



OREGON JUDICIAL DEPARTMENT
Court Interpreter Payment Policy – Payment Authority
(effective March 13, 2023)

PURPOSE: This policy specifies what can and cannot be paid from mandated payments.

POLICY:

I. FOREIGN LANGUAGE INTERPRETERS

A. 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 the clerk's office. The Oregon Judicial Department (OJD) provides foreign language interpreters for the following (paid from mandated payments):

1. All in-court interpreting for criminal cases (for court record and for the party), including crime victims.
2. 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 others granted limited rights of participation);
 - Small claims;
 - FEDs; and
 - Violations.
3. 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).
4. Mandatory court arbitration proceedings under ORS 36.400 (includes off-court sites).
5. Mediation sessions conducted pursuant to an order or referral from the court or provided as part of an approved court mediation program as an alternative to mandatory arbitration.
 - Exception: OJD will not provide interpreter services when the mediation is conducted by another state agency.

6. Interpreting for juror orientation (no statutory authority for actual juror service coverage).
7. Citizen Review Board (CRB) review hearings for parents, guardians, and interested parties (including foster parents, grandparents, potential foster parents).
8. Court-run programs and pilot programs using funds from the OJD budget (e.g., state pretrial release, indigent defense verification, juvenile court improvement project, dependency mediation pilot. Pilot programs that have ended and funding comes from county resources are not covered under mandated funds regardless of initial OJD funding models).
9. Victims attending hearings. *(Revised 5/26/2015)*
10. For limited English proficient parents of a juvenile being charged as an adult in criminal court. *(Revised 1/2014)*
11. For judgment debtors during debtor exams when the debtor exams are held on court premises. *(Revised 8/2014)*

II. SIGN AND ASL INTERPRETERS

- A. General Policy:** Governed by Federal Americans with Disabilities Act (ADA). OJD provides and pays for sign and ASL interpreters in all of the situations listed under section I.A. as it does for foreign language interpreters, but also pays for public accommodations upon request at court activities, events, proceedings, and for trial or grand jurors (paid from mandated payments).
- 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 no payment authority for ASL interpreters for witnesses at grand jury. See ORS 132.090(3) and ORS 136.602, which is consistent with ORS 136.603 requiring district attorneys to pay for grand jury witness expenses.

III. INTERPRETER PAYMENTS NOT PROVIDED BY OJD

- A. General Policy:** OJD 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 where the law provides for others to pay.

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.

Activities where OJD is not responsible for payment include:

1. Jail personnel to communicate with inmates.

2. Inmate to be taken to see nurse, doctor, or any other purpose while in jail (jail pays).
3. Services to children and families and supervised visits.
4. Diversion program services.
5. Close street supervision.
6. Drug and alcohol evaluation (if county-run program, the county pays or the Department of Human Services (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 that are required under ORS 813.020; see ORS 813.270(6)).
7. Anger management counseling (if county-run program, the county pays).
8. Probation interviews (even if court ordered).
9. Pre-sentence investigation examinations (PSIs).
10. Grand jury witnesses (district attorney's office pays, even for ASL interpreting for Deaf/hard of hearing witnesses; see ORS 132.090(3), ORS 136.602, and ORS 136.603)
11. Parenting classes.
12. Jurors (except for orientation or to find out language skill level – no statutory authority for actual juror service interpreting).

Approved:



Nancy J Cozine
State Court Administrator

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