

**STATE OF MAINE
SUPREME JUDICIAL COURT**

ADMINISTRATIVE ORDER JB-06-3

GUIDELINES FOR DETERMINATION OF ELIGIBILITY
FOR COURT-APPOINTED INTERPRETATION AND TRANSLATION SERVICES

Effective: October 11, 2006

This Order sets forth the guidelines for determining when the Judicial Branch will provide an interpreter or other translation service in Maine's State Courts for persons with limited English proficiency, hereinafter identified as "LEP" individuals, who are: parties, potential litigants seeking assistance through the Clerks Offices, witnesses, or parents of minors in juvenile matters.

Limited English proficiency refers to the inability to adequately understand or communicate effectively in English in a court proceeding. This phrase applies to individuals whose primary language is a language other than English and whose ability to speak English is not at the level of comprehension and expression needed to participate effectively in court transactions and proceedings. While this phrase also applies to individuals whose primary language is American Sign Language, this Administrative Order does not apply to individuals who are deaf or hard-of-hearing. The interpretation and/or translation services for those individuals are governed by 5 M.R.S. § 48-A.

Nothing herein shall be understood to prevent a person from having his or her own interpreter or translation assistance in addition to the interpreter or translator appointed and funded by the court.

I. DETERMINATION OF ELIGIBILITY

Maine's state courts will provide all LEP individuals who are parties or witnesses in any type of court case, or parents of minors involved in juvenile actions, with an interpreter in all court proceedings related to that case, at the State's expense. "All court proceedings" includes case management conferences, CADRES and judicially-assisted mediations, motion hearings, arraignments, commitment hearings, competency hearings, jury selection, trials, sentencing, appellate arguments, and any other court events or proceedings authorized by the presiding judge or justice.

When the LEP individual has court-appointed counsel, that attorney may request authorization from the presiding judge or justice to incur expenses for interpreter and/or translator services for client conferences, court authorized evaluations, and depositions.

Whenever an LEP individual who needs interpretation services requests information and/or assistance at a court clerk's window, the court clerk will provide the information and/or assistance by using an in person interpreter or other service, such as a telephone interpreting service.

Other requests for interpretation/translation services or other accommodation will be considered pursuant to the Judicial Branch's *Policy on Access for People with Disabilities* (Effective May 5, 2000).

Court clerks are authorized to arrange for interpreter or translation services whenever requested by a judge, an individual litigant, a litigant's attorney or representative, or when, in the clerk's estimation, an individual does not understand the information being provided or when the clerk does not understand the requests being made by the individual.

For the Court,

/S/

Leigh I. Saufley
Chief Justice

Promulgation Date: October 11, 2006