



South Carolina Judicial Branch

SOUTH CAROLINA COURT ADMINISTRATION

**Court Interpreters in
South Carolina Courts:
A Policy and Procedure Guide**

Revised May, 2023



South Carolina Judicial Branch

COURT INTERPRETERS POLICY AND PROCEDURE GUIDE

THE STANDARDS OF CONDUCT FOR ALL COURT INTERPRETERS IN THE SOUTH CAROLINA JUDICIAL SYSTEM IS ESTABLISHED BY RULE 511, RULES OF PROFESSIONAL CONDUCT FOR COURT INTERPRETERS. THE POLICIES AND PROCEDURES IN THIS GUIDE ARE TO BE READ IN CONJUNCTION WITH APPLICABLE STATUTES AND COURT RULES, EXCEPT WHERE THE GUIDE CONTRADICTS EITHER STATUTES OR COURT RULES. VIOLATION OF THE STANDARD OF CONDUCT IS SUBJECT TO THE COURT'S CONTEMPT POWERS AND WILL RESULT IN REMOVAL FROM THE SOUTH CAROLINA COURT INTERPRETER'S DIRECTORY



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CHAPTER 1: **Judicial Branch Overview**



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CHAPTER 1: JUDICIAL BRANCH OVERVIEW

1.01 Mission

The Mission of the South Carolina Judicial Branch is to provide a fair and efficient forum for the just resolution of civil disputes and criminal matters.

1.02 Vision

The Judicial Branch works constantly to provide a court system that not only is fair but is perceived as fair, in which all persons are treated equally and all matters are resolved in an unbiased and just manner according to the law as established by the United States Constitution, the Constitution of South Carolina, state statutes, and the common law.

1.03 The South Carolina Judicial System

The State of South Carolina is a unified court system with Sixteen (16) Judicial Circuits, covering Forty-Six (46) counties.





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These circuits are organized in the following way:

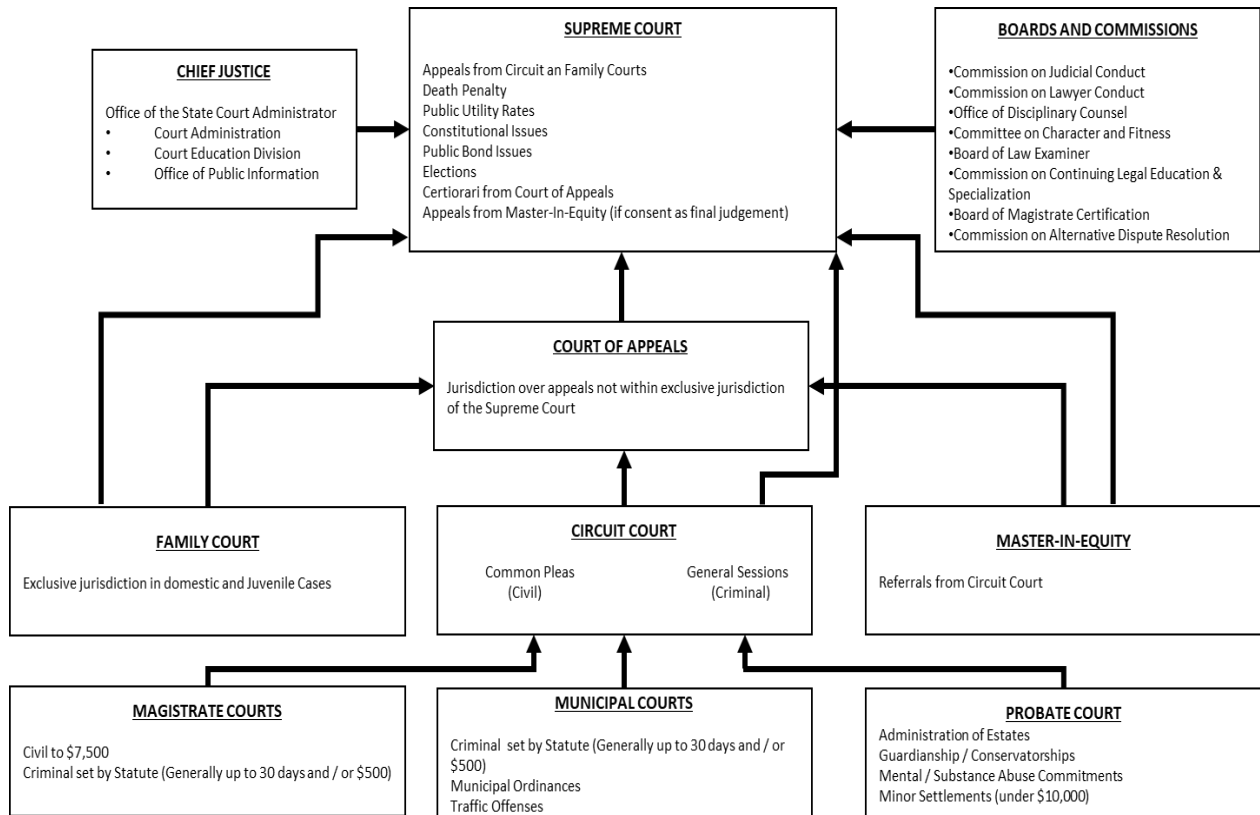
<i>First Circuit</i>	Calhoun, Orangeburg, Dorchester
<i>Second Circuit</i>	Aiken, Barnwell, Bamberg
<i>Third Circuit</i>	Lee, Sumter, Clarendon, Williamsburg
<i>Forth Circuit</i>	Dillon, Chesterfield, Darlington, Marlboro
<i>Fifth Circuit</i>	Kershaw, Richland
<i>Sixth Circuit</i>	Chester, Fairfield, Lancaster
<i>Seventh Circuit</i>	Cherokee, Spartanburg
<i>Eighth Circuit</i>	Abbeville, Newberry, Laurens, Greenwood
<i>Ninth Circuit</i>	Berkeley, Charleston
<i>Tenth Circuit</i>	Oconee, Anderson
<i>Eleventh Circuit</i>	McCormick, Edgefield, Lexington, Saluda
<i>Twelfth Circuit</i>	Florence, Marion
<i>Thirteenth Circuit</i>	Pickens, Greenville
<i>Fourteenth Circuit</i>	Allendale, Colleton, Hampton, Beaufort, Jasper
<i>Fifteenth Circuit</i>	Georgetown, Horry
<i>Sixteenth Circuit</i>	York, Union

Within the 46 counties are Magistrate and Municipal Courts.



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1.04 The Courts

The judicial system of South Carolina is composed of the courts, the prosecution, and the defense components. The court system is comprised of the Supreme Court, Court of Appeals, Circuit Court, Family Court, the Magistrate Courts, Municipal Courts, Probate Courts, and Master-in-Equity Courts. The prosecutorial system is made up of the circuit solicitors and the Attorney General's Office. The defense component includes circuit public defenders, court-appointed counsel, retained counsel, and the S.C. Commission on Indigent Defense, Division of Appellate Defense.

a. The Supreme Court

The State's highest tribunal is the Supreme Court. The Court has both original and appellate jurisdiction, but generally acts only in its appellate capacity which includes cases on certiorari from the Court of Appeals and seven classes of appeals directly from the Circuit and Family Courts. The seven classes are cases involving 1) the death penalty, 2) public utility rates, 3) significant constitutional issues, 4) public bond issues, 5) election laws, 6) an order limiting



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the investigation by a state grand jury, and 7) an order of a Family Court relating to an abortion of a minor. Other appeals from the Circuit and Family Courts are apportioned between the Supreme Court and the Court of Appeals. The Supreme Court renders decisions based on lower court transcripts, briefs, and oral arguments. In addition to hearing and deciding cases, the Court also has rulemaking authority for the unified judicial system, including ethics regulations for judges and controlling admissions to and disciplining of the S.C. Bar. The Supreme Court is composed of a Chief Justice and four Associate Justices who are elected by the S.C. General Assembly for a term of ten years. The terms are staggered and a justice may be re-elected to any number of terms. (See Art. V, S.C. Constitution).

b. The Court of Appeals

Most appeals from the Circuit Court and the Family Court will be heard by the Court of Appeals (S.C. Code Ann. § 14-8-200). Exceptions are when the appeal falls within any of the seven classes listed above, or when the appeal is certified for determination by the Supreme Court.

The Court of Appeals is the judicial system's newest court, having commenced operation on September 1, 1983. It consists of a Chief Judge and eight associate judges who are elected to staggered terms of six years each. The Court sits either as three panels of three judges each or as a whole, and it may hear oral arguments and motions in any county in the state.

c. The Circuit Courts

Directly under the Supreme Court and the Court of Appeals is the Circuit Court, the State's court of general jurisdiction. It has a civil court (the Court of Common Pleas) and a criminal court (the Court of General Sessions). In addition to its general trial jurisdiction, the Circuit Court has limited appellate review over appeals from the Probate Court, Magistrate's Court, and Municipal Court. The state is divided into sixteen judicial circuits. Each circuit has at least one resident judge who maintains an office in the judge's home county within the circuit. Circuit judges serve the sixteen circuits, on a rotating basis, with court terms and assignments determined by the Chief Justice through Court Services. Circuit Court judges are elected to staggered terms of six years.

d. Masters-In-Equity

The Masters-in-Equity are appointed by the Governor with the advice and consent of the General Assembly to a term of six years. They may serve in full or part-time capacity and are compensated by the county governing body. Masters have jurisdiction in equity matters



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referred to them by the Circuit Court. They have the power and authority of the Circuit Court sitting without a jury, to regulate all proceedings in every hearing before them, and to perform all acts and take all measures necessary or proper for the efficient performance of their duties under the order of reference. This includes the power to rule on all motions, require the production of evidence, and call witnesses and examine them under oath. Masters may also conduct sales under certain circumstances. There are currently 21 Masters-in-Equity. Appeals from an order or judgment entered by a master or referee "must be to the Supreme or the Court of Appeals as provided by the South Carolina Appellate Court Rules. A matter may not be referred to the master or referee for the purpose of making a report to the circuit court." S.C. Code Ann. § 14-11-85. See Rule 53, SCRCP.

e. The Family Courts

The unified statewide family court system was established by statute in 1976. The Family Court has exclusive jurisdiction of all matters involving domestic or family relationships. Pursuant to this provision, the Family Court is the sole forum for the hearing of all cases concerning marriage, divorce, legal separation, custody, visitation rights, termination of parental rights, adoption, support, alimony, division of marital property, and change of name. This court also generally has exclusive jurisdiction over minors under the age of seventeen. S.C. Code Ann. § 63-3-510 provides that the Family Court "shall have exclusive original jurisdiction and shall be the sole court for initiating action" concerning a child who "is alleged to have violated or attempted to violate any State or local law or municipal ordinance."

S.C. Code Ann. § 63-19-1210 provides that if, "during the pendency of a criminal or quasi-criminal charge . . . it is ascertained that the child was under the age of eighteen years at the time of committing the alleged offense, it is the duty of the circuit court immediately to transfer the case, together with all papers, documents, and testimony connected with it, to the family court . . ." Each summary court judge should contact the family court office in the judge's county and arrange with family court personnel such procedures as will expedite and ensure the orderly transfer of juvenile cases to the family court.

While as a general proposition the family court has "exclusive" jurisdiction over a person under seventeen years of age, S.C. Code Ann. § 63-3-520 provides the following:

"The magistrate courts and municipal courts of this State have concurrent jurisdiction with the family courts for the trial of persons under seventeen years of age charged with traffic violations or violations of the provisions of Title 50 relating to fish, game and watercraft when such courts would have jurisdiction of the offense charged if committed by an adult."



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S.C. Code Ann. § 63-19-20(1) defines "child" or "juvenile" as a person less than eighteen years of age. "Child" or "juvenile" does not mean a person seventeen years of age or older who is charged with a Class A, B, C, or D felony as defined in Section 16-1-20 or a felony which provides for a maximum term of imprisonment of fifteen years or more. In addition, "If a child seventeen years of age or older is charged with an offense which, if committed by an adult, would be a misdemeanor, a Class E or F felony as defined in Section 16-1-20, or a felony which provides for a maximum term of imprisonment of ten years or less," . . . the family court "... may bind over the child for proper criminal proceedings to a court which would have trial jurisdiction of the offense if committed by an adult." S.C. Code Ann. § 63-19-1210(4). In addition, when a "... child fourteen, fifteen, or sixteen years of age is charged with an offense which, if committed by an adult, would be a Class A, B, C, or D felony as defined in Section 16-1-20 or a felony which provides for a maximum term of imprisonment of fifteen years or more," the family court "may bind over the child for proper criminal proceedings to a court which would have trial jurisdiction of the offenses if committed by an adult." S.C. Code Ann. § 63-19-1210(5). Therefore, "When jurisdiction is relinquished by the family court in favor of another court, the court shall have full authority and power to grant bail, hold a preliminary hearing and any other powers as now provided by law for magistrates in such cases." S.C. Code Ann. § 63-19-1210(8). It is clear from these statutes that the normal situations in which a summary court judge would be conducting a criminal proceeding over a child would be when the child is 16 and it is so ordered by the family court, or where the child is charged with a traffic offense within the jurisdiction of the summary court judge. A summary court judge may never commit a child under seventeen (17) years of age to jail, however.

At least two family court judges are elected for staggered six-year terms to each of the sixteen judicial circuits, with 60 judges (including eight (8) at-large judges) who rotate primarily from county to county within their resident circuits. They are assigned to other circuits based upon caseload requirements as directed by the Chief Justice.

f. The Magistrate Courts

There are approximately 311 magistrates in South Carolina, each serving the county for which he or she is appointed. They are appointed by the Governor upon the advice and consent of the Senate for four-year terms and until their successors are appointed and qualified. (Art. V, § 26, S.C. Const., and S.C. Code Ann. § 22-1-10). Anyone seeking an initial appointment as magistrate must pass an eligibility examination before they can be recommended to the Governor by the senatorial delegation. S.C. Code Ann. § 22-2-5. Magistrates must also attend



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an orientation program, pass a certification examination within one year of their appointment, and attend a specified number of trials prior to conducting a trial.

Magistrates have jurisdiction over all offenses which are subject to the penalty of a fine not exceeding \$500.00 or imprisonment not exceeding 30 days, or both. (S.C. Code Ann. § 22-3-550). Some traffic and criminal statutes grant the summary courts greater jurisdiction. These statutes will specify that the magistrate court can try cases with a higher penalty provision. Examples include, but are not limited to, domestic violence, third degree (S.C. Code Ann. § 16-25-20(D)(1); third offense driving under suspension (S.C. Code Ann. §56-1-460(A)(1)(d); and forgery, no dollar amount involved (S.C. Code Ann. § 16-13-10(C). In addition, S.C. Code Ann. § 22-3-545 provides that magistrates may hear cases transferred from general sessions, the penalty for which does not exceed one year imprisonment or a fine of \$5,500, or both, upon petition by the solicitor and agreement by the defendant. Magistrates have civil jurisdiction when the amount in controversy does not exceed \$7,500. (S.C. Code Ann. § 22-3-10). In addition, magistrates are responsible for setting bail, conducting preliminary hearings, and issuing arrest and search warrants. Unlike circuit courts and probate courts, magistrate courts are not courts of record. Proceedings in Magistrates Court are summary. (S.C. Code Ann. § 22-3-730).

g. The Municipal Courts

The council of each municipality may establish, by ordinance, a municipal court to hear and determine all cases within its jurisdiction. Such courts are part of the unified judicial system. It should be noted, however, that a municipality may, upon prior agreement with the county governing body, prosecute its cases in magistrate court, in lieu of establishing its own municipal court. In addition, the council may establish, by ordinance, a municipal court, and contract with the county governing authority for the services of a magistrate to serve as its municipal judge. The Chief Justice, pursuant to his/her powers as administrative head of the unified judicial system, would, in turn, delegate authority to the Chief Summary Court Judge of the county to assign a specific magistrate as municipal judge.

Municipal courts have jurisdiction over cases arising under ordinances of the municipality, and over all offenses which are subject to a fine not exceeding \$500.00 or imprisonment not exceeding thirty (30) days, or both, and which occur within the municipality. Some traffic and criminal statutes grant the summary courts greater jurisdiction. These statutes will specify that the magistrate court can try cases with a higher penalty provision. Examples include, but are not limited to, domestic violence third degree (S.C. Code Ann. § 16-25-20(D)(1); third offense driving under suspension (S.C. Code Ann. §56-1-460(A)(1)(d); and forgery, no dollar



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amount involved (S.C. Code Ann. § 16-13-10(C)). In addition, S.C. Code Ann. § 22-3-545 provides that municipal courts may hear cases transferred from general sessions, the penalty for which does not exceed one year imprisonment or a fine of \$5,500, or both, upon petition by the solicitor and agreement by the defendant. The powers and duties of a municipal judge are the same as those of a magistrate, with regard to criminal matters; however, municipal courts have no civil jurisdiction.

The term of a municipal judge is set by the council of the municipality, but cannot exceed four years. Municipal Judges appointed on or after May 24, 2004, must be appointed for a set term of not less than two years but not more than four years. Section 14-25-15(A) states, "Each municipal judge must be appointed by the council to serve for a term set by the council of not less than two years but not more than four years and until his successor is appointed and qualified. His compensation must be fixed by the council."

Section 14-25-115 provides "[t]he council of a municipality may establish the office of ministerial recorder and appoint one or more full-time or part-time ministerial recorders, who shall hold office at the pleasure of the council. Before entering upon the discharge of the duties of the office of ministerial recorder, the person appointed shall take and subscribe the prescribed oath of office and shall be certified by the municipal judge as having been instructed in the proper method of issuing warrants and setting and accepting bonds and recognizances. Ministerial recorders shall have the power to set and accept bonds and recognizances and to issue summonses, subpoenas, arrest warrants, and search warrants in all cases arising under the ordinances of the municipality, and in criminal cases as are now conferred by law upon magistrates. Ministerial recorders shall have no other judicial authority."

Approximately 200 municipalities in South Carolina have chosen to create municipal courts. All municipal judges, including ministerial recorders, are required to complete a training program or pass certification or recertification examinations, or both, within one year of taking office. See S.C. Code Ann. § 14-25-15 and Rule 509, SCACR. The examination will be offered three times each year. Members of the South Carolina Bar are exempt from the examination; however, they are required to attend the orientation program.

Each municipal judge and ministerial recorder must pass a recertification examination within eight years after passing the initial certification examination and at least once every eight years thereafter.



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h. The Probate Courts

Each county in South Carolina has a popularly elected probate judge who serves a four-year term. Probate courts have jurisdiction over marriage licenses, estates of deceased persons, minor settlements under \$25,000.00, guardianships of minors and incompetents and involuntary commitments to mental institutions. (S.C. Code Ann. § 14-23-1010 et seq.) They also have exclusive jurisdiction over trusts and concurrent jurisdiction with Circuit Courts over powers of attorney.

1.05 South Carolina Court Administration

The Office of Court Administration is the administrative arm of the Chief Justice, who is constitutionally designated as the administrative head of the unified judicial system. (Art. V, § 4 S.C. Const.). In addition to carrying out special assignments as directed by the Chief Justice, this office collects caseload data from the state courts, makes recommendations to the Chief Justice for terms of court and assignment of judges, administers judicial education programs, and administers the funds for foreign language interpreters and interpreters for the deaf.

1.06 The Clerk of Court

Each county of South Carolina has a popularly elected Clerk of Court who serves a four-year term. Duties of the clerks extend in both civil and criminal areas: receiving criminal warrants and forwarding them to the solicitor; receiving bail; assembling trial lists; performing courtroom duties; receipt and disbursement of support payments paid through the Clerk of Court, and issuance of Rules to Show Cause to bring non-paying obligors before the Family Court; handling jury-related matters; receiving fees, fines, and costs; maintaining court records, and handling reporting requirements. In some counties, the clerk serves as the register of deeds sometimes called register of mesne conveyance and thus keeps all records required by the recording statutes. All funding of clerks of court for staff, office space, and equipment is a county responsibility, with the exception of a limited state salary and support personnel supplement. (S.C. Code Ann. § 14-17-10, et seq.).

1.07 The Prosecution

By constitutional provision, the Attorney General is the chief prosecutor of the State. (Art. V, § 24, S.C. Const.). The Attorney General, besides acting as the State's chief prosecutor, also



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represents the State in civil litigation, and issues opinions regarding the interpretation of law. (S.C. Code Ann. § 1-7-10 et seq.)

Prosecution in circuit court is carried out by a circuit solicitor and the solicitor's assistant. In addition, a solicitor, if directed by the Attorney General, may represent the State in a civil proceeding.

Prosecution of misdemeanor traffic and criminal violations in the summary courts may be made by the arresting officer or a supervisory officer assisting the arresting officer. *See, e.g. State v. Messervy*, 258 S.C. 110, 187 S.E.2d 524 (1972); *State ex rel McLeod v. Seaborn*, 270 S.C. 696, 244 S.E.2d 317 (1978); Supreme Court Order *In re: Unauthorized Practice of Law Rules Proposed by the South Carolina Bar*, September 21, 1992. While a business can be represented by a non-lawyer officer, agent, or employee, including attorneys licensed in other jurisdictions and those possessing Limited Certificates of Admission pursuant to Rule 405, SCACR, in civil magistrate court proceedings, a non-lawyer representing a business to prosecute a criminal misdemeanor charge in magistrate court constitutes the unauthorized practice of law. *In re: Richland County Magistrate's Court*, 389 S.C. 408, 699 S.E.2d 161 (2010). County attorneys may prosecute violations of county ordinances in magistrate courts.

1.08 The Defense

When a magistrate or municipal judge calls a criminal case for disposition and determines that a prison sentence is likely to be imposed following a conviction, the accused, if unable to retain counsel due to financial inability, is entitled to a court appointed attorney upon proof of indigence. (Rule 602(a), SCACR). The court may appoint the public defender to represent the accused. Once appointed, the public defender must represent the accused as far as the case is pursued in South Carolina's courts unless he is permitted to withdraw for good cause. (Rule 602(e)(1), SCACR. Article 5 of Chapter 3, Title 17 of the South Carolina Code of Laws provides for Circuit and County Public Defenders.) Further, Rule 608, SCACR, provides a uniform method of managing the appointment of lawyers to serve as counsel for indigent persons in the **circuit and family courts** pursuant to statutory and constitutional mandates. However, Rule 608, SCACR applies only to circuit and family courts, and does not apply to representation of indigents in magistrate and municipal courts. Criminal indigency appeals are generally handled by the Division of Appellate Defense which operates under the direction of the S.C. Commission on Indigent Defense.



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Pursuant to Provision 61.12 of the South Carolina General Appropriations Act, if a municipality has or elects to have an optional municipal court system, it must provide adequate funds for representation of indigents. No public defender shall be appointed in any such court unless the municipality and the office of the circuit public defender have reached an agreement for indigent representation and no funds allocated to the Commission of Indigent Defense shall be used to provide compensation for appointed counsel in municipal courts.

A criminal defendant's initial appearance before a court, where he learns the charge against him and his liberty is subject to restriction, marks the initiation of adversary judicial proceedings that trigger attachment of the Sixth Amendment right to counsel. *Rothgery v. Gillespie County, Tex.*, 554 U.S. 191 (2008).

S. C. Code Ann. § 40-5-80 allows a citizen to prosecute or defend his own cause, if he so desires. By Order of the Supreme Court dated September 21, 1992, and as promulgated by Rule 21, SCRMC, businesses may be represented by a non-lawyer officer, agent or employee, including attorneys licensed in other jurisdictions and those possessing Limited Certificates of Admission pursuant to Rule 405, SCACR, in civil magistrate's court proceedings. Such representation may be compensated and shall be undertaken at the business's option, and with the understanding that the business assumes the risk on any problem incurred as the result of such representation. The magistrate shall require written authorization from the entity's president, chairperson, general partner, owner or chief executive officer, or in the case of a person possessing a Limited Certificate, a copy of the certificate, before permitting such representation.



CHAPTER 2:

Introduction, Definitions, and Authority



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CHAPTER 2: INTRODUCTION, DEFINITIONS, AND AUTHORITY

2.01 Introduction

This Guide provides court interpreters working within the South Carolina Judicial Branch with a workable guide for the proper conduct of court interpreting. The Guide also includes an overview of the S.C. Judicial Branch and required interpreter forms. It is intended to be a consistent and clear-cut description of roles, responsibilities, duties, policies and procedures expected to be followed by Court Interpreters providing interpreting services in all South Carolina courts.

It is also a Guide to assist everyone who utilizes the services of or interacts with Court Interpreters in court settings. As such, comments and suggestions for improvement are welcome for consideration for inclusion in future updated versions. Such comments or suggestions should be directed to the Office of Court Administration.

The Judicial Branch reserves the right to revise the contents of the Guide, in whole or in part, to keep abreast of any changes and/or the policies and procedures affecting court interpreter services.

Each Court Interpreter is required to become thoroughly familiar with the content and to actively apply this Guide to his/her interpreting assignments.

The willful failure to comply with the provisions of this guide may result in the inability to interpret in South Carolina courts, removal from the South Carolina Court Interpreter Directory, or contempt of court enforceable by Order of the Supreme Court

2.02 What is Court Interpreting?

Interpreters convert information from one spoken language into another—or, in the case of sign language interpreters, between spoken language and sign language.

The goal of an interpreter is to have people hear the interpretation as if it were the original language. The interpreter plays a vital role in facilitating communication within the judicial system for the non-English speaker and ensures due process by putting the non-English speaker on the same footing as the person who understands English. Interpreters usually must be fluent



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speakers or signers of both languages, because they communicate back and forth among people who do not share a common language.

There are three common modes of interpreting which interpreters are called on to perform in court proceedings: simultaneous, consecutive, and sight translation:

- *Simultaneous mode* - convey a spoken or signed message into another language at the same time someone is speaking or signing. Interpreters must be familiar with the subject matter and maintain a high level of concentration to convey the message accurately and completely. Due to the mental fatigue involved, interpreters working in simultaneous mode may work in pairs or small teams if they are interpreting for long periods of time, such as in a court trial or conference setting.
- *Consecutive mode* - convey the speaker's or signer's message in another language after they have stopped to allow for the interpretation. Note taking is generally an essential part of interpreting in the consecutive mode.
- *Sight translation* - involves translation of a written document directly into a spoken language, for immediate understanding, but not for the purposes of producing a written translated document.

2.03 What is the S.C. Court Interpreter Certification Program (SCCICP)?

The Court Interpreter is a specially trained professional who possesses a variety of skills that distinguish him or her from bilingual persons who simply speak two languages. It is much more than being bilingual.

Court interpreters must be able to do sight translation, simultaneous and consecutive interpreting. Summarizing, paraphrasing, changing, or omitting is not acceptable. The South Carolina Court Interpreter Certification Program educates and tests foreign language interpreters on these skills.

American Sign Language (ASL) interpreters are certified through their national testing organizations.



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Certification requires successful completion of a three-step process, which includes: participation in a Two-Day Workshop, successfully passing the written exam (80% or greater), and passing an oral proficiency exam (70% or greater on each of the components).

To be deemed otherwise qualified, the candidate must successfully participate in the Two-Day Workshop and successfully complete the Written Exam. Otherwise qualified interpreters are given two years to reach full certification. If a full certification exam for the interpreter's language is not available through the National Center for State Courts, please contact SC Court Administration.

- **Two-Day Workshop:** Topics covered include Rules of Professional Conduct for Court Interpreters, court interpreting modes and skills, justice system structure and procedure, legal terminology, and self-study aids and techniques to improve one's skills.
- **Written Exam:** This three-hour test includes general English proficiency, legal terminology, and professional ethics. Candidates must receive 80 percent or greater on this written test to achieve a passing grade. The Written Exam gives interpreters a true assessment of their English proficiency as it relates to their ability to interpret in a court setting.
- **Oral Exam:** The exam simulates what a court interpreter will be expected to do in court. It has three parts: sight translation of documents from English to the target language and to English from the source language; consecutive interpretation of testimony in both the target and source languages; and simultaneous interpreting of English into the target language. A candidate must score at least 70 percent on each portion of the Oral Exam to become certified in that language.

2.04 The South Carolina Court Interpreter Directory

South Carolina Court Administration is required to maintain a Directory of certified or otherwise qualified interpreters for use by the Clerks of Court when deaf or non-English speaking individuals are parties to legal proceedings, witnesses, or jurors.

The names and contact information of the certified or otherwise qualified interpreters are compiled into a directory and provided to the courts. Court personnel are then able to schedule interpreters as the need arises.



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Inclusion in the Directory is an indicator that an interpreter has completed the SCCICP and has been certified or deemed otherwise qualified.

If there is a need for a language not in the directory, court personnel should contact Court Administration for assistance locating the language they are seeking. Similarly, if court personnel are having difficulty locating an interpreter for any language, they should contact Court Administration for assistance.

Those interpreters who desire to be in the directory should notify the S.C. Court Interpreter Certification Program by providing their email address and contact information to our email address, SCCICP@sccourts.org. They will be notified as the segments of the S.C. Interpreter Certification Program are scheduled.

When interpreters have been deemed otherwise qualified or certified, we provide a Directory Consent Form for them to consent to being listed in the South Carolina Court Interpreter Directory (see Appendix 2). The South Carolina Court Interpreter Directory is revised and distributed on a twice-yearly schedule.

With regard to reciprocity, this is determined on a case-by-case basis. Generally, interpreters that are certified by the National Center for State Courts (NCSC) and are a resident of South Carolina or live close enough to provide interpreting services in our courts will be considered for addition to the Directory. A Directory Consent Form must be completed. Certified interpreters relocating to South Carolina should contact Court Services to learn about South Carolina Courts and inclusion in the directory.

2.05 Definitions

The following list includes terms interpreters may encounter in court and readers may see throughout this guide.

TERM	DEFINITION
Accuracy	Interpreters must faithfully and accurately interpret what is said without embellishment or omission, while preserving the language level and/or register of the LEP individual.



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TERM	DEFINITION
<i>Clerk of court</i>	An elected officer of the court who has charge of the administrative part of the court's business. The Clerk keeps the court's records and seal, issues process, enters judgments and orders, gives certified copied from the records, among other duties.
<i>Communication</i>	Interpreters must communicate in advance with the LEP individual to notify them that their role is to interpret all statements and comments throughout the proceedings, and that all questions and statements should be directed to counsel or to the court. Further, that the LEP individual should not attempt to engage in independent dialogue, discussions, or conversations with the interpreter.
<i>Colloquy</i>	A routine, highly formalized conversation. Usually, colloquies are the conversations held between the judge and the defendant to ascertain the defendant's understanding of his or her rights and of the court proceedings. It can also be among the judge and lawyers.
<i>Confidentiality</i>	Interpreters must not disclose any information from cases for which they provided interpreting services.
<i>Counsel</i>	Another term for an attorney or lawyer.
<i>Court monitor</i>	Trained professional responsible for monitoring the digital audio recording equipment to ensure that the record is accurately captured and preserved.
<i>Court reporter</i>	Trained professional responsible for recording and transcribing the verbatim record.
<i>Defendant</i>	The party sued in a civil lawsuit or the party charged with a crime in a criminal prosecution.
<i>Demeanor</i>	Interpreters must speak in a clear, firm, and well-modulated voice.
<i>Dress code</i>	Interpreters must dress in a manner appropriate for courtrooms, which is in business attire.
<i>Duces Tecum</i>	Subpoena to bring items of evidence, such as documents.
<i>Exhibits</i>	A document or material object produced and identified in court for use as evidence.
<i>Guardian ad Litem</i>	An adult who is legally responsible for protecting the well-being of minors, unborn or incompetent persons in legal actions.



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TERM	DEFINITION
<i>Hearing-impaired individual</i>	A person whose hearing is totally impaired or whose hearing is so seriously impaired as to prohibit the person from understanding oral communications when spoken in a normal conversational tone.
<i>In absentia</i>	In the absence of.
<i>In Camera</i>	In chambers, in private.
<i>In Forma Pauperis</i>	Permission granted to a poor litigant to proceed without having to pay court costs or fees.
<i>In Limine</i>	Immediately before or at the very beginning of a case.
<i>Judge</i>	A public official who hears and decides cases brought in court.
<i>LEP individual</i>	Limited English Proficient individual; a/k/a Non-English speaker. Any party or witness to the proceedings who cannot readily understand or communicate in spoken English and who cannot participate in the proceedings without a language interpreter to assist them.
<i>Motion</i>	A formal request, which can be written or oral, made to a judge for an order or judgment. The party making the request is known as the moving party.
<i>Nolle Prosequi</i>	Is a declaration made to the judge by the prosecutor in a criminal case (or by a plaintiff in a civil lawsuit) either before or during trial, meaning the case against the defendant is being dropped.
<i>Nolo Contendere</i>	A criminal plea neither admitting nor denying the charges but accepting consequences; this avoids future civil liability.
<i>Oath to interpreter</i>	An oath given to all individuals serving as interpreters before the proceeding and on the record.
<i>Party</i>	A person or entity that is involved in a legal proceeding.
<i>Plaintiff</i>	The party who initiates a lawsuit by filing a complaint with the clerk of court against the defendant(s) demanding damages, performance and and/or court determination of rights.
<i>Pro Se</i>	A party that represents him or herself without an attorney.



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TERM	DEFINITION
<i>Sidebar/ Bench conference</i>	A confidential discussion between the judge and attorneys at the bench off the record and outside the hearing of the jurors or spectators
<i>Solicitor</i>	The chief prosecuting official that represents the state of South Carolina in criminal cases filed by law enforcement.
<i>Subpoena</i>	Commands a person or entity to attend a hearing, trial or deposition at a particular time and place to testify as a witness and/or to produce documents or other tangible objects in a legal proceeding. Generally referring to an order to appear in court under penalty of law. There are generally two types, appearance subpoenas and records only subpoenas. An appearance subpoena requires the personal attendance of a witness. A record only subpoena requires the production of documents.
<i>Telephonic interpreting</i>	Telephonic interpreting is a service that connects human interpreters via telephone to individuals who wish to speak to each other but do not share a common language. This ensures language access for the individual who is in need of the services of a qualified interpreter to participate in court proceedings.
<i>Voir dire</i>	Examination of an expert witness, generally; an interpreter, specifically, to establish his or her qualifications; also, to determine whether the interpreter's qualifications are enough for the judge to determine that they should be appointed as the interpreter in the proceedings.
<i>Subpoena</i>	Commands a person or entity to attend a hearing, trial or deposition at a particular time and place to testify as a witness and/or to produce documents or other tangible objects in a legal proceeding. Generally referring to an order to appear in court under penalty of law. There are generally two types, appearance subpoenas and records only subpoenas. An appearance subpoena requires the personal attendance of a witness. A record only subpoena requires the production of documents.



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2.06 Authority

The authority for South Carolina Court Administration to prepare the Court Interpreter Directory, pay Court Interpreters, and the rules governing interpreters (see Appendix 3) and this process is addressed in various statutes in the South Carolina Code of Laws as well as orders signed by the Chief Justice are the following:

- Code 1976 § 15-27-15
- Code 1976 § 15-27-155
- Code 1976 § 17-1-50
- Supreme Court Order Re: Appointment of Qualified Court Interpreters for Deaf Persons and Payment for Their Services, March 9, 2023, signed by Chief Justice Beatty
- Supreme Court Order Re: Appointment of Qualified Court Interpreters for Non-English-Speaking Persons and Payment for Their Services, March 9, 2023, signed by Chief Justice Beatty
- Supreme Court Order Re: Telephonic and Remote Audio Foreign Language Interpreter Services in Circuit and Family Courts, December 27, 2019, signed by Chief Justice Beatty
- Supreme Court Order Re: Telephonic Foreign Language Interpreter Services in Summary Courts, December 27, 2019, signed by Chief Justice Beatty
- Supreme Court Order Re: Amendments to South Carolina Appellate Court Rules, (1) “Rules Governing the Judiciary, Employees of the Judicial Department, and Others Assisting the Judiciary”, (2) Rule 511, June 21, 2006, signed by the Supreme Court.
- Supreme Court Order Re: Form SCCA 261 Request for Court Interpreter, May 18, 2023, signed by Chief Justice Beatty



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CHAPTER 3: Professionalism and Conduct



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CHAPTER 3: PROFESSIONALISM AND CONDUCT

3.01 Professional Ethics and Guidelines for Professional Practice

Professionalism means representing the Judicial Branch as an officer of the court in accordance with the guidelines for ethical and professional conduct, Rule 511 (see Appendix 4). The Rule shall guide and be binding upon all persons, agencies, and organizations who administer, supervise use of, or deliver interpreting services to the judiciary. Professionalism includes enrollment in the South Carolina Court Interpreter Certification Program (SCCICP); providing quality interpretation; paying attention to detail; completing and submitting Court Forms completely, accurately, and honestly; and remaining up-to-date on changes to the statutes and court rules that affect the way interpreter services are provided.

The canons in Rule 511 define the ethical relationship the public, the bench, and the bar have a right to expect from a Court Interpreter. These canons do not exhaust the moral and ethical considerations by which the interpreter should conform, but provide the framework for Court Interpreters within the South Carolina Judicial System.

All Court Interpreters are responsible for reading, understanding, and following the rules and procedures outlined in Rule 511.

3.02 Drug-free workplace

The South Carolina Judicial Branch is a drug-free workplace and has established a drug-free workplace policy regarding the work-related effects of drug use and the unlawful possession of controlled substances on the Branch's premises.

Employees as well as independent contractors are expected and required to report to assignments on time and in appropriate mental and physical condition for work. It is our intent and obligation to provide a drug-free, healthy, safe, and secure work environment.

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on Judicial Branch premises or while conducting Branch business in courthouses in this state is prohibited.



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Violations of this policy will result in disciplinary action, up to and including removal from the Court Interpreter Directory, and may have legal consequences.

Court Interpreters must, as a condition of accepting interpreter assignments, abide by the terms of the above policy and report any conviction under a criminal drug statute for violations occurring on or off the Judicial Branch premises. A report of a conviction must be made within five (5) days after the conviction to the SCJB Director of Human Resources or the Director of Fiscal Services

3.03 Court Administration and Court Interpreter Supervision

a. Supervision of Court Interpreters

Court Interpreters are independent contractors and not employees. As such, they are not supervised in the traditional sense of the word. Rather, during the SCCICP, they give consent to be listed in the Court Interpreter Directory by completing the Directory Consent Form, which allows them to provide interpreter services in the courts of South Carolina.

Court Administration is responsible for the administration of the SCCICP and the compilation and maintenance of the Court Interpreter Directory, which consists of individuals who have successfully completed the SCCICP and are certified or deemed to be otherwise qualified.

The Directory is updated as needed and distributed to the Clerks of Court and the Summary Courts of South Carolina. Interpreters are called and their services arranged for by the courts on an as-needed basis.

Court forms are completed and submitted in order to receive payment. These court forms are sent directly to Court Administration by these courts. Forms are reviewed by the Office of Court Administration for compliance and forwarded to Fiscal Services for payment.

Questions and concerns about court interpreters, court interpreting policies, and interpreter procedures from judges, Clerk's Office personnel, and interpreters should be directed to Court Administration.

b. Resolution Process

In the event the Court Interpreter has issues they need to resolve; the first step starts with the Clerk of Court who arranged for the Court Interpreter before issue(s) are escalated to the



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manager of the S.C. Court Interpreter Certification Program. If the issue(s) still has not been resolved at that level, the Court Interpreter shall contact the Deputy Director of Court Services who is responsible for the Court Reporting/Court Interpreting Section, and then the Court Services Director.

3.04 Performance Issues

Court Administration is occasionally advised about concerns and complaints regarding court interpreters and their performance. The circumstances surrounding a complaint or an offense--such as the severity of the misconduct, the number of times it has occurred, and any previous counseling related to the complaint or offense--will help determine what action, if any, should be taken. The State Court Administrator may choose to take disciplinary action up to and including removal from Court Interpreter Directory and restriction from interpreting in South Carolina Courts.

a. Procedures for Complaints Against Court Interpreters

Complaint

Any complaint must be made in writing, addressed to Deputy Director, Court Reporting/Court Interpreting, and include details of the specific misconduct alleged. All complaints shall remain on file with the South Carolina Judicial Branch.

Review of complaints

The Deputy Director will review all complaints and may seek supplemental information from the complainant, if necessary. The Deputy Director will direct that a copy of the complaint be sent to the interpreter via email and certified mail. Upon receipt of the complaint, the interpreter may submit a written response within thirty (30) days of receipt of the complaint or may request an in-person meeting with the Deputy Director to discuss the allegations contained therein.

Dismissal

The Deputy Director may dismiss the complaint without further action if it appears the complaint wholly lacks merit, alleges conduct that does not constitute misconduct or rise to the level of a disciplinary violation, or does not comply with the requirements for a complaint or is not supplemented by the complainant as requested. In the instance of a dismissal, the



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complainant and the interpreter will be notified of the decision in writing, via email and certified mail. The dismissal decision is not subject to review.

b. Decision

After all responses have been received or the period for timely response has elapsed, the Deputy Director will inquire into the allegations by reviewing records, interviewing the interpreter(s), complainant, and any witnesses to the misconduct, and draft a response for review by the State Court Administrator. The decision will include a proposed resolution to which the interpreter may agree.

Disciplinary Actions

1. Impose a private admonition that shall remain on file with the South Carolina Judicial Branch.
2. Impose a public reprimand
3. Require the interpreter to obtain additional training at his or her expense.
4. Suspend the interpreter's inclusion in the South Carolina Court Interpreter's Directory and bar the interpreter from interpreting in legal proceedings in South Carolina courts for a specified period.
5. Permanent removal from Directory, resulting in a permanent bar from interpreting in legal proceedings in South Carolina courts.

Reinstatement

An interpreter may file a request for reinstatement from a suspension addressed to the Deputy Director, Court Reporting/Court Interpreting. The request must include the following:

1. Name of the interpreter;
2. Date of suspension;
3. A showing that all conditions for reinstatement imposed in the decision have been satisfied; and



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4. Provide a certified letter stating that the interpreter is ready and able to abide by the rules, policies, and procedures of the South Carolina Court Interpreting Program.

Confidentiality

All records, papers, proceedings, meetings, and hearings related to a disciplinary action are confidential, unless the disciplinary action meted out is a public reprimand, suspension, or permanent removal from the South Carolina Court Interpreter's Directory.



CHAPTER 4:

Administrative Policies and Procedures



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CHAPTER 4: ADMINISTRATIVE POLICIES AND PROCEDURES

4.01 Eligibility to interpret in South Carolina Courts

Court Interpreters are vital to the judicial process and a court interpreter must be able to accept and carry out their interpreting duties in a pressured environment. The opportunity/eligibility to provide interpreter services to the courts under the direction of Court Administration is at the complete and continuing discretion of the State Court Administrator. The courts must be able to rely on the skills, performance, and integrity of the interpreter in performing these duties for the court.

Therefore, beginning January, 2020 otherwise qualified interpreters must achieve certification within three years, if such a certification level is available for their language.

Due to the pandemic, the Judicial Branch was unable to conduct oral exams for an extended period of time. As a result of the interruption of oral exams, SCJB has decided to extend the deadline to obtain full certification for those interpreters who were initially listed in our directory as otherwise qualified on January 1, 2021 or before.

Any interpreter who was initially listed in the directory as otherwise qualified subsequent to January 1, 2021, will have 3 years to obtain full certification, if such a certification level is possible through the examinations offered through the National Center for State Courts (NCSC) or may be removed from the Directory effective January, 2024.

All interpreters must meet the following eligibility standards/requirements:

a. Education:

Applicants must possess a high school diploma or its equivalent. Four-year degree or higher is preferred.

b. Qualification:

All international language interpreters must complete, at minimum, the SCCIP two-day workshop, pass the written examination, and achieve the designation of otherwise qualified or fully certified.



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American Sign Language interpreters must obtain and maintain national certification through the Registry of Interpreters for the Deaf (RID) or National Association of the Deaf (NAD).

c. Skills:

Interpreters must have the skills necessary, including oral and written proficiency in both English and target language(s). The Court Interpreter must be able to work independently while exercising good judgment and discretion, which includes attending accepted assignments, completing paperwork, and being on time for assignments.

4.02 Training

Court Interpreters are expected to take advantage of the resources available at the National Center for State Courts' website and, when possible, to avail themselves of opportunities for professional development.

4.03 Scheduling and Assignment Time for Court Interpreters

Requestors who need a court interpreter for an upcoming proceeding will make such a request to the clerk's staff in writing via Form 261 – Request for a Court Interpreter (See Appendix 8). For bond hearings, emergency hearings, or other matters that are being scheduled with less than 48 hours' notice, this request can be made via a phone call or email to the clerk's office.

The clerk's staff will contact interpreters to arrange for court interpreting services upon being notified that an interpreter is needed. Attorneys or other requestors should not be arranging for interpreters for court proceedings. Once an interpreter has been assigned, this information can be shared with the requestor, however, the requestor should not contact the interpreter prior to the proceeding unless to inform them of a cancellation or delay of the proceeding.

Start time and End time should be entered on SCCA Form 263.

Court Administration pays for interpreting time. Time spent completing activities that do not count as interpreting time as payable by Court Administration should be arranged for ahead of time and the attorney or County billed for that time.

The following activities do not count towards billable time for court interpreters, as payable by Court Administration:



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1. Time spent waiting outside of the courtroom for the case to be called.
2. Time spent interpreting for attorneys while they interview their clients outside of the courtroom, except for brief communications as specifically outlined in Section 11 (4.11) of this Chapter.
3. Travel time to court locations outside of county of residence or business. However, mileage incurred travelling to a court location outside of the interpreter's county of residence will be reimbursed at the current IRS mileage rates.

4.04 Team Interpreting Guidelines

There are circumstances when it would be difficult for one (1) interpreter to fulfill all functions required during a proceeding.

When determining whether to appoint more than one interpreter, the Judge should ensure that the proceedings meet one or more of the following conditions:

1. The proceeding is scheduled to last more than three (3) hours.
2. The proceeding involves both a limited-English proficiency (LEP) defendant and an LEP witness or witnesses who will testify. This ensures attorney-client communication can take place during testimony, if necessary.
3. The case involves multiple LEP parties with adverse interests (e.g. Divorce proceedings, child abuse and neglect proceedings, etc.).
4. American Sign Language Interpreters for complex cases, or any hearing scheduled to last more than 30 minutes.

Judges should accommodate the unobtrusive rotation of team interpreters every 30 minutes when conducting continuous general court proceedings in simultaneous mode, and every 30-45 minutes during continuous testimony of non-English-speaking witnesses in consecutive mode.



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When appointing two interpreters, the judge must sign an Order of Appointment and Request for Payment for each individual interpreter, so that each is paid for the entire duration of the proceeding.

4.05 Multiple Court Sessions

Interpreters are paid an hourly rate for services rendered in one (1) day, not on a per-case basis, with a two (2) hour minimum. Considering the circumstances where a court interpreter may be appointed to a morning session of court and also for a second afternoon session of court, if the interpreter is called for two separate sessions in one day, and the end time for one session and the start time of the next session are more than three (3) hours apart, the interpreter may charge for two (2) separate two-hour minimums.

The start and end times for both sessions must be on the Request for Payment form, and if the second session in the court is heard by a different judge, a separate Order of Appointment must be completed and signed by that judge.

Below is a chart that shows examples of how this rule changes multiple court sessions reimbursements:

	3 HR RULE	CASE	START TIME	END TIME	DURATION	REIMBURSEMENT	NOTES
SITUATION 1	Before rule	First	11:45am	12:30pm	45 minutes	\$80 - Qualified	No change
		Second	2:00pm	2:45pm	45 minutes	\$130 - Certified	
	After rule	First	11:45am	12:30pm	45 minutes	\$80 - Qualified	
		Second	2:00pm	2:45pm	45 minutes	\$130 - Certified	
SITUATION 2	Before rule	First	9:00am	10:30am	1.5 hours	\$80 - Qualified	Increased reimbursement *paid for two 2-hour minimums
		Second	2:00pm	2:15pm	15 minutes	\$130 - Certified	
	After rule	First	9:00am	10:30am	1.5 hours	\$160 - Qualified	
		Second	2:00pm	2:15pm	15 minutes	\$260 - Certified	
SITUATION 3	Before rule	First	9:00am	12:00pm	3 hours	\$140 - Qualified	Increased reimbursement *paid for two 2-hour minimums
		Second	3:30pm	4:00pm	0.5 hours	\$227.50 - Certified	
	After rule	First	9:00am	12:00pm	3 hours	\$160 - Qualified	
		Second	3:30pm	4:00pm	0.5 hours	\$260 - Certified	
SITUATION 4	Before rule	First	9:00am	9:45am	45 minutes	\$80 - Qualified	Increased reimbursement *paid for two 2-hour minimums
		Second	2:00pm	3:00pm	1 hour	\$130 - Certified	
	After rule	First	9:00am	9:45am	45 minutes	\$160 - Qualified	
		Second	2:00pm	3:00pm	1 hour	\$260 - Certified	



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4.06 Court Cancellations

After accepting an assignment, occasionally proceedings may be canceled. When a cancellation occurs with less than 24-hours' notice, the procedures and responsibilities as outlined in the Court Interpreter Cancellation policy are in effect:

a. Court Interpreter Cancellation Policy

For a variety of reasons, the services of a foreign language or ASL interpreter in court sometimes become unnecessary after the interpreter has accepted the assignment. When cancellation of an interpreter's service becomes necessary, if no other interpreting services during the time period of the cancelled proceeding are needed, reimbursement of the interpreter will be guided by the following criteria:

- A. *Requirements of Counsel, the Court, and Clerk's Office:*** In an effort to conserve public funds to provide for such interpretation, counsel, the court, and clerk's office will undertake all efforts possible to ensure early notification to the interpreters that assignments have been cancelled. Once an interpreter has been scheduled, the clerk of court or their designee shall email all parties with the interpreter's contact information. Courts should work with the clerk of court to consider calendar or docket management techniques to "group" the scheduling of cases requiring interpreters by language to maximize the use of the interpreter's time.
- B. *Cancellation by the Court/Parties/Counsel Without Payment to the Interpreter:*** No reimbursement shall be made for cancelled appearances, if the interpreter was notified by email by the clerk of court or their designee of the cancellation at least one (1) business day (24 hours) or more prior to the start time of the assignment. Interpreters shall call the clerk of court's office to confirm assignments prior to the scheduled court date. If unable to speak with the clerk of court or their designee, the interpreter must email the clerk of court, using an email address provided by the clerk of court, requesting confirmation of the scheduled assignment. This shall be done no earlier than two (2) business days prior to the scheduled court date. Failure to confirm an assignment shall result in non-payment in the event of cancellation.
- C. *Cancellation by the Court/Parties/Counsel With Payment to the Interpreter:*** If an interpreter is cancelled as a result of one of the following: (1) a party's failure to advise the clerk of court that the interpreter will not be needed, (2) the party or a litigant does not appear in court in a timely fashion, or (3) the judge's absence is known to the clerk of court more than one (1) business day (24 hours) prior to the hearing, but is not



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communicated to the interpreter, a cancellation fee shall be assessed by the presiding judge against the party, counsel, the county, or municipality causing the unnecessary expense. In the event the cancellation is due to an unforeseen absence of the judge, Court Administration shall be responsible for payment of this cancellation fee, which shall consist of two (2) hours of payment at the rate approved by Order of the Chief Justice.

In the event an assignment is cancelled less than one (1) business day (24 hours) before the date the proceeding was scheduled to begin, the court shall approve reimbursement to the interpreter of a cancellation fee of two (2) hours of service at the rate set by Order of the Chief Justice, provided that the clerk of court's office was unable to secure work for the interpreter in other cases or in other courts for the cancelled time period. The cost shall be the responsibility of the party who is the cause for the cancellation or last-minute continuance of the scheduled proceeding, as determined by the presiding judge, and indicated on SCCA Form 261. It shall be the responsibility of the interpreter to invoice the responsible party for the cancellation fee, which shall consist of two (2) hours of payment at the rate approved by Order of the Chief Justice.

- D. *Cancellation by the Interpreter:*** If an interpreter must cancel an assignment, he/she must give notice to the clerk of court of a least two (2) business days (48 hours). The clerk of court should make every effort to locate a replacement interpreter who is certified or otherwise qualified. In case of an emergency, an interpreter may arrange a substitute when he/she cannot appear for the appointment, subject to the clerk's approval of the substitute. Excessive cancellations by an interpreter should be noted by clerk's staff and Court Administration notified. If an interpreter is found to have excessive cancellations, his/her future service may be curtailed or terminated.
- E. *Cancellation Due to Inclement Weather and Acts of God:*** No compensation will be made for interpreter assignments while the court is closed due to inclement weather, Acts of God, and other unforeseeable occurrences, if the public has been notified of the closure prior to the start of the work day in that courthouse. If a decision to close the courthouse is made after the workday has begun, then Court Administration shall be responsible for payment of the cancellation fee, which shall consist of two (2) hours of payment at the rate approved by Order of the Chief Justice.

Form 261, Request for a Court Interpreter (Appendix 8) is used by requestors when a court interpreter is needed and can be found on our website at www.sccourts.org/forms. This form is not required to be used for bond hearings or emergency hearings when matters are scheduled with less than 48 hours' notice. Form 261A outlines the Court Interpreter



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Cancellation Policy. The clerk's office should provide the Request for Court Interpreter form and a copy of the Court Interpreter Cancellation policy as needed.

Interpreters should verify their assignments no more than two business days before the scheduled proceeding, as indicated in the court cancellation policy. In the event an assignment is cancelled with less than 24-hours' notice, the interpreter should bill the requestor for two (2) hours of interpreting time as outlined in the policy.

4.07 Telephonic and Remote Audio Foreign Language Interpreting

Using telephonic and remote audio interpreting services will significantly reduce the instances of canceling court due to the inability to locate an interpreter.

Family and Circuit Courts may use telephonic and remote audio Interpreting according to the Order by the Chief Justice dated December 27, 2019 (see Appendix 2).

The Judge must sign SCCA Form 262, Order of Appointment for Qualified Interpreter, using the name of the company providing the services in the "interpreter's name" area. It is not necessary to use the Request of Payment form (SCCA Form 263) if using telephonic interpreting through a telephonic interpreting agency.

A telephone with good speakerphone capabilities or a computer that makes telephone calls that can be heard by everyone in the courtroom may be used. The equipment should be tested prior to use, and the Court should ensure everyone speaks clearly, slowly, one at a time, and does not use gestures as the telephonic interpreter cannot see them. Speakers should identify themselves each time they speak so that the interpreter can more easily discern the voices.

4.08 Courtroom Protocol for Court Interpreters

To ensure professional court interpreting it is important to take a few simple steps to prepare. To support Court administration, Bench Cards are available with relevant information on Court interpreters and their use in Court (See Appendix 5).

Court Interpreters should follow the recommended protocol listed below.



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a. Before Court Session Begins

Check to see that all the equipment needed or possibly needed for interpreting the court proceedings is available and that it is in good working order.

The Interpreter should introduce himself or herself to the LEP individual requiring language assistance and to his/her attorney (if any). Explain to the attorney what is being said, and in the presence of the attorney, the interpreter should speak with the LEP individual to confirm that communication is possible and that the interpreter is familiar with the dialect that they speak.

The interpreter should explain to the LEP individual and his/her attorney the neutral role of the court interpreter. Any regionalisms, slang, or technical language that may be used during the course of the proceedings should be identified. The attorney should be advised that interpreters are not able to explain anything to the client; that the interpreter's role is to interpret. Attorneys are not always familiar with the role of the interpreter and may ask you to perform duties you are not authorized to perform pursuant to Rule 511. The interpreter should make clear to the attorney that services outside of the courtroom proceedings will be charged directly to them.

Provide your name and contact information to the court reporter or court monitor recording the proceedings.

b. During the Court Session

The starting time should be noted.

The judicial officer should administer the Interpreter Oath before the proceedings begin. If the judicial officer does not do this, it is the interpreter's responsibility to remind them. A copy of the interpreter oath is available (See Appendix 6).

Accurately interpret the court proceedings. This includes:

- Objections
- Court rulings/instructions
- Unusual terms and phrases
- Directions by the judicial officer regarding recesses/adjournments



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- Recitations by the attorney/judicial officer regarding exhibits being marked, identified, introduced, and admitted into evidence
- Side bars – Interpret the fact that the side bar is taking place and that you will not interpret that unless asked to do so.
- The name of witnesses being sworn and their testimony
- Opening statements
- Closing arguments
- Jury instructions
- Judge's decision on the case and any sentence handed down.

Interrupt only when absolutely necessary to advise the judge that:

- You did not understand or hear something that was said.
- You need spelling of a name or unusual phrase.
- The LEP individual or witness is giving non-verbal responses, such as nodding or shaking their head, shoulder-shrugging, or gestures, which you are unable to interpret.

c. After the proceedings end

Accurately fill out the Request for Payment form and make sure any forms needed include:

- The start and end time of your interpreting time during the proceedings
- Name of case
- Case Number
- The name of the LEP individual that you are interpreting for

Sign the Request for Payment form, secure all paperwork, and turn forms over to the clerk.

Note: Failure to complete ALL portions of the forms will result in forms being returned and payment being delayed.



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4.09 Duties

a. Court Interpreter

1. Interpreters should enroll in the South Carolina Court Interpreter Certification Program;
2. Achieve certification within two years of achieving "otherwise qualified" status or be removed from the Directory;
3. Complete the Directory Consent form completely and accurately;
4. Read, become familiar with, and agree to comply with Rule 511;
5. Register as a vendor in the State Vendor System, which is required for payment;
6. Confirm the interpreter assignment via phone or email to the clerk's office no earlier than two business days prior to the assignment.
7. Be aware of and practice good courtroom decorum;
8. Test any interpreter equipment prior to each hearing;
9. Complete all court interpreter forms fully and accurately;
10. Submit completed interpreter forms to the Clerk's Office or designated Clerk's Office staff.
11. Dress appropriately. All court interpreters should dress in a professional manner. Business attire must be worn at all times in the courthouse. See Rule 511, Rule 4 for guidance.

b. For Clerks of Court

1. Have a poster or language cards to identify the language.
<http://www.lep.gov/resources/ISpeakCards2004.pdf>.



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2. If you are unsure what language the person speaks, ask the person to point to the language on the poster or cards; or visit:
<http://www.lep.gov/resources/resources.html#MM>.
3. Schedule a certified (or otherwise qualified) interpreter for proceedings involving the Limited-English Proficiency (LEP) individual. A Request for Interpreter form (SCCA 261) and the Court Cancellation Policy (SCCA 261A) should be provided to requestors for this purpose in most situations.
4. Put the cases requiring interpreters together on the docket, in order to maximize interpreting resources.
5. Remain in contact with attorneys or parties to determine if the case is moving forward as scheduled. If the clerk's office is notified a proceeding is rescheduled or cancelled, they should notify the interpreter immediately.
6. Clerk's staff should ensure that the judge signs the completed interpreter forms and ensure such forms are sent to Court Services for due process. Original forms may be mailed directly to Court Services for payment, or stamped True Copy forms may be emailed to SCCICP@sccourts.org for payment.

c. For Judges

1. The judge determines an interpreter is required for the fulfillment of justice.
2. Judges must instruct all parties before the court session as to the role of the Interpreter.
3. The judge presiding over the case, is responsible for signing the Order of Appointment form (SCCA 262) before or on the date of the hearing. If not possible, the judge may sign up to five (5) days after the date of the proceeding.
4. The judge presiding over the case, is responsible for signing the Request for Payment form (SCCA 263) within five (5) days after the hearing is held. If the judge must sign after this time period, an explanation for the delay in signature is required and must be written on the form, if appropriate, or may be attached to the form. Forms not in



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compliance will be returned for further explanation, which may cause significant delays to payment

5. Judges have the discretion to appoint interpreters who are not in the Directory if, the LEP speaks a language for which there is no interpreter listed in our Directory, or if it is necessary to waive the use of a certified interpreter in order to provide language access so that there are no unnecessary delays and the proceedings can move forward. The interpreter not in the Directory must meet the requirements of SC Code Sections 15-27-155(B) or 17-1-50(A)(4) and submit a sworn affidavit to the court specifying his or her qualifications before they are appointed (see Appendix 7).

4.10 Required Forms

The Court Interpreter shall submit the required payment forms to the Clerk of Court staff. The Clerk of Court will submit the Request for Payment and Order of appointment forms to Court Administration no later than the fifth of the following month. Clerk of Court staff should retain all the interpreter forms for that month and submit them together.

Accurately completing interpreter forms is the responsibility of every Court Interpreter. In some jurisdictions, the Clerk's Office staff completes the forms in advance. In those jurisdictions, it is the responsibility of the Court Interpreter to review the forms for accuracy before signing them. Interpreters should never agree to sign blank forms. Altering, falsifying, or tampering with the forms may result in the forms being returned to the Clerk's office for correction, payment being delayed or not made, or other disciplinary action, up to and including removal from the Court Interpreter Directory or a finding of contempt of court.

Interpreter forms should be left with the Court for submission to Court Administration for payment. We do not accept Interpreter forms directly from interpreters.

Court staff should ensure that the Judge signs the completed interpreter forms in a timely fashion. The interpreting forms should be signed prior to or on the date of the hearing. A grace period will be given, which will allow the processing of interpreter forms signed within five (5) business days of the interpreting date of service. If the Judge must sign after this time period, an explanation for the delay in signature is required and must be written on the form, if appropriate, or may be attached to the form. Forms not in compliance will be returned for further explanation, which may cause significant delays to payment.



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Copies of the most current interpreter forms can be found on our website by searching "interpreter" at www.sccourts.org/forms/.

A Court Interpreter's signature on any required form constitutes certification by him or her that the information entered, including all start and end times, is true and accurate to the best of the court interpreter's knowledge.

4.11 Communication – Media Requests

Court Interpreters shall contact the Judicial Branch's Public Information Officer and copy the Program Manager when approached or contacted by media outlets pertaining to their work on a specific case. Court Interpreters shall not speak with media about interpreting relating to a specific case without prior approval from the Public Information Officer and the State Court Administrator.

4.12 Best Practices

a. For Interpreters

- Interpreters should be in the assigned courtroom before the scheduled start of the session to allow time for introductions to the LEP individual and his/her attorney, if any, and to check your equipment.
- When filling out forms, use upper- and lower-case letters, and print clearly.
- The court interpreter must always use his or her best judgment when interrupting court proceedings. It is the interpreter's responsibility to advise the judge if they are unable to provide interpreter services because of something happening during the course of the proceedings.
- The interpreter should not provide interpreting services without knowing how they will be compensated. If he or she is not in court interpreting for an assignment that the Clerk of Court has arranged, the attorney requesting the interpreter's services is responsible for paying the interpreter. The interpreter must confirm payment arrangements with that attorney only.



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b. For Clerks and Judicial Staff

- The responsibility for scheduling interpreters falls on the clerk's staff upon receiving notification that an interpreter is necessary for a hearing. Attorneys or other requestors should not be told to arrange for the interpreter.
- When available, a certified interpreter should be scheduled. If no certified interpreter is available, otherwise qualified interpreters can be used.
- Whenever possible, cases needing interpreters should be called before other cases to ensure interpreters can be made available to other judges and assignments.
- Judges should support flexible scheduling efforts to allow cases to be grouped by language to curtail excessive interpreter wait time and to maximize limited interpreting resources.
- When a proceeding is removed from the docket or canceled, the interpreter should be notified immediately so they may accept other assignments and not travel needlessly to the court.
- Interpreter forms should be held and mailed to South Carolina Court Administration for payment once per month. The forms are due no later than the fifth (5th) of the month.
- While interpreters are primarily provided for official court purposes, judges should allow court interpreters to interpret brief off-the-record communication between an LEP person and his/her English-speaking attorney immediately before, during or after court proceedings to help move cases that otherwise may need to be rescheduled. Any interpreter services requested by the attorney that exceed this allowable brief interpreting (less than 15 minutes) will result in the interpreter billing the attorney for this interpreting time. For example, if an attorney requests the interpreter to come to the Public Defender or Probation Office to assist the LEP individual complete required documentation, the interpreter should notify the attorney they will be billed for this service.



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- Court staff should ensure that the judge signs the completed interpreter forms in a timely fashion. The interpreting forms should be signed prior to or on the date of the hearing. A grace period will be given, which will allow the processing of interpreter forms signed within five (5) business days of the interpreting date of service. If a judge must sign after this time period, an explanation should be noted on the form, or if appropriate, may be attached to the form.



CHAPTER 5:

Fiscal Services

Payment Requirements



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CHAPTER 5: FISCAL SERVICES: PAYMENT REQUIREMENTS

The purpose behind the Request for Payment for Qualified Interpreter form is for South Carolina's Judicial Branch to issue payments to interpreters who have performed interpreting services at the request of South Carolina Courts.

It is the policy of the South Carolina Judicial Branch to render correct payment to all interpreters in a timely manner.

Clerks will submit request for reimbursements for the previous months by the 5th of the following month. Submitting requests for reimbursement once a month ensures that court interpreters are paid for all services rendered during the previous month.

Please allow thirty (30) days from the date of receipt by Court Administration (the 5th of the following month) for processing of paperwork.

After thirty (30) days, please contact the correct office for the following questions:

- Has the paperwork been sent? Clerk of Court
- Has the paperwork been received? S.C. Court Services 803-734-1800.
- Has payment by check been issued? After 30+ days and confirmation that Court Administration received the paperwork, you may contact Fiscal Services at 803.734.1970.
- Has electronic payment been processed? You may check online using the process described below.

5.01 Vendor registration

All interpreters requesting payment must be registered in the State Vendor system. The link to register can be found here: <https://procurement.sc.gov/doing-biz/registration>.

Once registered, you can also elect to receive direct deposit of payments by going to www.treasurer.sc.gov. We highly encourage interpreters sign up for direct deposit. If receiving



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your payments electronically, you may search online for payments by completing the following steps:

1. Go to the www.treasurer.sc.gov website link.
2. Select the What We Do tab at the top of the screen.
3. Select for Business and on the right side select Electronic Payment Information.
4. After reading the information on the welcome screen, select Continue.
5. Enter EIN/SSN (last 4 digits only).
6. Enter Issued amount (must be exact amount).

5.02 Documents required

Two forms must be submitted to the Clerk's office or court staff to be sent to the South Carolina Judicial Branch to be processed for payment for regular interpreter services.

1. Order of Appointment of Qualified Interpreter – SCCA Form 262 (see Appendix 8)
<https://sccourts.org/forms/pdf/SCCA262.pdf>
2. Request for Payment for Qualified Interpreter – SCCA Form 263 (see Appendix 9)
<https://sccourts.org/forms/pdf/SCCA263.pdf>

These documents must be originals or certified true copies. Forms not in compliance will be returned. Forms may be mailed to court services or stamped true copy forms may be emailed to SCCICP@sccourts.org for payment.

If an interpreter was used who is not in the Court Interpreter Directory, an affidavit is also must be submitted (see Appendix 7). An interpreter who is not a registered South Carolina vendor and who has not interpreted for us in the past should also submit at W-9 form.

For telephonic and remote audio foreign language interpreting via a remote interpreting service, only SCCA Form 262, Order of Appointment of Qualified Interpreter, needs to be submitted.

As stated in the Order, once funds appropriated for language interpreters have been exhausted, the costs for interpretation services shall be paid by the county, state agency, and/or the parties.



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a. Order of Appointment of Qualified Interpreter – SCCA form 262

For every Request for Payment for Qualified Interpreter form submitted, there must be an Order of Appointment of Qualified Interpreter form.

The Judge that presided over the case must sign this form.

The form should be filled out legibly, accurately, and completely or the South Carolina Judicial Branch will be unable to process payment.

The Team Interpreting section of this form only needs to be filled out if Team Interpreting was utilized.

b. Request for Payment for Qualified Interpreter – SCCA Form 263

Interpreters must complete and submit a Request for Payment for Qualified Interpreter form (SCCA Form 263) for each day. The form has been revised to include the information from the timesheet. Please do not leave any of this information blank.

As of April 3, 2023, the reimbursement rate for LEP certified interpreters is \$65.00 per hour, with a two-hour minimum. The reimbursement rate for ASL interpreters is \$80.00 per hour, with a two-hour minimum. Any interpreter that has not achieved certification is reimbursed at the rate of \$40.00 per hour, with a two-hour minimum.

The interpreter must complete all of the information required on the form and should ask court staff to assist with obtaining the judge's signature if the judge doesn't sign while in the courtroom. Remember that interpreters must be appointed as the interpreter before they may request payment. Please be complete and record every letter and number of every case interpreted in the space provided on the SCCA Form 263.

The hours and minutes interpreting listed in the "Total Actual Interpreting Time" portion of the form should reflect actual interpreting time, not the two-hour minimum. Please do not use "ditto marks" when filling out the time portion of the document.

Be sure to include the correct mailing address and the phone number where the interpreter can be reached. This information should match the information provided in the State Vendor system. Any variations on this information would result in forms being returned and payment being delayed.



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5.03 Calculating your time

Interpreters are paid an hourly rate for interpreting services rendered per day (not per case) with a two-hour minimum*, rounded up to the nearest quarter hour. Even if a case lasts for five minutes, interpreters are paid for two hours.

"Interpreting services" do not include cancellations, travel, and waiting time. When calculating time, 15 minutes should be reflected as .25 hours.

Example:

- o 15 minutes = .25
- o 30 minutes = .50
- o 45 minutes = .75

- a. *Interpreters are paid an hourly rate for interpreting services rendered per day (not per case) with a 2-hour minimum, rounded up to the nearest quarter hour.*

Example:

If, on the same day, the interpreter provides interpreting services from 9:00AM - 9:15AM (.25) and then provides interpreting services for another session from 11:30AM – 12:00PM (.50), only one – 2-hour minimum is due (\$50/\$90).

This is because there was no significant break AND the total service time of .75 hours did not exceed the 2-hour minimum.

- b. *If there is a substantial break (3 or more hours) in between service times, and the service time of the next session(s) is less than 2 hours, we would pay the interpreter another 2-hour minimum.*

Example:

If, on the same day, the interpreter provides interpreting services from 9:00AM - 9:15AM (.25), then provides interpreting services for another session from 2:30PM – 4:00PM (1.50), the interpreter would be paid for two – 2-hour minimums, although the total interpreting time was 1.75 hours. This is because the interpreter earned one – 2-hour minimum in the morning and the second 2-hour minimum in the afternoon because there was a significant break between both services times AND the second service time was less than 2 hours.



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- c. *If there is a substantial break (3 or more hours) in between service times, and the service time of the next session(s) is greater than 2 hours, we would pay the interpreter for the actual service time.*

Example:

If, on the same day, the interpreter provides interpreting services from 9:00AM - 9:15AM (.25), then provides interpreting services for another session from 1:00PM – 5:00PM (4.00), the interpreter would be paid for a total interpreting time of 6.00 hours, although the total interpreting time was 4.25 hours. This is because the interpreter earned one – 2-hour minimum in the morning and earned 4 more hours in the afternoon because there was a significant break between both services times AND the second service time was greater than 2 hours.

Note: When team interpreting is required, judges must ensure that certain conditions are met before appointing two interpreters. Additionally, both interpreters must be appointed, and there should be a set of forms (SCCA Form 262 and SCCA Form 263) with the reason for team interpreting indicated and submitted for each interpreter for each day of the proceedings.

For multiple court sessions in one day, the interpreter can be paid the two-hour minimum for both sessions, per the multiple session’s guidelines (see Chapter 2, Section V).

5.04 Mileage reimbursement

Court interpreters in South Carolina will have round-trip mileage reimbursed when they travel outside of their county of residence or business headquarters at the current IRS rates. Court interpreters who have their residence or business headquarters located outside of South Carolina will be reimbursed a maximum of 150 miles, each direction, with any mileage over this amount the responsibility of the County.

Mileage is paid for one round trip per day unless a second session occurs that meets both our Mileage Reimbursement guidelines as outlined here, as well as our Multiple Court Sessions guidelines as outlined in Chapter 4. If both of those guidelines are met, an additional round trip of mileage will be paid. IRS.gov will provide the most current business mileage reimbursement rates (<https://www.irs.gov/tax-professionals/standard-mileage-rates>).



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Travel should be by the most direct route practicable. SCJB recommends using a car odometer or Google Maps to determine mileage reimbursements.

Fiscal Services will use Google Maps to verify mileage reimbursements. Substantial deviations for either source should be explained. Please note that Google Maps is the only internet source that can be used for mileage reimbursement requests.

Interpreters are required to clock their mileage from their home or business to the courthouse where they are assigned to interpret.

The mileage submitted on SCCA Form 263 must correspond with the address where payment is received.

If an interpreter uses a Post Office Box for payment, he or she will be paid from their county of residence to the county of the courthouse where he or she was assigned to interpret. Mileage to and from lunch or driving back to a home or place of business during a break will not be reimbursed. SCJB reserves the right to reduce mileage reimbursements as appropriate.

5.05 Rejected/Returned Forms

If any of the required information is missing, inaccurate, or illegible on the SCCA Form 262 or SCCA Form 263, the South Carolina Judicial Branch will either return or reject the Request for Payment.

The rejected or returned form will be sent to the court that submitted it.

A memo that will outline the reason(s) for rejecting/returning the form will accompany (see Appendix 11).

To expedite the process of correcting the forms, these documents will be emailed to the clerks and/or interpreter rather than using the postal mail.



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APPENDIX



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Appendix 1: Court Interpreter Directory Consent form - Languages and Dialects



South Carolina Judicial Branch

CONSENT FORM – COURT INTERPRETER DIRECTORY

I do hereby acknowledge, consent and agree for the South Carolina Judicial Branch to place my name and contact information in the Court Interpreter Directory.

I understand that the Directory will be distributed to clerks of court throughout the State of South Carolina. Information published in the Directory may also be made available to the general public via the Judicial Branch’s website.

Name: _____
(As you wish it to appear in the directory – please print)

Signature: _____ Date: _____

Please list the language(s) and dialect(s) you interpret in. *(If you speak a language that has regional dialects, please list the dialect(s) you speak and understand. An example would be Brazilian Portuguese, Mandarin Chinese, Castilian Spanish, etc.)*

Language(s)/Dialect(s) that you interpret in: _____

Please list your contact information below and indicate which information you wish to be published in the <u>Court Interpreter Directory</u> . (Please Print)	OK to Publish? (Please mark one)
Home Address:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Business Address:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Contact Phone Number:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Email Address:	<input type="checkbox"/> Yes <input type="checkbox"/> No

Are you willing to interpret statewide via telephonic or remote technology? Yes No

Are you an employee of one of the Judicial Circuits or a federal court? Yes No

Are you certified by a Consortium State? Yes No

If yes, what state/date of certification? _____

SCCICP Participation – Dates of successful completion:

2-Day Workshop _____ Written Exam: _____ Oral Exam attempts _____

Please list up to four counties to which you will travel to provide interpreting services *(certified interpreters may list as many counties as they wish)*:

Please complete, sign and return this consent form to:
Interpreter Services, SC Court Administration,
1220 Senate Street, Suite 200, Columbia, South Carolina, 29201
If you prefer, you may email this form to SCCICP@sccourts.org or fax to (803) 734-0269.



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Appendix 2: Court Interpreter Directory Consent Form - American Sign Language (ASL)



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CONSENT FORM – COURT INTERPRETER DIRECTORY AMERICAN SIGN LANGUAGE (ASL)

I do hereby acknowledge, consent and agree for the South Carolina Judicial Branch to place my name and contact information in the Court Interpreter Directory.

I understand that the Directory will be distributed to clerks of court throughout the State of South Carolina. Information published in the Directory may also be made available to the general public via the Judicial Branch’s website.

Name: _____

(As you wish it to appear in the directory – please print)

Signature: _____ Date: _____

Language that you interpret in: American Sign Language (ASL)

Please list your contact information below and indicate which information you wish to be published in the <u>Court Interpreter Directory</u> . (Please Print)	OK to Publish? (Please mark one)
Home Address:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Business Address:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Contact Phone Number:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Email Address:	<input type="checkbox"/> Yes <input type="checkbox"/> No

Are you an employee of one of the Judicial Circuits or a federal court? Yes No

NAD and/or RID certifications: _____

Please list the counties in which you wish to work: _____



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Appendix 3: Statutes and Orders to Appoint and Pay Court Interpreters

a. Code 1976 § 15-27-15

Statutes

Code 1976 § 15-27-15

Code 1976 § 15-27-15, SC ST § 15-27-15

Code of Laws of South Carolina 1976 Annotated Currentness

Title 15. Civil Remedies and Procedures Chapter 27. Trial and Certain Incidents Thereof

Article 1. General Provisions

§ 15-27-15. Interpreters for deaf person who is party to legal proceeding, witness therein, or confined to any institution.

(A) Whenever a deaf person is a party or witness in any legal proceeding including, but not limited to, a civil or criminal proceeding, a family court proceeding, an action involving a traffic violation, or other criminal matter heard in magistrates court, or is confined to an institution, the court must appoint as many qualified interpreters or deaf relay interpreters as needed and are approved by the South Carolina Association of the Deaf. The interpreter must be approved by the deaf person and either the South Carolina Association of the Deaf and the South Carolina Registry of Interpreters for the Deaf or the National Registry of Interpreters for the Deaf to interpret the proceedings to and the testimony of the deaf person, unless the deaf person waives having a qualified interpreter, elects to use another individual of his own selection as his interpreter, or the judge finds that it is not necessary for the fulfillment of justice. If a person elects to use an interpreter other than a qualified interpreter provided for in this section, the court must first make a determination that this action is in the best interest of the individual and is in the best interests of justice. The selection, use, and reimbursement of interpreters must be determined under such guidelines as may be established by the Chief Justice of the Supreme Court. All fees for interpreting services must be paid out of the general fund of the State from funds appropriated to the Judicial Department for this purpose by the General Assembly.

(B) For purposes of this section:

(1) "Qualified interpreter" means a person eighteen years of age or older who has been certified by the South Carolina Association of the Deaf Interpreter Assessment Program (SCAD-IAP Level IV or V) or the National Registry of Interpreters for the Deaf and who has received approval from the South Carolina Association of the Deaf and who is not a family member of the deaf person.



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(2) “Deaf person” means a person who cannot use his hearing for communication purposes.

In an action where the mental condition of a deaf person is being considered and where the person may be committed to an institution, all the court proceedings pertaining to the person must be interpreted to the deaf person in a language that the person understands by a qualified interpreter appointed by the court.

HISTORY: 1987 Act No. 97 § 1; 1996 Act No. 365, § 1; 1998 Act No. 390, § 3; 2001 Act No. 103, § 1.

LIBRARY REFERENCES Westlaw Key Number Searches: 110k642; 388k22.

Criminal Law 642. Trial 22. C.J.S. Criminal Law § 1152. C.J.S. Trial § 95.

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b. Code 1976 § 15-27-155

Statutes

Code 1976 § 15-27-155

Code of Laws of South Carolina 1976 Annotated Currentness Title 15. Civil Remedies and Procedures Chapter 27. Trial and Certain Incidents Thereof Article 1. General Provisions

§ 15-27-155. Interpreter for party or witness unable to speak English; qualified interpreter defined; fees; centralized list; use of interpreter not on list.

(A) Notwithstanding any other provision of law, whenever a party or witness to a civil legal proceeding does not sufficiently speak the English language to testify, the court may appoint a qualified interpreter to interpret the proceedings and the testimony of the party or witness. However, the court may waive the use of a qualified interpreter if the court finds that it is not necessary for the fulfillment of justice. The court must first make a finding on the record that the waiver of a qualified interpreter is in the best interest of the party or witness and that this action is in the best interest of justice.

(B) An “interpreter” means a person who:

- (1) is eighteen years of age or older;
- (2) is not a family member of the party or witness;
- (3) is an instructor of foreign language at an institution of education; or
- (4) has educational training or experience that enables him or her to fluently speak a foreign language and interpret the language of another person.

An “interpreter” shall not be a person confined to an institution.

(1) The selection, use, and reimbursement of interpreters must be determined under such guidelines as may be established by the Chief Justice of the Supreme Court;

(2) The fees for interpreting services may be:

- (a) paid out of the general fund of the State from funds appropriated to the Judicial Department for this purpose by the General Assembly;
- (b) paid by one or more of the parties as the court may direct; or taxed ultimately as costs based on the discretion of the court.



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(D) The Division of Court Administration shall maintain a centralized list of qualified interpreters to interpret the proceedings to and testimony of a party or witness. A party or a witness is not precluded from using a qualified interpreter who is not on the centralized list as long as the interpreter meets the requirements of subsection (B) and submits a sworn affidavit to the court specifying his or her qualifications.

HISTORY: 1998 Act No. 390, § 2; 2001 Act No. 103, § 2.

LIBRARY REFERENCES Westlaw Key Number Searches: 110k642; 388k22.

Criminal Law 642. Trial 22. C.J.S. Criminal Law § 1152. C.J.S. Trial § 95.

Code 1976 § 15-27-155, SC ST § 15-27-155 Current through End of 2004 Reg. Sess.

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c. Code 1976 § 17-1-50

Statutes

Code 1976 § 17-1-50

Code of Laws of South Carolina 1976 Annotated Currentness Title 17. Criminal Procedures

Chapter 1. General Provisions

§ 17-1-50. Interpreters in criminal proceedings.

(A) As used in this section: (1) “Certified interpreter” means an interpreter who meets the standards contained in sub-item (A)(4) and is certified by the administrative office of the United States courts, by the office of the administrator for the state courts, or by a nationally recognized professional organization. (2) “Legal proceeding” means a proceeding in which a non-English speaking person is a party or a witness. (3) “Non-English speaking person” means a party or a witness participating in a legal proceeding who has limited ability to speak or understand the English language. (4) “Qualified interpreter” means a person who: (a) is eighteen years of age or older; (b) is not a family member of a party or a witness; (c) is not a person confined to an institution; and (d) has education, training, or experience that enables him to speak English and a foreign language fluently, and is readily able to interpret simultaneously and consecutively and to sight-translate documents from English into the language of a non-English speaking person, or from the language of that person into spoken English. (5) “Victim” means a victim as defined in Section 16-3-1110. (6) “Witness” means a person who testifies in a legal proceeding.

(B)(1) Notwithstanding any other provision of law, whenever a party, witness, or victim in a criminal legal proceeding does not sufficiently understand or speak the English language to comprehend the proceeding or to testify, the court must appoint a certified or otherwise qualified interpreter to interpret the proceedings to the party or victim or to interpret the testimony of the witness. (2) However, the court may waive the use of a certified or otherwise qualified interpreter if the court finds that it is not necessary for the fulfillment of justice. The court must first make a finding on the record that the waiver of a certified or otherwise qualified interpreter is requested by a non-English speaking party, witness, or victim in a legal proceeding; that the waiver has been made knowingly, voluntarily, and intelligently; and that granting the waiver is in the best interest of justice.

The selection, use, and reimbursement of interpreters must be determined under such guidelines as may be established by the Chief Justice of the Supreme Court. All fees for interpreting services must be paid out of the general fund of the State from funds appropriated to the Judicial Department for this purpose by the General Assembly.



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(D) The Division of Court Administration must maintain a centralized list of certified or otherwise qualified interpreters to interpret the proceedings to a party and testimony of a witness. A party or a witness is not precluded from using a qualified interpreter who is not on the centralized list as long as the interpreter meets the requirements of sub-item (A)(4) and submits a sworn affidavit to the court specifying his qualifications or submits to a voir dire by the court.

HISTORY: 1998 Act No. 390, § 1; 2001 Act No. 103, § 3.

LIBRARY REFERENCES Criminal Law 642. WESTLAW Topic No. 110. C.J.S. Criminal Law § 1152. Code 1976 § 17-1-50, SC ST § 17-1-50

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South Carolina Judicial Branch

COURT INTERPRETERS POLICY AND PROCEDURE GUIDE

d. Supreme Court Order Re: Appointment of Qualified Court Interpreters for Deaf Persons and Payment for Their Services

The Supreme Court of South Carolina

Re: Appointment of Qualified Court Interpreters for
Deaf Persons and Payment for their Services

ORDER

In furtherance of the South Carolina Judicial Branch's strategic goal to ensure access to justice for all, regardless of income, disability, or language barrier, and in furtherance of efforts over the last several years to enhance the South Carolina Judicial Branch's court interpreting services,

IT IS ORDERED that the Order of the Court dated February 16, 2023 providing procedures for appointment of qualified interpreters for the deaf and payment for their services is amended effective April 3, 2023.

1. The appointment of a qualified interpreter pursuant to S.C. Code Ann. § 15-27-15 (2005) for a deaf person who is a juror, victim, or party to any legal proceeding or witness therein, or confined to an institution, shall be by written Order of the Court making the appointment. A qualified interpreter is one who has been approved by the deaf person and either the South Carolina Association of the Deaf, the South Carolina Registry of Interpreters for the Deaf, or the National Registry of Interpreters for the Deaf.

2. The court-appointed qualified interpreter shall receive payment of \$80.00 per hour, with a two-hour minimum, for interpreting services rendered. The fees for interpreting services may be paid out of funds appropriated to the South Carolina Judicial Branch by the General Assembly until such time as those fees are exhausted, at which time the County shall be responsible for their payment. Any fees over the \$80.00 per hour rate as set by Order of this Court shall be the responsibility of the County.

3. In addition, if the court-appointed interpreter resides in South Carolina, they may receive round-trip mileage at the current IRS-designated rate if they are appointed to a court outside their county of residence or business per Court Administration



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policies as outlined in the Court Interpreter Policy & Procedure Guide. Court-appointed interpreters who reside or have their business located outside of South Carolina may receive payment for mileage at the IRS-designated rate for up to 150 miles, each direction, for appointments within South Carolina, with any mileage over this amount to be the responsibility of the County.

4. Application for the interpreter's fee shall be made on such forms as prescribed and furnished by South Carolina Court Administration, namely SCCA/262 and 263. The original or stamped true copy Request for Payment form must be submitted only upon completion of the interpreting services. Requests for Payment form must show with specificity (to the nearest quarter hour) the hours spent and approved by the Court making the appointment. In addition, the Court must sign the Order of Appointment and Request for Payment forms.

5. The South Carolina Judicial Branch will not be responsible for the payment of interpreter services when funds appropriated specifically for this purpose by the General Assembly are exhausted.

6. Forms shall be available at the South Carolina Judicial Branch website, www.sccourts.org, for use in implementing these procedures.

7. Court Administration will maintain a centralized list of certified or otherwise qualified interpreters. A party, witness, juror, or victim may use a qualified interpreter who is not on the centralized list as long as the interpreter meets the interpreter requirements of subsection (B)(1) of § 15-27-15 and submits a sworn affidavit to the Court specifying his or her qualifications.

s/Donald W. Beatty

Donald W. Beatty

Chief Justice of South Carolina

Columbia, South Carolina

March 9, 2023



South Carolina Judicial Branch

COURT INTERPRETERS POLICY AND PROCEDURE GUIDE

e. Supreme Court Order Re: Appointment of Qualified Court Interpreters for Non-English-Speaking Persons and Payment for Their Services

The Supreme Court of South Carolina

Re: Appointment of Qualified Court Interpreters for
Non-English-Speaking Persons and Payment for their Services

ORDER

In furtherance of the South Carolina Judicial Branch's strategic goal to ensure access to justice for all, regardless of income, disability, or language barrier, and in furtherance of efforts over the last several years to enhance the South Carolina Judicial Branch's court interpreting services,

IT IS ORDERED that the Order of the Court dated February 16, 2023 providing procedures for appointment of qualified interpreters for non-English speaking persons and payment for their services is amended effective April 3, 2023.

1. The appointment of a certified or otherwise qualified interpreter pursuant to S.C. Code Ann. § 15-27-155 (2005) and § 17-1-50 (2014) for a party, witness, juror, or victim unable to speak English shall be by written Order of the Court making the appointment.

2. In civil matters, the court-appointed certified interpreter shall receive payment of \$65.00 per hour, with a two-hour minimum, for interpreting services rendered; and the court-appointed otherwise qualified interpreter shall receive payment of \$40.00 per hour, with a two-hour minimum, for interpreting services rendered. The fees for interpreting services may be: (a) paid out of funds appropriated to the South Carolina Judicial Branch by the General Assembly until such time as those funds are exhausted, at which time the County shall be responsible for their payment; (b) paid by one or more of the parties as the Court may direct; or (c) taxed ultimately as costs based on the discretion of the Court, with any fees over the \$40.00 or \$65.00 per hour as set by Order of this Court being the responsibility of the County.



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3. In criminal matters, the court-appointed certified interpreter shall receive payment of \$65.00 per hour, with a two-hour minimum, for interpreting services rendered; and the court-appointed otherwise qualified interpreter shall receive payment of \$40.00 per hour, with a two-hour minimum, for interpreting services rendered. The fees for interpreting services may be paid out of funds appropriated to the South Carolina Judicial Branch by the General Assembly until such time as those funds are exhausted, at which time the County shall be responsible for their payment. Any fees over the \$40.00 or \$65.00 per hour as set by Order of this Court shall be the responsibility of the County.

4. In addition, if the court-appointed interpreter resides in South Carolina, they may receive round-trip mileage at the current IRS-designated rate if they are appointed to a court outside their county of residence or business per Court Administration policies as outlined in the Court Interpreter Policy & Procedure Guide. Court-appointed interpreters who reside or have their business located outside of South Carolina may receive payment for mileage at the IRS-designated rate for up to 150 miles, each direction, for appointments within South Carolina, with any mileage over this amount to be responsibility of the County.

5. Application for the interpreter's fee shall be made on such forms as prescribed and furnished by South Carolina Court Administration, namely SCCA/262 and 263. The original or stamped true copy Request for Payment must be submitted only upon completion of the interpreting services. Requests for Payment must show with specificity (to the nearest quarter hour) the hours spent and approved by the Court making the appointment. In addition, the Court must sign the Order of Appointment and Request for Payment.

6. The South Carolina Judicial Branch will not be responsible for the payment of interpreter services when funds appropriated specifically for this purpose by the General Assembly are exhausted.

7. Forms shall be available at the South Carolina Judicial Branch website, www.sccourts.org, for use in implementing these procedures.

8. Court Administration will maintain a centralized list of certified or otherwise qualified interpreters. A party, witness, juror, or victim may use a qualified interpreter who is not on the centralized list as long as the interpreter meets the interpreter requirements of subsection (B) of § 15-27-155 or subsection (A)(4) of § 17-1-50 and submits a



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sworn affidavit to the Court specifying his or her qualifications.

s/Donald W. Beatty

Donald W. Beatty

Chief Justice of South Carolina

Columbia, South Carolina

March 9, 2023



South Carolina Judicial Branch

COURT INTERPRETERS POLICY AND PROCEDURE GUIDE

f. Supreme Court Order Re: Telephonic Foreign Language Interpreter Services in Circuit and Family Courts

The Supreme Court of South Carolina

ORDER

RE: Telephonic Foreign Language Interpreter Services in Circuit and Family Courts

IT IS ORDERED that the use of telephonic and remote audio language interpreter services shall be authorized for statewide use in South Carolina Circuit and Family Courts, effective immediately.

THEREFORE, pursuant to the provisions of Article V, Section 4, South Carolina Constitution,

The use of telephonic and remote audio foreign language interpreter services is approved for use in the Circuit and Family Courts of this state for the following types of proceedings:

Common Pleas: motions, trials, and Common Pleas/Non-Jury.

General Sessions: initial appearances, bond hearings, probation or parole revocations, contested motions, and acceptance of guilty pleas and sentencing.

Family Court: hearing bench warrants, South Carolina Department of Social Service cases limited to emergency protective custody pursuant to S.C. Code Ann. §63-7-71- (2010), intervention hearings, status review hearings, permanency planning hearings, and final hearings.

Use of telephonic and remote audio interpreter services in trials and other proceedings not listed above in these courts shall be at the discretion of the presiding judge.

In order to utilize telephonic and remote audio interpreter services, the following conditions must be met:

1. The Order of Appointment, SCCA Form 262 must be completed by the presiding judge and submitted to Court Administration upon completion of the interpreting services.

2. A defendant or party who is in need of a foreign language interpreter must be informed that telephonic or remote audio foreign language interpreting is being used.

3. The interpreter's voice shall be recorded and included in the record of the proceeding.



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4. At the beginning of the proceeding, the interpreter must be sworn in, state his/her full name, name of his/her company, and state on the record that he/she is qualified to interpret in the requested language. The Oath to Interpreter should be administered as follows:

“Do you solemnly swear or affirm that you will accurately interpret the language requested in this courtroom of the Defendant/Witness without additions thereto or detractions therefrom or any other amendments of your own interpretation?”

5. Once funds appropriated for language interpreters have been exhausted, the costs for interpretation services shall be paid by the county, state agency, and/or the parties. If an agreement cannot be reached, the Court shall decide who among the county, state agency, and or/or the parties shall pay for telephonic and remote audio foreign language interpreter services. This Order shall remain in effect unless amended or revoked by Order of the Chief Justice.

s/Donald W. Beatty

Donald W. Beatty

Chief Justice

December 27, 2019

Columbia, South Carolina



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g. Supreme Court Order Re: Telephonic and Remote Audio Foreign Language Interpreter Services in Summary Courts

The Supreme Court of South Carolina

ORDER

RE: Telephonic and Remote Audio Foreign Language Interpreter Services in Summary Courts

IT IS ORDERED that the Order of the court dated February 10, 2003, is superseded effective immediately. I find that the use of telephonic and remote foreign language interpreter services shall continue to be authorized for statewide use in South Carolina Summary Courts.

THEREFORE, pursuant to the provisions of Article V, Section 4, South Carolina Constitution,

Telephonic and remote audio foreign language interpreter services may be used in the Summary Courts of this State for non-capital initial appearances, bond hearings, preliminary hearings, guilty pleas, motions, and trials. Use of telephonic and remote audio interpreter services in trials in Summary Courts shall be at the discretion of the presiding judge.

In order to utilize telephonic and remote audio interpreter services, the following conditions must be met:

1. The interpreter's voice shall be recorded and included in the record of the proceeding.
2. A defendant or party who is in need of a foreign language interpreter must be informed that telephonic or remote audio foreign language interpreting is being used.
3. At the beginning of the proceeding, the interpreter must be sworn in, state his/her full name, name of his/her company, and state on the record that he/she is qualified to interpret in the requested language. The Oath to Interpreter should be administered as follows:



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“Do you solemnly swear or affirm that you will accurately interpret the language requested in this courtroom of the Defendant/Witness without additions thereto or detractions therefrom or any other amendments of your own interpretation?”

4. The County or Municipality shall bear all costs associated with telephonic and remote audio language interpreter services.

5. No prior approval is necessary for a County or Municipality to utilize telephonic and remote audio interpreting services.

This Order shall remain in effect unless amended or revoked by Order of the Chief Justice.

s/Donald W. Beatty
Donald W. Beatty
Chief Justice

December 27, 2019
Columbia, South Carolina



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h. Supreme Court Order Re: SCCA Form 261 – Request for Court Interpreter

The Supreme Court of South Carolina

Re: SCCA 261 Form - Request for Court Interpreter

ADMINISTRATIVE ORDER

Pursuant to the provisions of Article V, Section 4 of the South Carolina Constitution,

IT IS ORDERED that any party requesting a foreign language or American Sign Language (ASL) court interpreter for a party, witness, or victim for a legal proceeding before a court of the Unified Judicial System shall make such a request to the clerk's office in writing via **Form SCCA 261 - Request for Court Interpreter**.

By submitting the Form SCCA 261, "Request for Court Interpreter", the requester confirms that he or she has read a copy of the Form SCCA 261A – "Court Interpreter Cancellation Policy", incorporated therein, and agrees to abide by its terms.

These forms shall be available on the South Carolina Judicial Branch website at www.sccourts.org under the "Court Forms" link.

The use of this form as notification of the need for an interpreter shall be waived for certain bond hearings, emergency hearings, or other hearings which are scheduled with less than forty-eight hours' notice. In these situations, notifying the clerk's office via telephone or email of the need for an interpreter shall be acceptable.

s/Donald W. Beatty
Donald W. Beatty
Chief Justice of South Carolina

Columbia, South Carolina
May 18, 2023



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Appendix 4: Rule 511

The Supreme Court of South Carolina

RE: Amendments to South Carolina Appellate Court Rules

ORDER

Pursuant to Art. V, §4 of the South Carolina Constitution, the South Carolina Appellate Court Rules are amended as follows:

- (1) The title of Part V of the Rules is amended to read: “Rules Governing the Judiciary, Employees of the Judicial Department, and Others Assisting the Judiciary.”
- (2) The attached Rule 511 is added.

These amendments shall be effective immediately.

IT IS SO ORDERED.

s/Jean H. Toal _____ C.J.

s/James E. Moore _____ J.

s/John H. Waller, Jr. _____ J.

s/E. C. Burnett, III _____ J.

s/Costa M. Pleicones _____ J.

Columbia, South Carolina

June 21, 2006



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RULE 511

RULES OF PROFESSIONAL CONDUCT FOR COURT INTERPRETERS

PREAMBLE

Many persons who come before the courts are partially or completely excluded from full participation in the proceedings due to limited English proficiency (LEP) or a speech or hearing impairment. It is essential that this communication barrier be removed, as much as possible, so that these persons are placed in the same position as a similarly situated person for whom there is no such barrier. A non-English speaker should be able to understand just as much as an English speaker with the same level of education and intelligence.

As officers of the court, interpreters help assure that such persons may enjoy equal access to justice and that court proceedings and court support services function efficiently and effectively. Interpreters are highly skilled professionals who fulfill an essential role in the administration of justice. Anyone serving as a court interpreter should be required to understand and abide by the precepts set out in these Rules. Judges and attorneys should also become familiar with the Rules and expect conduct from interpreters that is consistent with them.

APPLICABILITY

These Rules shall guide and be binding upon all persons, agencies and organizations who administer, supervise use of, or deliver interpreting services to the judiciary.

RULE 1

ACCURACY AND COMPLETENESS OF INTERPRETATION

Interpreters shall render a complete and accurate interpretation, or sight translation, without altering, omitting or adding anything to what is stated or written, and without explanation or summarization. The interpreter shall preserve the nuances and level of formality, or informality, of the speech.

Commentary

The interpreter has a two-fold duty: (1) to ensure that the proceedings in English reflect precisely what was said by a non-English speaking person, and (2) to place the non-English speaking person on an equal



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footing with those who understand English. This creates an obligation to conserve every element of information contained in a source language communication when it is rendered in the target language.

Therefore, interpreters are obligated to apply their best skills and judgment to preserve faithfully the meaning of what is said in court, including the style or register of speech. Verbatim, "word for word," or literal oral interpretations are not appropriate when they distort the meaning of the source language. Every spoken statement, even if it appears non-responsive, obscene, rambling, or incoherent should be interpreted. This includes apparent misstatements.

Interpreters should never interject their own words, phrases, or expressions. If the need arises to explain an interpreting problem (e.g., a term or phrase with no direct equivalent in the target language or a misunderstanding that only the interpreter can clarify), the interpreter should ask the court's permission to provide an explanation. Interpreters should convey the emotional emphasis of the speaker without reenacting or mimicking the speaker's emotions, or dramatic gestures.

Sign language interpreters, however, must employ all of the visual cues that the language they are interpreting for requires, including facial expressions, body language, and hand gestures. Sign language interpreters, therefore, should ensure that court participants do not confuse these essential elements of the interpreted language with inappropriate interpreter conduct.

The obligation to preserve accuracy includes the interpreter's duty to correct any error of interpretation discovered by the interpreter during the proceeding. Interpreters should demonstrate their professionalism by objectively analyzing any challenge to their performance.

RULE 2

REPRESENTATION OF QUALIFICATIONS

Interpreters shall accurately and completely represent their certifications, training, and pertinent experience.

Commentary

Acceptance of a case by an interpreter conveys linguistic competency in legal settings. Withdrawing or being asked to withdraw from a case after it begins causes a disruption of court proceedings and is wasteful of scarce public resources. It is, therefore, essential that interpreters present a complete and truthful account of their training, certification and experience prior to appointment so the officers of the court can fairly evaluate their qualifications for delivering interpreting services.



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RULE 3

IMPARTIALITY AND AVOIDANCE OF CONFLICT OF INTEREST

Interpreters shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias. Interpreters shall disclose any real or perceived conflict of interest.

Commentary

The interpreter serves as an officer of the court and the interpreter's duty in a court proceeding is to serve the court and the public to which the court is a servant. This is true regardless of whether the interpreter is publicly retained at government expense or retained privately at the expense of one of the parties.

The interpreter should avoid any conduct or behavior that presents the appearance of favoritism toward any of the parties. Interpreters should maintain professional relationships with their clients, and should not take an active part in any of the proceedings. The interpreter should discourage a non-English speaking party's personal dependence.

During the course of the proceedings, interpreters should not converse with parties, witnesses, jurors, attorneys, or with friends or relatives of any party, except in the discharge of their judicial functions. It is especially important that interpreters, who are often familiar with attorneys or other members of the courtroom work group, including law enforcement officers, refrain from casual and personal conversations with anyone in court that may convey an appearance of a special relationship or partiality to any of the court participants.

The interpreter should strive for professional detachment. Verbal and non-verbal displays of personal attitudes, prejudices, emotions, or opinions should be avoided at all times.

Should an interpreter become aware that a proceeding participant views the interpreter as having a bias or being biased, the interpreter should disclose that knowledge to the presiding judge. Any condition that interferes with the objectivity of an interpreter constitutes a conflict of interest and must be disclosed to the judge. An interpreter should not serve in any matter in which payment for their services is contingent upon the outcome of the case.

Before providing services in a matter, court interpreters must disclose to all parties and the presiding judge any prior involvement, whether personal or professional, that could be reasonably construed as a conflict of interest. This disclosure should not include privileged or confidential information.

The following are circumstances that create potential conflicts of interest that must be disclosed:



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- (1) The interpreter is a friend, associate, or relative of a party or counsel for a party involved in the proceedings;*
- (2) The interpreter has served in an investigative capacity for any party involved in the case;*
- (3) The interpreter has previously been retained by a law enforcement agency to assist in the preparation of the criminal case at issue;*
- (4) The interpreter or the interpreter's spouse or child has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that would be affected by the outcome of the case;*
- (5) The interpreter has been involved in the choice of counsel or law firm for that case;*
- (6) The interpreter is an attorney in the case;*
- (7) The interpreter has previously been retained for private employment by one of the parties to interpret in the case;*
- (8) For any other reason, the interpreter's independence of judgment would be compromised in the course of providing services.*

The existence of any of the above-mentioned circumstances does not alone disqualify an interpreter from providing services as long as the interpreter is able to render services objectively. An interpreter may serve if the judge and all parties consent. If an actual or apparent conflict of interest exists, the interpreter may, without explanation to any of the parties or the judge, decline to provide services.

Should an interpreter become aware that a non-English speaking participant views the interpreter as having a bias, or being biased, the interpreter should disclose that knowledge to the judge.

RULE 4

PROFESSIONAL Demeanor

Interpreters shall conduct themselves in a manner consistent with the dignity of the court and shall be as unobtrusive as possible.

Commentary

Interpreters should know and observe the established protocol, rules, and procedures for delivering interpreting services. When speaking in English, interpreters should speak at a rate and volume that enables them to be heard and understood throughout the courtroom, but the interpreter's presence should otherwise be as unobtrusive as possible. Interpreters should work without drawing undue or inappropriate attention to themselves. Interpreters should dress in a manner that is consistent with the dignity of the proceedings of the court. Interpreters should avoid obstructing the view of any of the individuals involved in the proceedings. However, interpreters who use sign language or other visual modes of communication must be positioned so that hand gestures, facial expressions, and whole-body movement are visible to the person for whom they are interpreting.



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Interpreters are encouraged to avoid personal or professional conduct that could discredit the court.

RULE 5

CONFIDENTIALITY

Interpreters shall protect the confidentiality of all privileged and other confidential information.

Commentary

The interpreter shall protect and uphold the confidentiality of all privileged information obtained during the course of her or his duties. It is especially important that the interpreter understand and uphold the attorney-client privilege, which requires confidentiality with respect to any communication between attorney and client. This rule also applies to other types of privileged communication.

Interpreters must also refrain from repeating or disclosing information obtained by them in the course of their employment that may be relevant to the legal proceeding.

In the event that an interpreter becomes aware of information that suggests imminent harm to someone or relates to a crime being committed during the course of the proceedings, the interpreter should immediately disclose the information to the presiding judge. If the judge is not available, the interpreter should disclose the information to an appropriate authority in the judiciary.

RULE 6

RESTRICTION OF PUBLIC COMMENT

Interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are, or have been, engaged even when that information is not privileged or required by law to be confidential.

Commentary

Generally, interpreters should not discuss outside of the interpreter's official duties, interpreter assignments, persons involved or the facts of the case. However, interpreters may share information for training and educational purposes. Interpreters should only share as much information as is required to accomplish their purpose. An interpreter must not reveal privileged or confidential information.

RULE 7

SCOPE OF PRACTICE

Interpreters shall limit themselves to interpreting or translating, and shall not give legal advice, express personal opinions to individuals for whom they are interpreting, or engage in any other



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activities which may be construed to constitute a service other than interpreting or translating while serving as an interpreter.

Commentary

Since interpreters are responsible only for enabling others to communicate, they should limit themselves to the activity of interpreting or translating only. Interpreters should refrain from initiating communications while interpreting unless it is necessary for assuring an accurate and faithful interpretation. Interpreters may be required to initiate communications during a proceeding when they find it necessary to seek assistance in performing their duties. Examples of such circumstances include seeking direction when unable to understand or express a word or thought, requesting speakers to moderate their rate of communication or repeat or rephrase something, correcting their own interpreting errors, or notifying the court of reservations about their ability to satisfy an assignment competently. In such instances they should make it clear that they are speaking for themselves.

An interpreter may convey legal advice from an attorney to a person only while that attorney is giving it. An interpreter should not explain the purpose of forms, services, or otherwise act as counselors or advisors unless they are interpreting for someone who is acting in that official capacity. The interpreter may translate language on a form for a person who is filling out the form, but may not explain the form or its purpose for such a person.

The interpreter should not personally serve to perform official acts that are the official responsibility of other court officials including, but not limited to, court clerks, pre-trial release investigators or interviewers, or probation counselors.

RULE 8

ASSESSING AND REPORTING IMPEDIMENTS TO PERFORMANCE

Interpreters shall assess at all times their ability to deliver their services. When interpreters have any reservation about their ability to satisfy an assignment competently, they shall immediately convey that reservation to the presiding judge.

Commentary

If the communication mode or language of the non-English-speaking person cannot be readily interpreted, the interpreter should notify the presiding judge.

Interpreters should notify the presiding judge of any environmental or physical limitation that impedes or hinders their ability to deliver interpreting services adequately (e.g., the court room is not quiet enough for the interpreter to hear or be heard by the non-English speaker, more than one person at a time is speaking, or principals or witnesses of the court are speaking at a rate of speed that is too rapid for the interpreter



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to adequately interpret). Sign language interpreters must ensure that they can both see and convey the full range of visual language elements that are necessary for communication, including facial expressions and body movement, as well as hand gestures. Interpreters should notify the presiding judge of the need to take periodic breaks to maintain mental and physical alertness and prevent interpreter fatigue. Interpreters should recommend and encourage the use of team interpreting whenever necessary.

Interpreters are encouraged to make inquiries as to the nature of a case whenever possible before accepting an assignment. This enables interpreters to match more closely their professional qualifications, skills, and experience to potential assignments and more accurately assess their ability to satisfy those assignments competently.

Even competent and experienced interpreters may encounter cases where routine proceedings suddenly involve technical or specialized terminology unfamiliar to the interpreter (e.g., the unscheduled testimony of an expert witness). When such instances occur, interpreters should request a brief recess to familiarize themselves with the subject matter. If familiarity with the terminology requires extensive time or more intensive research, interpreters should inform the presiding judge.

Interpreters should refrain from accepting a case if they feel the language and subject matter of that case is likely to exceed their skills or capacities. Interpreters should notify the presiding judge if they feel unable to perform competently, due to lack of familiarity with terminology, preparation, or difficulty in understanding a witness or defendant.

Interpreters should notify the presiding judge of any personal bias they may have involving any aspect of the proceedings. For example, an interpreter who has been the victim of a sexual assault may wish to be excused from interpreting in cases involving similar offenses.

RULE 9

DUTY TO REPORT ETHICAL VIOLATIONS

Interpreters shall report to the proper judicial authority any effort to impede their compliance with any law, any provision of these Rules, or any other judicial policy governing court interpreting and legal translating.

Commentary

Because the users of interpreting services frequently misunderstand the proper role of the interpreter, they may ask or expect the interpreter to perform duties or engage in activities that conflict with the provisions of these Rules or other laws, regulations, or policies governing court interpreters. It is incumbent upon the interpreter to inform such persons of his or her professional obligations. If, having been apprised of these



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obligations, the person persists in demanding that the interpreter violate them, the interpreter should report it to the presiding judge.

RULE 10

PROFESSIONAL DEVELOPMENT

Interpreters shall continually improve their skills and knowledge and advance the profession through activities such as professional training and education, and interaction with colleagues and specialists in related fields.

Commentary

Interpreters must continually strive to increase their knowledge of the languages they work in professionally, including past and current trends in technical, vernacular, and regional terminology as well as their application within court proceedings.

Interpreters should keep informed of all statutes, rules of courts and policies of the judiciary that relate to the performance of their professional duties.

An interpreter should seek to elevate the standards of the profession through participation in workshops, professional meetings, interaction with colleagues, and reading current literature in the field.



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Appendix 5: Bench Cards

a. For the Judge



SOUTH CAROLINA
JUDICIAL BRANCH

For the Judge

BENCH CARD: WORKING WITH COURT INTERPRETERS

The South Carolina Judicial Branch (SCJB) believes “in justice for all, regardless of income, disability, or language barriers”. It is the policy of the SCJB to provide timely meaningful access for Limited English Proficient (LEP) persons and those who are deaf or hard of hearing.

What is a Limited English Proficient Person?

A LEP person is someone who speaks a language other than English as his or her primary language and has a limited ability or no ability to read, write, speak, or understand English.

What is a Deaf/Hard of Hearing Person?

“Deaf” usually refers to a hearing loss so severe that there is very little or no functional hearing.

“Hard of hearing” refers to a hearing loss where there may be enough residual hearing that an auditory device, such as a hearing aid or FM system, provides adequate assistance to process speech.

People who are deaf or hard of hearing may have speech that is difficult to understand due to the inability to hear their own voice.

Is the court required to provide an Interpreter?

The SCJB provides interpreter services to persons with limited English proficiency, or those who are deaf or hard of hearing, who are in court as litigants, witnesses, jurors, persons with legal decision-making authority, and persons with a significant interest in the matter, in compliance with Title VI of the Civil Rights Act of 1964, 45 C.F.R. § 80 et seq; and 28 C.F.R. § 42 et seq.

How do I determine whether a person needs an interpreter?

- When an attorney or a *pro se* litigant advises the court that a party or witness has limited English proficiency or is deaf or hard of hearing.
- When a party in interest requests an interpreter.
- When any party in interest in a case does not appear to understand court proceedings in English or appears to have hearing difficulties.
- When a juror indicates s/he is an LEP or deaf / Hard of hearing individual.

Evaluate the need for an interpreter as early as possible and before any substantive hearing.

The determination as to whether an interpreter is needed must be made by the court.

The court should ask open-ended questions that cannot be answered with a simple yes or no.

Sample Language Assessment Questions

- What is your name and address?
- By what mode of transportation did you come to court?
- What kind of work do you do?
- Please describe when, where and how you learned English.
- Do you know why are you in court today?

Interpreter Qualifications

The South Carolina Court Administration maintains a Directory of Certified or Otherwise Qualified Interpreters. Certified interpreters should be contacted first when procuring interpreting services. If a certified interpreter is not available, you should use an interpreter who is otherwise qualified.

The only exception to using an interpreter not in the Directory would be if there is not one available, and the interpreter you want to use meets the requirements of SC Code Sections 15-27-155(B) or 17-1-50(A)(4) and submits a sworn affidavit to the court specifying his or her qualifications before they are appointed.

Being bilingual does not qualify a person to interpret.

Family members, attorneys, judges, or court personnel should never serve as interpreters.



South Carolina Judicial Branch

COURT INTERPRETERS POLICY AND PROCEDURE GUIDE



SOUTH CAROLINA
JUDICIAL BRANCH

For the Judge

BENCH CARD: WORKING WITH COURT INTERPRETERS

Sample Qualification Questions for Interpreters not found on the Directory

- What training or credentials do you have as a interpreter?
- How many times have you interpreted in court?
- How did you learn English? How did you learn the other language?
- Have you met this party / witness before?
- Are you aware of any conflict of interest between you and any party?
- Do you understand you are to be a neutral party, who is here to facilitate communication and that you should not offer advice or interject your opinion into these proceedings?

Modes of interpretation

Simultaneous mode - convey a spoken or signed message into another language at the same time someone is speaking or signing

Consecutive mode - convey the speaker's or signer's message in another language after they have stopped to allow for the interpretation.

Sign translation - involves translation of a written document directly into a spoken language, for immediate understanding.

Team Interpreting

Please consider more than one interpreter when:

- The proceeding is scheduled to last more than three (3) hours.
- Proceedings involving a LEP defendant when there will also be a LEP witness or witnesses who will testify in order to ensure attorney-client communication can take place during testimony, if necessary.
- Cases involving multiple LEP parties with adverse interests (e.g. Divorce proceedings, child abuse and neglect proceedings, etc.).
- The proceeding involves a deaf / Hard of Hearing person, which usually requires a team regardless of length of the proceeding.

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Courtroom Protocol

Swear In Interpreter

The judicial officer should administer the Interpreter Oath before the proceedings begin. If the judicial officer does not do this, it is the interpreter's responsibility to remind them.

Interpreters Oath

"Do you solemnly swear or affirm that you will accurately interpret the language requested in this courtroom of the defendant / witness without additions thereto or detractions therefrom or any other amendments of your own interpretation?"

Direct all parties as to the role of the Interpreter

To ensure all parties understand the role of the interpreter, consider reading a message at the start of the Court proceeding.

Sample Message

"I want you to understand the role of the interpreter. The interpreter is a neutral party who is here only to interpret the proceedings. The interpreter will say only what is said and will not add, omit, or summarize anything.

Do not address the interpreter. Do not ask the interpreter questions. Speak directly to the party or witness, not to the interpreter. Do not engage in conversation with the interpreter. Speak in a loud clear voice.

If you do not understand the interpreter, please tell me. If you need the interpreter to repeat, please make your request to me, not to the interpreter. Do you understand my instructions?"

Request for Payment of Interpreter

The judge presiding over the case, is responsible for signing the *Order of Appointment form (SCCA 262)* before or on the date of the hearing. If not possible the judge may sign no more than five (5) days after the date of the proceeding. The *Request for Payment form (SCCA 263)* must be signed on the day of the proceeding or no more than five (5) days after it.

For additional assistance, please contact:
Court Services
South Carolina Judicial Branch
SCJCP@sccourts.org



South Carolina Judicial Branch

COURT INTERPRETERS POLICY AND PROCEDURE GUIDE

b. For the Interpreter



SOUTH CAROLINA
JUDICIAL BRANCH

For the Interpreter

BENCH CARD: WORKING AS COURT INTERPRETER

The South Carolina Judicial Branch (SCJB) believes “in justice for all, regardless of income, disability, or language barriers”. It is the policy of the SCJB to provide timely meaningful access for Limited English Proficient (LEP) persons and those who are deaf or hard of hearing.

What is a Limited English Proficient Person?

A LEP person is someone who speaks a language other than English as his or her primary language and has a limited ability or no ability to read, write, speak, or understand English.

What is a Deaf/Hard of Hearing Person?

“Deaf” usually refers to a hearing loss so severe that there is very little or no functional hearing.

“Hard of hearing” refers to a hearing loss where there may be enough residual hearing that an auditory device, such as a hearing aid or FM system, provides adequate assistance to process speech.

People who are deaf or hard of hearing may have speech that is difficult to understand due to the inability to hear their own voice.

Is the court required to provide an Interpreter?

The SCJB provides interpreter services to persons with limited English proficiency, or those who are deaf or hard of hearing, who are in court as litigants, witnesses, jurors, persons with legal decision-making authority, and persons with a significant interest in the matter, in compliance with Title VI of the Civil Rights Act of 1964, 45 C.F.R. § 80 et seq; and 28 C.F.R. § 42 et seq.

Interpreter Qualifications

The South Carolina Court Administration maintains a Directory of Certified or Otherwise Qualified Interpreters. Clerks are trained to contact certified interpreters first when procuring interpreting services. If a certified interpreter is not available, the clerk should locate an interpreter who is otherwise qualified.

The only exception to using an interpreter not in the Directory would be if there is not one available, and the interpreter the judge wants to use meets the requirements of SC Code Sections 15-27-155(B) or 17-1-50(A)(4) and submits a sworn affidavit to the court specifying his or her qualifications before they are appointed.

The court may ask a few questions to make a determination about interpreter’s qualifications.

Courtroom Protocol

Providing Information

Interpreters must provide their name and contact information to the court reporter or court monitor recording the proceeding.

Swear in Interpreter

The judicial officer should administer the Interpreter Oath before the proceedings begin. If the judicial officer does not do this, it is the interpreter’s responsibility to remind them.

Accurately interpret the court proceeding. This includes:

- Objections
- Court ruling / instructions
- Unusual terms and phrases
- Directions by the judicial officer regarding recesses / adjournments
- Recitations by the attorney / judicial officer regarding exhibits being marked, identified, introduced, and admitted into evidence
- Side bar – Interpret the fact the side bar is taking place and that you will not interpret that unless asked to do so.
- The name of the witness being sworn and their testimony
- Opening statements
- Closing arguments
- Jury instructions
- Judge’s decision on the case and any sentences handed down.

Interrupt only when absolutely necessary to advise the judge that:

- You did not understand or hear something that was said,
- You need spelling of name or unusual phrase;
- The LEP individual or witness is giving non-verbal responses, such as nodding or shaking their head, shoulder-shrugging, of, which you are unable to interpret.



South Carolina Judicial Branch

COURT INTERPRETERS POLICY AND PROCEDURE GUIDE



SOUTH CAROLINA
JUDICIAL BRANCH

For the Interpreter

BENCH CARD: WORKING AS COURT INTERPRETER

Rules of Professional Conduct for Court Interpreters

- Accuracy
- Impartiality and Conflicts of Interest
- Confidentiality
- Limitations of Practice
- Protocol and Demeanor
- Maintenance and Improvement of Skills and Knowledge
- Accurate Representation of Credentials
- Impediments to Compliance

Team Interpreting

Please consider more than one interpreter when:

- The proceeding is scheduled to last more than three (3) hours.
- Proceedings involving a LEP defendant when there will also be a LEP witness or witnesses who will testify in order to ensure attorney-client communication can take place during testimony, if necessary.
- Cases involving multiple LEP parties with adverse interests (e.g. Divorce proceedings, child abuse and neglect proceedings, etc.).
- The proceeding involves a deaf / Hard of Hearing person, which usually requires a team regardless of length of the proceeding.

Best Practices for Interpreters

- Interpreters should be in the assigned courtroom before the scheduled start of the session to allow time for introductions to the LEP individual and his/her attorney, if any, and to check the equipment, if applicable.
- The interpreter must always use his/her best judgment when interrupting court proceedings.
- When filling forms, use upper and lower case letters and print clearly.

Payment

Interpreters are paid an hourly rate for services rendered in one (1) day, not on a per-case basis, with a two (2) hour minimum.

Considering the circumstances, where a court interpreter may be appointed to a morning session of court and also for a second afternoon session of court, if the interpreter is called for two separate sessions in one day, and the end time for one session and the start time of the next session are more than three (3) hours apart, the interpreter may charge for two (2) separate two-hour minimums.

Mileage Reimbursement

Mileage will be reimbursed only when interpreters travel outside of their county of residence or business headquarters. Mileage is paid for one round trip per day, unless a second interpreting session occurs that meets both our Mileage Reimbursement guidelines as outlined here as well as our Multiple Court Sessions guidelines as outlined in Chapter 2. If both of those guidelines are met, an additional round trip of mileage will be paid.

IRS.gov will provide the most current business mileage reimbursement rates (<https://www.irs.gov/tax-professionals/standard-mileage-rates>).

Required Forms

1. *Time Sheets*, must contain:

- Start and end time of the proceedings
- Name of Case
- Case Number
- Full Name of LEP or deaf /hard of hearing individual you are interpreting for

2. *Order of appointment*. The judge presiding over the case must sign this form before or on the date of the hearing. If not possible the judge may sign up to 5 days after the date of the proceeding.

3. *Request for payment*. Interpreter must complete all information required on the form and ask court staff to assist on obtaining judge's signature.

Secure all paper work, and turn forms over to the clerk. Interpreter's signature is required in any of the forms as certification of the information entered.

*For additional assistance, please contact
Court Services
South Carolina Judicial Branch
SCCJCP@sccourts.org*



South Carolina Judicial Branch

COURT INTERPRETERS POLICY AND PROCEDURE GUIDE

Appendix 6: Interpreter Oath

INTERPRETER OATH

Do you solemnly swear or affirm that, to the best of your ability, you will accurately, completely, and impartially interpret all communications during this proceeding, either from English to (language) or from (language) to English, while preserving the register, nuances, and meaning, with no additions, subtractions, summarizations, or opinions of your own and that you will abide by the Rule 511 – The Rules of Professional Conduct for Court Interpreters?



South Carolina Judicial Branch

COURT INTERPRETERS POLICY AND PROCEDURE GUIDE

Appendix 7: Affidavit



AFFIDAVIT

I, _____ do hereby swear that I meet the requirements in South Carolina Code 1976, Sections 15-27-15, 15-27-155(B) and 17-1-50(A)(4), which define:

“interpreter” as a person who:

1. is eighteen years of age or older;
2. is not a family member of the party or witness;
3. is not a person confined to an institution;
4. is an instructor of foreign language or American Sign Language at an institution of education; or
5. has education, training, or experience that enables him or her to fluently speak English and a foreign language or American Sign Language and is readily able to interpret simultaneously and consecutively and to sight-translate documents from English into the language of a non-English speaking person or American Sign Language, or from the language of that person including American Sign Language into spoken English.

Interpreter

Date

I, _____, a Notary Public of the county and state aforesaid, hereby certify that _____ personally known to me to be the affiant, I the foregoing affidavit, personally appeared before me this ____ day of _____ and having been by me duly sworn deposes and says that the facts set forth in the above affidavit are true and correct.

Witness my hand and official seal this ____ day of _____, 20__.

Notary Public
My Commission expires: _____



South Carolina Judicial Branch

COURT INTERPRETERS POLICY AND PROCEDURE GUIDE

Appendix 8: SCCA Form 261: Request for Court Interpreter



REQUEST FOR COURT INTERPRETER

CASE INFORMATION:

COUNTY OF _____

CASE NO. _____

CASE NAME

Plaintiff

v.

Defendant

REQUESTOR INFORMATION:

First Name: _____

Surname(s): _____

Title/Position: _____

Law Firm/Agency/Org: _____

Phone Number: _____

Email: _____

TYPE OF COURT: General Sessions/GSNJ Common Pleas/CPNJ Family Court Other _____**LANGUAGE ACCESS NEEDS:** Sign Language/ASL Non-English Speaking _____

Specify Language

COURT PROCEEDING INFORMATION:

Scheduled Date(s): _____

Scheduled Start Time: _____

Estimated Duration of Proceeding: _____

Proceeding to be held: In Person Remotely

Courthouse Address: _____

Courtroom Number (if known): _____

LIMITED ENGLISH PROFICIENCY (LEP) PERSON(S) INFORMATION:

LEP #1 First Name: _____

LEP #2 First Name: _____

LEP #1 Surname(s): _____

LEP #2 Surname(s): _____

LEP person #1 is the: _____

LEP person #2 is the: _____

Date of Request: _____

FOR CLERK'S USE:

Interpreter Assigned: _____	Language: _____
Interpreter Phone Number: _____	<input type="checkbox"/> Certified <input type="checkbox"/> Otherwise Qualified
Interpreter Email: _____	Date Assigned: _____
Assigned by: _____	
Notes: _____	

IF CANCELLED:

Notification of cancellation received from: _____
On: Click to enter a date at (Time) _____
Interpreter notified via email on: Click to enter a date at (time): _____
Notified by: _____
Less than 24 hours (one business day) notice was provided to the interpreter: <input type="checkbox"/> Yes <input type="checkbox"/> No
Name of party responsible for late cancellation, per the judge: _____



South Carolina Judicial Branch

COURT INTERPRETERS POLICY AND PROCEDURE GUIDE

Appendix 9: SCCA Form 262: Order of Appointment of Qualified Interpreter

ORDER OF APPOINTMENT OF QUALIFIED INTERPRETER

STATE OF SOUTH CAROLINA)	IN THE COURT OF _____
COUNTY OF _____)	_____ JUDICIAL CIRCUIT
)	No. _____
_____)	CASE NO. _____
Plaintiff)	<input type="checkbox"/> Deaf/Sign Language
vs.)	<input type="checkbox"/> Non-English speaking
_____)	_____
Defendant)	(Specify Language)

_____ is a deaf or non-English speaking person and/or a juror, or a party to a legal proceeding or a witness therein, or confined to an institution and is in need of the services of a qualified interpreter.

Therefore, pursuant to S.C. CODE ANN. Section 15-27-15, 15-27-155, or 17-1-50, it is ordered that _____, a qualified interpreter approved by the Court, is appointed.

For Team Interpreting:

I have determined this matter meets the following team interpreting requirement(s):

- The proceeding is scheduled to last more than three (3) hours.
- The proceeding involves both an LEP defendant and LEP witness or witnesses.
- This case involves multiple LEP parties with adverse interests.

_____, a qualified interpreter, has also been appointed.

(Order of Appointment is required for each Team Interpreter)

_____	X _____
Date	Presiding Judge Signature
at _____, South Carolina	_____
(City)	Printed Name of Judge

Note: This form must be completed in its entirety. The Original form or Certified True Copy only are required for reimbursement. Forms not in compliance will be returned.



South Carolina Judicial Branch

COURT INTERPRETERS POLICY AND PROCEDURE GUIDE

Appendix 10: SCCA Form 263: Request for Payment of Qualified Interpreter

REQUEST FOR PAYMENT FOR QUALIFIED INTERPRETER

STATE OF SOUTH CAROLINA

TYPE OF COURT:

COUNTY OF _____
_____ JUDICIAL CIRCUIT

General Sessions/GSNJ Common Pleas/CPNJ
 Family Court Other _____

CASE NO: _____

LANGUAGE ACCESS NEEDS:

CASE NAME: _____

Sign Language/ASL
 Non-English Speaking _____
(Specify Language)

Plaintiff
v.

Defendant

Date Service Rendered: _____

Case Number	Start Time	AM/PM	End Time	AM/PM	Hours/Min. Interpreting
*TOTAL ACTUAL INTERPRETING TIME:					

* If more than three cases were interpreted, please attached a separate sheet of paper with the case numbers and names

Pursuant to S.C. Code Ann. §§ 15-27-15, 15-27-155, or 17-1-50 (2010), claim is hereby made for compensation of the services of a qualified interpreter who has been approved by the Court. Note: Interpreters will receive an hourly rate for services rendered in one day (not per case basis), with a two-hour minimum. If interpreting occurs over two separate sessions on the same day, see Chapter 2, Section V of the Court Interpreter Policy & Procedure guide. Mileage may be reimbursed at the official state rate when assignment is outside the interpreter's residence county or county of place of business.

_____ Hours at \$ _____ per hour \$ _____

_____ Miles _____ / _____ To _____ / _____ at \$0.655 \$ _____
from City / County City / County
TOTAL \$ _____

I hereby certify that this is a true and correct statement of my mileage and services rendered for interpreting the court proceeding(s) to a deaf or non-English speaker person who is a juror or a party to the proceeding or a witness therein.

X _____
Signature of Interpreter Printed name of Interpreter

I am (check one): S.C. State Employee Privately Employed
(State employees attest by their signature that they did not perform these services as part of their normal duties or on State time.)

CHECK WILL BE MADE PAYABLE AND MAILED TO THE INDIVIDUAL OR FIRM LISTED BELOW. LAST 4 DIGITS OF SOCIAL SECURITY OR F.E.I. NUMBER MUST BE INCLUDED. IF A W-9 IS NOT ON FILE, PLEASE ENCLOSE.

X _____
Signature of Presiding Judge

NAME: _____

ADDRESS: _____

Printed Name of Judge

TELEPHONE #: _____

Date

Last Four Digits of S.S # (ONLY) or F.E.I #: _____

SCCA/263 (01/2023) NOTE: Original form or Certified True Copy only. Forms not in compliance will be returned.



South Carolina Judicial Branch

COURT INTERPRETERS POLICY AND PROCEDURE GUIDE

Appendix 11: Memo Return of Interpreter's Forms



South Carolina Judicial Branch

MEMORANDUM

To: Click here to enter text.
From: Germaine Morgan on behalf of Tiffany Raines, Deputy Director
Subject: **Interpreter Forms**
Date: July, 2022

The enclosed Interpreter form(s) that were submitted to Court Administration are being returned. Fiscal Services was not able to process them for reasons as indicated below. Please return the original form(s) with the requested information to Court Administration. |

Should you have any questions or concerns, please feel free to contact this office.

Information Needed to Complete Interpreter Forms:

- The judge's signature is not provided on the interpreter forms.
- The date of the judge's signature is not indicated on the request for payment form.
- The judge's appointment date is not consistent with the date of services rendered.
- The interpreter's fee is not correct.
- The mileage rate is not correct.
- The case name or number is not indicated on **all** the interpreter forms.
- The interpreter forms must be an original or a true certified copy.
- Please indicate the start and end time of the proceedings.
- The interpreter is not listed in our directory. Please complete and return the W-9 form and the affidavit attached. Also, remind them that all interpreters are required to be registered as a State Vendor. Here is a link: <https://procurement.sc.gov/vendor/registration>
- Other:

Regards,

Germaine Morgan
Court Services



South Carolina Judicial Branch

COURT INTERPRETERS POLICY AND PROCEDURE GUIDE

Appendix 12: Court Interpreting Contact Information

SOUTH CAROLINA COURT SERVICES

1220 Senate Street, Suite 200

Columbia, SC 29201

(803)734-1800

BRANCH	NAME	TITLE/ROLE	CONTACT INFORMATION
Court Services	Karama B. Herrington	Court Services Director	(803)734-1800 kbherrington@sccourts.org
Court Reporting, Scheduling & Court Interpreting	Tiffany Raines	Deputy Director	(803)734-1800 traines@sccourts.org
	Germaine Morgan	Court Reporter Section Admin Coordinator	(803)734-1101 gmorgan@sccourts.org
PUBLIC INFORMATION			(803)734-1800 media@sccourts.org
OFFICE OF FISCAL SERVICES	Amy Terry	Interpreter payments	aterry@sccourts.org
INFORMATION TECHNOLOGY (IT)	Helpdesk		(803)734-1799 ITHelpdesk@sccourts.org