



NORTH CAROLINA  
ADMINISTRATIVE OFFICE  
*of the COURTS*

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Director

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## MEMORANDUM

To: Chief District Court Judges  
Clerks of Superior Court  
Trial Court Coordinators  
Trial Court Administrators  
Family Court Administrators  
Language Access Stakeholders Committee

From: John W. Smith

A handwritten signature in blue ink, appearing to read "John W. Smith".

Date: March 26, 2013

Re: Expansion of Language Access Services to Specified Child Custody Proceedings

As indicated in my August 8, 2012 memorandum, the North Carolina unified court system is committed to the continued provision and expansion of language access services to limited English proficient (LEP) persons whom the courts serve. This memorandum announces the expansion of language access services to specified child custody proceedings, effective Monday, April 1, 2013. Court interpreters shall be provided in child custody proceedings at state expense for the following:

1. LEP parties who require interpreting services in any language in districts where NCAOC staff court interpreters are stationed (Buncombe, Mecklenburg, Forsyth, Guilford, Chatham, Orange, Durham, Wake, Lee, Johnston, Harnett Counties), and
2. LEP parties who require interpreting services for languages other than Spanish (LOTS) statewide.

Because of their great impact on children and families, child custody proceedings have been identified as a priority for the expansion of interpreting services. I am confident that we will be able to do so with our existing interpreting resources if we secure the cooperation of the court officials and attorneys involved in these matters. The key is to ensure that an interpreter is assigned only when it is clear that the proceeding for which the interpreter is requested is, in fact, going to be heard by the court.

To assist your courts with effective interpreter scheduling a request for interpreting services will be required for both Spanish and LOTS interpreters. A two sided chart to assist with scheduling court interpreters for child custody proceedings is attached. The charts distinguish between districts with staff court interpreters assigned and districts without staff court interpreters and between Spanish language needs and LOTS. Please use the one that applies to your district.

Requesting court interpreters and scheduling cases requiring court interpreters may be a new process for many, so the following tips are provided to assist you:

1. When child custody cases are filed, the language access needs of either of the parties should be noted in the case file.
2. Child custody mediation intake provides an opportunity to identify cases which need a court interpreter and will not be resolved through mediation. Language access needs should be identified on the paperwork which transfers the cases back to the court.
3. Interpreting services must be requested in advance by the parties or attorneys to give the Office of Language Access Services (OLAS) time to locate and assign interpreters for the proceeding. The attached charts provide links to the request forms.
4. Failure to provide sufficient time to secure a qualified interpreter may result in a delay or postponement of the court proceeding if a qualified interpreter is not available.
5. If multiple cases are identified that require interpreting in the same language, those cases should be scheduled on the same day and a single interpreter assigned for all of them. Your request may be easier to fill, particularly for Spanish language needs, if you have more than one case scheduled on the calendar that will utilize the services of the court interpreter.
6. Keep in mind that any proceeding expected to last longer than two hours will require the services of an interpreting team consisting of two interpreters who spell each other every 30 – 45 minutes. If two interpreters are not used, it will be necessary to give the one interpreter a break every 30 - 45 minutes during the proceedings to maintain accuracy.
7. Interpreters are neutral language conduits, so it is not necessary to schedule an interpreter for each party in a single case if the parties speak the same foreign language.
8. Consider when criminal calendars are set and what the scheduling needs are of those courts:
  - Do they typically finish with the interpreters during the morning session?
  - Do they have a court interpreter who is already scheduled for that session?If the criminal court will be finished with the interpreter by the end of the morning session, a child custody proceeding needing the same language interpreter can be scheduled for the afternoon. An interpreter would already be present in the courthouse and can be assigned to interpret for the custody proceedings.
9. Early identification of the need for an interpreter allows for efficient assignment and reduces the number of continuances due to lack of an interpreter.
10. Interpreters have a 24 hour cancellation policy. If interpreters are scheduled for a proceeding and the parties agree to settle the case prior to the court date or it is determined the case will not be heard as scheduled, it is extremely important to notify the interpreter(s) immediately, preferably with more than 24 hours notice, to avoid incurring unnecessary interpreter fees and to allow the interpreter to accept work in others courts where services are needed.

Interpreting services for Spanish language parties in child custody cases in districts without an assigned staff interpreter will be implemented when local scheduling mechanisms are in place.

Bilingual versions of pertinent AOC court forms for child custody proceedings will be available in the future as the forms are identified for translation.

The Office of Language Access Services will provide technical assistance to court officials to develop and implement procedures for expansion and the efficient allocation of current staff and contract interpreting services.

If you have any questions about this memorandum or future plans, please contact the Office of Language Access Services staff at (919) 890-1407.