

- If you have a limited understanding of English, it is your right in the United States and Georgia to have an interpreter during court proceedings. The interpreter must keep all interactions with you and the court confidential.
 - ❖ You have the right to an interpreter regardless of your citizenship or immigration status.
- It is your right to have an interpreter during both civil and criminal proceedings.
 - ❖ Interpreters should be provided during every step of a criminal proceeding – from arrest all the way to trial.
 - ❖ Interpreters should be made available in all civil proceedings and all court-managed functions including information desks.

WHICH LAWS DOES THIS RIGHT COME FROM?

- **Federal Civil Rights Act of 1964, Title VI:** requires states, like Georgia, to provide competent interpretation services to all limited English proficient people who come into contact with the court system.
- **The U.S. Constitution, 6th and 14th Amendments:** a main part of the constitutional right to due process is that people facing criminal charges must be present at their own trial and receive a fair hearing. If you cannot understand your trial, the judge, your attorney, or witnesses, you are not present, and you have not received a fair hearing.
- **The Georgia Supreme Court Rule for Use of Interpreters for Non-English Speaking Persons:** if persons involved in court proceedings are not fluent speakers of English, the judge is *supposed* to make sure that one is provided.
 - ❖ Even witnesses should be provided with interpreters if they need one.
 - ❖ Even if you speak some English, you can still have an interpreter if you feel your English is not good enough to fully understand the proceedings. The judge may ask you questions to help determine your language skills.

IF YOU CANNOT AFFORD AN INTERPRETER, THE COURT MUST PROVIDE ONE FOR FREE

- Submit a “pauper’s affidavit” *and request a fee waiver* from the court – this explains your financial need.
- If you are financially needy *and the court grants your request for a fee waiver*, and the court tells you to bring a friend or family member to interpret for you, this is wrong – *They* must provide the interpreter!
- If you are a defendant in a **criminal trial**, Georgia courts must provide an interpreter at each critical stage of the proceedings at no additional cost. Whenever you are compelled to appear in court, an interpreter must be provided to you at no cost.
- If you are seeking an **order of protection** under the **Family Violence Act**, you must be provided with a foreign language or sign language interpreter in the protective order hearing without cost. If you are a respondent in such a case, you are also entitled to an interpreter.

ALWAYS USE A PROFESSIONAL INTERPRETER, AND MAKE SURE THEY ARE CERTIFIED IF POSSIBLE

- Using a non-professional interpreter may cause major problems for you during a civil or criminal trial.
- Ordinary people who are interpreting may not only miss the point, but may also improperly try to give advice, when that should only be left up to a lawyer.
- In Georgia, there was a case (*Ling v. The State of Georgia*) where a defendant who had to use an acquaintance as her interpreter did not understand the charges against her, the risks of those charges, or testimony against her at trial. Instead of taking a 1-year plea bargain, she ended up going to trial and getting sentenced to 10 years in jail.

IF THE COURT APPOINTS YOU AN INTERPRETER, ASK ABOUT THEIR CERTIFICATION

- Certified interpreters have the most experience and training in interpreting legal procedure and terminology.
- In Georgia, courts must *try* to first give you a certified interpreter.
- If the interpreter is not certified or registered, you *should ask* the court to evaluate them to make sure they possess the necessary skills.
- If your *primary language* is Spanish, courts should be able to find a certified interpreter – there are many certified Spanish interpreters in Georgia.
- If your *primary language* is one other than Spanish, there is a good chance the court may not find a certified or registered interpreter. If this happens, make sure you ask for the interpreter to be evaluated.

If you or someone you know have had a problem getting interpreter services during a civil or criminal court proceeding in Georgia, or were asked to reimburse a court for interpreter costs in a criminal trial, please contact the ACLU of Georgia at info@acluga.org