

# Court Interpreters' Coordinator's Manual

## Section 1: Interpretation Services (Revised)

Revisions are shown in red.

### 1.1 Introduction

Court Services Division provides court interpretation services:

- In any language required in criminal matters
- In any language in civil, family and Small Claims Court matters, if the litigant qualifies for the CSD fee waiver
- In French in all civil, family and Small Claims Court matters
- In sign language all Small Claims Court matters

The Division also provides written translation services between French and English. Management of court interpretation and translation services is the responsibility of staff interpreter/translators in each region (see [Appendix A](#)). Interpreter Coordinators at each court location are responsible for the scheduling of freelance interpreters.

Not all courthouses have full-time Interpreter Coordinator positions. The term Interpreter Coordinator is used throughout this manual to describe the responsibilities of any individual responsible for scheduling interpreters, regardless of his or her official job title.

This manual provides guidelines for Interpreter Coordinators with respect to the appropriate provision of interpretation services, work distribution and the payment of fees and expenses to interpreters.

This manual replaces all previous guidelines and directions for Interpreter Coordinators concerning interpretation services in the courts of Ontario.

### 1.2 Interpretation Services

Interpretation refers to the translation of a spoken message from one language to another. The Court Services Division provides the following interpretation services:

#### 1.2.1 Bilingual Services

Court Services Division provides bilingual (English or French) interpretation for **all court proceedings**. Section 126 of the *Courts of Justice Act* details the requirements for holding a bilingual proceeding.

Court Services Division also provides written translation services between French and English.

### 1.2.2 Criminal Proceedings in Other Languages

Courts must provide interpreters for all criminal matters in whatever language is requested, including visual language interpretation.

This policy includes all proceedings dealing with federal and provincial offences, as well as:

- Interviews with probation officers dealing with the terms of release if a prisoner is to be released, or the terms of probation after sentencing
- Alternative dispute resolution hearings dealing with criminal matters

Any further interviews with probation officers are the responsibility of probation services. Likewise, the court is not responsible for the provision of interpreters for psychological or psychiatric assessments, except during the course of a hearing **at the courthouse**.


### 1.2.3 Visual Language Interpretation for Small Claims Court Proceedings

Court Services Division provides visual language interpreters in Small Claims Court for all litigants, if required. Visual language interpretation includes American Sign Language, deaf-blind interpreter services, deaf interpreter services, text-based services and Langue des Signes du Québec.

When court staff is aware that an individual requires visual language interpretation, this should be noted in a prominent place on the case file so that staff will be alerted to the need for this service in future proceedings.

### 1.2.4 Other Language Provision in Civil and Family Proceedings

The Division provides interpretation services in any language for civil and family matters involving child protection or custody.

 The Division also provides interpretation services in any language as required to litigants and their witnesses in civil, family and Small Claims Court matters if the litigant has been given a Fee Waiver Certificate. For further information about the CSD fee waiver request process and qualifying criteria, please refer to CSD Directive 2005/03 Fee Waiver and to the following manuals:

- SCJ Civil Procedures Manual
- Small Claims Court Procedures Manual
- Family Procedures Manual for the Superior Court of Justice
- Family Procedures Manual for the Family Court
- Family Procedures Manual for the Ontario Court of Justice
- Estates Manual

In all other civil and family cases, parties are responsible for providing their own interpreters.

### 1.2.5 Translation and Interpretation at Small Claims Court Counters

Further to a 1995 agreement with the Ontario Human Rights Commission, Court Services Division provides visual language interpretation at counters in Small Claims Court. When a deaf client or litigant wishes to make inquiries in Small Claims Court, office staff should ask whether written communication would satisfy the deaf client's needs. If written communication would not be satisfactory, then a visual language interpreter must be scheduled.

Counter services do not require an accredited interpreter. If an interpreter accompanies a hearing-impaired client, then this interpreter may be used. If the client does not have an interpreter, then an accredited interpreter must be scheduled. If the services of an accredited interpreter cannot be secured, the local office of the Canadian Hearing Society (<http://www.chs.ca/>) may be able to provide the services of an interpreter, or the client may know of a local interpreter who would be acceptable.

If an interpreter accompanies a hearing-impaired client, and the services of this interpreter are used, he or she will be paid either a requested fee or the standard interpreter rate (whichever is less). Interpreters who must travel a distance of more than 24 kilometres are entitled to receive the same travel fees as an accredited interpreter.

If an interpreter does not accompany a hearing-impaired client, court staff may have to reschedule the appointment since interpreters may not be available on short notice. Court staff will obtain the client's telephone number so that he or she can be notified of the availability of an interpreter as soon as possible.

Telephone contact with a hearing-impaired client can be made using the Bell Canada Relay Service (BRS). The BRS allows deaf, hearing or speech impaired to communicate with hearing persons anywhere in the world by telephone. There is no charge for using the BRS service, however there are toll charges for long distance calls through BRS (with a 50 % discount applied on calls within Canada). BRS is available 24 hours a day/7 days a week. Court staff can call 1-800-855-0511 to speak with a BRS operator, who will then relay the information (by typing the conversation into a terminal) to a hearing impaired customer.