advance of the scheduled date. Jury trials involving interpreters are scheduled as "time certain" trials within a trial period. Only when a request is made for a time certain trial, which includes estimated days of service required, will the Court Interpreter **Office** guarantee the presence of interpreters for the duration of said trial
6. **Staff** interpreters shall not be required to provide interpretation to defendants without the presence of defendant's counsel, unless directed by the court.

7. **Staff** interpreters shall not be required to sit in the jury box with a defendant and shall not accompany an attorney into a holding cell to conduct “in-custody” client interviews except where a unique circumstance occurs which requires the court to proceed to a holding cell to advise a defendant of certain consequences of his actions where a defendant refuses to leave a holding cell.
8. The **staff** interpreter may assist an attorney with conducting a brief “in-custody” client exchange, such as updating or conveying an offer, within the courtroom. This shall only occur under unique circumstances as the presiding judge may deem necessary. When necessary, the judge shall instruct the **staff** interpreter to assist an attorney with communicating with an “in-custody” client once the defendant is brought into the courtroom.
9. **Staff** interpreters shall not accompany defendants or any other NES individual to the Clerk’s Office, Probation Office, or to any other destination.
10. **Staff** interpreters may sight translate brief court documents during a court proceeding, but shall not explain court documents, procedures, or otherwise communicate with litigants outside of the court proceeding. **Staff** interpreters shall not be required to translate disposition reports or case plans during court proceedings due to the excessive length of the document.
11. **Staff interpreters shall not translate audio or video recordings during court proceedings.**
12. Court Administration will seek the services of a free-lance interpreter if the target language is Spanish or Creole and a staff interpreter is unavailable to cover the assignment, or the target language is not offered by the Court Interpreter **Office**. The Court Administrator must approve all individual or agency contracts. Free-lance, Federal or State certified interpreters will have right of first refusal on any assignment over court-qualified and otherwise qualified interpreters.
13. **Staff** interpreter services will be available for initial appearance and other proceedings during weekends and holidays. Spanish and Creole interpreters are always present during weekend and holiday sessions. If the need for an interpreter for a language other than Spanish or Creole, including American Sign Language, were to arise during the weekend, the clerk’s **office** may request that the staff interpreter present during the proceeding attempt to call a free-lance interpreter to cover the assignment or call Language Line services to request the assistance of an interpreter telephonically.
14. **Staff** interpreter services are provided for NES parents or guardians of a minor who are directly involved in a juvenile court proceeding. **Staff** interpreter services are provided to any NES individual who is served a summons to appear before the court due to his or her direct involvement in a minor’s juvenile court proceeding.

15. The use of headsets and wireless microphones shall be used in all venues wherever possible.
16. Every effort must be made to obtain the most qualified **staff** interpreter for each court proceeding.

**DONE AND SIGNED** in Chambers at West Palm Beach, Palm Beach County Florida, this ~~3<sup>rd</sup>~~ day of January, 2014.

  
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Jeffrey J. Colbath, Chief Judge

\*supersedes admin. order 2.506-1/13