

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT

IN AND FOR HARDEE, HIGHLANDS AND POLK COUNTIES

ADMINISTRATIVE ORDER NO. 1-43.0

IN RE: COURT INTERPRETER'S OFFICE OPERATIONS

WHEREAS, cases sometimes involve persons who require the assistance of a foreign language or sign language interpreter; and

WHEREAS, the Chief Judge of the circuit is vested with administrative authority over the circuit courts as set forth in Rule 2.050, Florida Judicial Administration Rules; and

WHEREAS, §741.30(2)(a), Florida Statutes, provides that "the clerk of the court shall assist petitioners in seeking...injunctions for protection against domestic violence," and Rule 12.610(b)(4)(A), Florida Family Law Rules, also states that the "clerk of the court...shall assist the petitioner in obtaining an injunction for protection," and this Court finds that the assistance is meant to include providing an English interpretation of any written statement or narrative contained in the petition to the Court; and

WHEREAS, §43.26, Florida Statutes, sets out that the chief judge is charged with "authority to promote the prompt and efficient administration of justice in the courts over which he or she is chief judge" and shall further "determine the priority of services provided by the clerk of court to the trial court;" and

WHEREAS, to ensure the efficient and orderly operation of Court functions, and to ensure that the rights of persons appearing before the court are protected and met, while at the same time the fiscal responsibility of the court is managed, it is necessary to set out procedures to be followed by all parties in matters where the services of a foreign language or sign language interpreter is required; it is hereby ORDERED that:

1. The ONLY proceedings which will be covered by the CIO office or contract interpreters are as follows:
 - a. All aspects of criminal cases, from first appearance hearing to disposition
 - b. Civil commitment hearings
 - c. All juvenile delinquency and dependency hearings, including TPR's
 - d. Domestic Violence: injunction hearings only; specifically, not including any *ex parte* granting of temporary injunctions - see §741.30(5)(1), Florida Statutes. It shall be the responsibility of the Clerk's of the Court offices to provide all petitions for injunctions to the court in English.
 - e. Child Support hearings if before a judge, magistrate or hearing officer
2. Proceedings which WILL NOT be covered by the CIO office or contract interpreters include, but are not necessarily limited to:
 - f. Child Support hearings and mediations for the Department of Revenue
 - g. DRD mediation
 - h. Domestic Violence: petitions and mediations
 - i. Civil hearings and mediations
 - j. Civil infraction arraignments and trials
 - k. Indigence applications
 - l. Pre-trial release interviews
 - m. Family Court including mediations
 - n. Dependency mediations (except sign language interpretation under the ADA)
 - o. Pro Se Matters
 - p. Probation interviews
 - q. Psychological evaluations
 - r. Public Defender's Office intake interviews
 - s. Qualifications of jurors and Voir Dire
 - t. Teen Court proceedings

3. The responsibility for requests for the appearance and services of foreign language or sign language interpreters shall be as follows:

a. Court Appointed Attorney Responsibilities. It shall be the responsibility of the court appointed attorney to coordinate provision of services for all interpreting needs of defense clients or defense witnesses with the Court Interpreter's Office (CIO).

b. Public Defender's Office Responsibilities. It shall be the responsibility of the Public Defender's Office to coordinate provision of services for all interpreting needs of defense clients or defense witnesses with the CIO.

c. State Attorney's Office Responsibilities. It shall be the responsibility of the State Attorney's Office to coordinate provision of services for all interpreting needs of state victims or state witnesses with the CIO.

d. Department of Children and Families and Related Agencies (DCF) Responsibilities. It shall be the responsibility of the DCF to coordinate provision of services for all interpreting needs of clients or witnesses with the CIO.

e. Court Interpreter's Office. It shall be the responsibility of the CIO to monitor and meet the interpreting needs of individuals representing their own interests in matters requiring the due process of law or in matters involving accommodations under the American with Disabilities Act.

4. All requests for interpreters shall be made as soon as possible after the setting of the proceeding that for which the interpreter is needed. When a Spanish interpreter is needed, the request must be made at least 3 business days in advance of the proceeding. When any other interpreter is needed, or if the proceeding involves more than a one-day appearance, requests shall be made at least ten (10) business days in advance of the proceeding. In cases of emergency, and on a case-by-case basis, the CIO will attempt to coordinate the need for services.

5. It shall be the responsibility of the requesting party or office to notify the CIO of any cancellation of need immediately. If the cancellation is known by the requesting party or office within 24 hours (one business day) of the proceeding and the requesting party or office fails to immediately notify the CIO, the requesting party or office shall be responsible for any payments required to be paid any contract interpreter.

6. In order to meet interpreting needs, the Court has entered into contracts with numerous individuals, organizations and companies. If one of these contract interpreters is provided by the CIO for a court proceeding, upon completion of services, the contract interpreter shall furnish to the CIO an itemized invoice for services rendered. Upon receipt of the invoice, the CIO shall process the invoice for payment through the court's Administrative Services Office. Contract court interpreters shall be compensated in accordance with their contracts.

This order shall have effect upon entry.

DONE AND ORDERED on this 23rd day of March, 2006.

RONALD A. HERRING

Chief Judge