



## OJD Court Interpreter Payment Policy

### PAYMENT AUTHORITY

*(list what can be paid/cannot be paid from Mandated Payments)*

**A. OJD provides Foreign Language Interpreters for the following** (paid from Mandated Payments):

General Policy: Courts are required to pay for costs of foreign language interpreters where statute requires, and where the court needs the services of an interpreter to conduct the business of the court and clerk's office. This includes:

- All in-court interpreting for criminal cases (for court record and for the party), including crime victims.
- All in-court interpreting for civil cases (for court record and for the party), including but not limited to:
  - \* domestic relations cases
  - \* restraining order hearings
  - \* juvenile dependency and delinquency hearings (includes for parents and other granted limited rights of participation)
  - \* small claims
  - \* FEDs
  - \* violations
- At the public court counter or telephone interpreting—traffic, domestic relations, civil, nonspecific.

(If available, court staff who have passed the bilingual skills exam should be used for communication at the counter and over the phone. OJD's Contracted service, Language Line video remote interpreting or telephonic interpreting, may be used for brief communication when no bilingual court staff or interpreter is available).
- Mandatory court arbitration proceedings under ORS 36.400 (includes off-court sites).
- Mediation sessions for court-run programs only (not for county-run domestic relations mediation);

1 Exception—OJD will pay for interpreter at a noncourt-run mediation session if taken as a mandated alternative for mandatory civil arbitration under local court rules.
- Interpreting for juror orientation (no statutory authority for actual juror service coverage).
- CRB review hearings for parents, guardians, and interested parties (including foster parents, grandparents, potential foster parents).
- Court-run programs and pilot programs using funds from the Oregon Judicial Department (OJD) budget (e.g., state pretrial release, indigent defense verification, juvenile court improvement project, dependency mediation pilot. Pilots which have ended and funding comes from county resources are not covered under mandated funds regardless of initial OJD funding models).

- Victims attending hearings. Revised 5/26/2015
- For limited English proficient parents of a juvenile being charged as an adult in criminal court. Revised 1/2014
- For for judgment debtors during debtor exams, when the debtor exams are held on court premises. Revised 8/2014

**B. OJD provides Sign and ASL Interpreters for the following** (paid from Mandated Payments):

General Policy: Governed by Federal Americans with Disabilities Act (ADA). OJD pays in all of the above-listed situations as it does for foreign language interpreters, but also pays for public accommodations upon request at court activities, events, proceedings, and for trial and grand jurors.

Special Note on Grand Jury: For ADA, there is federal and state statutory authority for payment for juror service coverage and in deliberations. However, there is not payment authority for ASL interpreters for witnesses at grand jury. See ORS 132.090 (3) and ORS 136.602, which are consistent with ORS 136.602 and 136.603 requiring DAs to pay for grand jury witness expenses.

**C. OJD does not provide interpreter payments for the following:**

General Policy: The Oregon Judicial Department does not have a responsibility (and may be precluded from using state funds) to pay for services where the statutes are silent on state responsibility for payment or law provides for others to pay.

When it is a court-run program, the court does provide and pay for court services, as distinguished from court-ordered (only) services that are provided by others outside the OJD.

Court-ordered services provided by the city, county, or contracted through contracted or referral-service entities must have an ability to meet laws to provide both ADA accommodations and foreign language services to court-referred defendants or parties. If they do not, they should not be on court-approved lists / OJD contracts.

The activities OJD are not responsible for payment include:

- Jail personnel to communicate with inmates.
- Inmate to be taken to see nurse, doctor, or any other purpose while in jail (jail pays).
- Services to children and families and supervised visits.
- Diversion program services.
- Close street supervision.
- Drug and alcohol evaluation (If county-run program, county pays or state DHS has funds for non-English speaking persons to participate in drug and alcohol treatment programs that are used for diversion agreements under ORS 813.200 or are required under ORS 813.020; see ORS 813.270(6).).
- Anger management counseling (if county-run program, county pays).
- Probation interviews (even if ordered by court).
- Pre sentence Investigation examinations (PSIs).

- Grand jury witnesses (DA's office pays, even for ASL interpreting for Deaf / hard of hearing witnesses; see ORS 132.090 (3), ORS 136.602, ORS 136.602 and ORS 136.603)
- Parenting classes.
- Jurors (except for orientation or to find out language skill level -- no statutory authority for actual juror service interpreting).

Revised: 5/4/16 KM