

THE PENNSYLVANIA COURT AND ADMINISTRATIVE HEARING INTERPRETER LAW

ACT 172, which was effective January 29, 2007, will dramatically change the quality and availability of interpreters in state court and administrative agency hearings.

WHAT CASES ARE COVERED. Appointment of an interpreter is *mandatory* in these types of cases, upon request or when the judge orders it:

- Limited English proficient person (LEP) is involved as -
 - Defendant in criminal case
 - Plaintiff or defendant in a civil case, or
 - A crime victim in a criminal case, and
 - An immediate family member of the persons above is LEP (*optional*), plus
 - A witness in a criminal or civil case.
- State courts
 - All state and county court proceedings are covered – criminal, civil and appellate
 - Includes proceedings conducted by non-judges such as arbitrators, masters, and commissioners
 - *Excludes* court operations outside of the courtroom and federal courts (but federal laws may require language access there).
- Administrative agency hearings to decide individual cases
 - All state agencies, with four narrow exceptions (for certain tax, election, PennDOT and higher education discipline matters)
 - All local agency hearings
 - Excludes federal agency hearings (but federal policy often covers them)

WHO CAN INTERPRET. Court interpreters will be officially appointed by the court and informal interpreters generally prohibited.

- **Certified interpreters** must be used first whenever available. They have to pass oral and written tests of language ability, interpreting skill and ethics. The certification program is in the process of being established.
- **Otherwise qualified interpreters** may be appointed if a certified interpreter is not available. These interpreters are registered, screened and at least partially tested but have either failed the oral exam or no exam is available in the needed language.

WHO PAYS THE INTERPRETER

- In court cases, the court pays the interpreter in any criminal case and in civil cases involving an indigent party. In other civil cases, the court may charge the interpreter costs to the parties, except that a deaf party cannot be charged for a sign interpreter.
- In all administrative hearings, the agency conducting the hearing pays for the interpreter.

PROBLEMS? If you have problems getting an interpreter, Community Legal Services may be able to help. Contact Beth Shapiro in the Language Access Project, bshapiro@clsphila.org or 215.227.2400, ext. 2432.