

2005/31 Provision of Court Interpreters in Civil, Family and SCC Cases

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CSD Directive # 2005/31
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COURT SERVICES DIVISION DIRECTIVE

Purpose: To announce the provision of court interpreter services in any language for parties in civil, family and Small Claims Court proceedings who have been given a CSD Fee Waiver Certificate.

Effective September 15th, 2005, the Court Services Division will provide court interpreters in any language for parties in civil, family and Small Claims Court proceedings who meet the CSD fee waiver criteria and who indicate that they need interpreter services.

Services Provided:

Court interpreters in civil, family and Small Claims Court cases will be provided to individuals who have been given a Fee Waiver Certificate and who indicate the need for an interpreter for either themselves or for their witness(es), for all court appearances at which a judicial official presides. The presence and use of the court interpreter in the courtroom remains at the discretion of the presiding judicial official.

Interpreter services are not available for:

- Court counter services
- FLIC services
- Alternate dispute resolution meetings, such as family and civil mediation
- Solicitor/Client meetings

Request Process:

The Fee Waiver Request to Court (Form FW-A 4 EN and FW-A 4 FR) and the Fee Waiver Request to Registrar, Clerk or Sheriff (Form FW-A 3 EN and FW-A 3 FR) have been revised to allow the requestor to indicate their need for a court interpreter for themselves or for a witness in a language other than English and French.

Parties who have been given a Fee Waiver Certificate but did not indicate the need for an interpreter on their Fee Waiver Request can notify court staff of their need for a court interpreter at any point in the court process. Fees paid by the party for private court interpreter services prior to the party notifying court staff of their need and/or prior to the implementation date of September 15th, 2005, will not be reimbursed.

When:

- a. court staff give a Fee Waiver Certificate to a party who has indicated the need for a court interpreter on their request, or
- b. a party who has already been given a Fee Waiver Certificate notifies the court office that they require a court interpreter for either themselves or for a witness:

staff must provide the party with a Request for Court Interpreter (Form FW-A 5 EN; FW-A 5 FR). If the party or one of their witnesses requires an interpreter in English or French, court staff should continue to follow the standard process for arranging interpreters in these cases.

Processing Requests for an Interpreter for the Party:

If the party requires an interpreter for themselves, they must:

- 1. Fill out their contact information on the Request for Court Interpreter (Form FW-A 5 EN; FW-A 5 FR).
- 2. Indicate the language required.
- 3. Sign and date the form.
- 4. Provide the signed form to court staff.

Court staff must:

- 1. Complete the Court Office Address and Court Office Telephone Number section on the upper right corner of the form.
- 2. Date stamp the form to indicate receipt.
- 3. Provide a copy of the completed and stamped form to the party.
- 4. Forward a copy of the form to the Trial Coordinator, Motions Scheduling Unit, or other unit as appropriate to ensure that a court interpreter is scheduled for the event.
- 5. Indicate in the staff area of the form the office to which the form was forwarded for processing.
- 6. Place the original form in the correspondence pocket of the court file, with the other fee waiver documents.

Processing Requests for an Interpreter(s) for Witness(es):

If the party requires an interpreter for one or more of their witnesses, as soon as the party is aware of the date and time of the court appearance when the interpreter will be required, they must:

- 1. Fill out their contact information on the Request for Court Interpreter (Form FW-A 5 EN; FW-A 5 FR).
- 2. Indicate the name of the witness(es) that require an interpreter, the language required and the date and time of the scheduled appearance.
- 3. Sign and date the form.
- 4. Provide the signed form to court staff as soon as the information is available and at least seven (7) working days before the date of the scheduled appearance. Working days are defined as days when the court office is open.

Court staff must:

- 1. Complete the Court Office Address and Court Office Telephone Number section on the upper right corner of the form.
- 2. Date stamp the form to indicate receipt.
- 3. Provide a copy of the completed and stamped form to the party.

4. Forward a copy of the form to the Trial Coordinator, Motions Scheduling Unit, or other unit as appropriate to ensure that a court interpreter is scheduled for the event.
5. Indicate in the staff area of the form the office to which the form was forwarded for processing.
6. Place the original form in the correspondence pocket of the court file, with the other fee waiver documents.

If the party becomes aware that an interpreter will not be required for a scheduled appearance for which a request has been made, the party must notify the court office immediately to cancel the interpreter.

Data Collection:

FRANK is being updated so that the need for a court-provided interpreter can be included in the electronic record of the case. Staff will be notified by directive when these updates are complete.

Scheduling Process:

Trial Coordinators should follow the standard practice for scheduling cases where the need for a court interpreter has been identified. The Trial Coordinator must notify the Court Interpreter Coordinator that an interpreter will be required and must work in conjunction with the Court Interpreter Coordinator to ensure interpretation services are provided.

Court Interpreter Coordinators must follow all CSD policies as set out in the Court Interpreter Coordinators' Manual, when scheduling court interpreters. Unaccredited interpreters may be used only in situations of extreme urgency.

Further Information:

Section 1 of the Court Interpreter Coordinators' Manual has been revised to reflect this new policy. If you have questions or concerns about this policy, please contact Rebecca Langstaff, A/Manager, Operational Policy and Support at 416-326-4185.

For further information about the 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

The Guide to Fee Waiver Request on the CSD Intranet has been revised to include information on court interpreters. Staff should provide this revised guide to individuals who inquire about fee waivers. Note: Please do not print large quantities of these guides and the accompanying forms in advance, as further revisions to this guide and the forms are planned in the fall. Thank you for your cooperation in this matter.

Original signed by Sandra Wain

Sandra Wain,
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