

Interpreters for Deaf and Hard of Hearing

Directive #10-84
Issued by:

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Administrative Director

L. 1983, c. 564 (*N.J.S.A. 34:1-69.7, et. seq.*) enacted several provisions pertaining to the rights of hearing impaired persons in legal hearings.

I wish to call your attention to the following significant features of the act.

1. The court is required to appoint a "qualified interpreter" to assist any hearing impaired person who is a witness or party as a complainant, defendant, or as a hearing impaired parent of a juvenile throughout all proceedings before any court (including motor vehicle cases appearing in Municipal Courts) and in preparation with counsel during those proceedings. *N.J.S.A. 34:1-69.10.*
2. An interpreter is deemed a "qualified interpreter" only if she or he has been certified by the National Registry of Interpreters for the Deaf, Inc., and listed by the State Division of the Deaf in the Department of Labor or the New Jersey Registry of Interpreters for the Deaf. *N.J.S.A. 34:1-69.8d.* The services of the Registry are no longer available. Appointment of interpreters who do not meet this definition of "qualified interpreter" is not authorized. Thus local translation agencies, schools or individuals are not authorized sources for finding "qualified interpreters."
3. The interpreter must be positioned "in full view of and spatially situated to assure proper communication with the hearing impaired person involved as a participant before the proceeding which involves the hearing impaired person as a participant begins. *N.J.S.A. 34:1-69.11.*
4. The statute states the courts are to appoint an interpreter from a list of qualified interpreters. *N.J.S.A. 34:1-69.12.* You should use the services of the Interpreter Referral Service of the State Division of the Deaf in making appointments since it has the expertise to match the particular needs of the deaf person with the particular skills of the several qualified interpreters who are available. For appointment of a "qualified interpreter," I recommend that you contact the Interpreter Referral Service of the State Division of the Deaf (1-800-792-8339 or 609-984-7283).
5. Every interpreter must be sworn in before beginning to interpret. The Act also calls for an oath "that he will make a true interpretation in an understandable manner to the person for whom he is appointed and that he will repeat the statements of the person in the English language to the best of his skill and judgment." *N.J.S.A. 34:1-69.14.*
6. Every qualified interpreter appointed under the act shall receive a reasonable fee for the services rendered, together with actual expenses for travel and waiting time. *N.J.S.A. 34:1-69.15a.* Until such time as the Supreme Court approves a uniform fee and the

method for making payment, the rates presently used by the Division of the Deaf shall be the minimum rates authorized to be paid. That means a minimum of \$15.00 per hour for interpreters with the Comprehensive Skills Certificate and \$12.50 per hour for interpreters with a lesser certification, with a minimum charge of two hours, plus the actual expenses for travel.

7. At the present time, the costs of these interpreting services, when rendered in the Superior Court, shall be paid by the county in which the services are provided and, when delivered in the Municipal Courts, shall be paid out of the budget of the Municipal Court in which the services are rendered.
8. A hearing impaired person may waive the right to such an interpreter only if he or she makes a written request for a waiver and both the judge and the hearing impaired person's counsel approve the request. *N.J.S.A. 34:1-69.16.*

EDITOR-S NOTE

The reference to distributions of copies of the statute have been deleted. No other substantive change has been made to the original text. In practice, however, there have been several changes. The registry of interpreters mentioned in paragraph 4 is no longer used. The Judiciary maintains its own ARegistry of Freelance Interpreters and Interpreter/Translation Agencies.@ Uniform rates for interpreters have been set in the AGuidelines for Court Freelance Interpreters in the Superior Court.@ Finally, since the advent of state funding, the judiciary pays for the cost of interpreters.