



Office of Court Administration Montgomery County

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MONTGOMERY COUNTY DISTRICT AND COUNTY COURTS AT LAW LANGUAGE ACCESS POLICY

Summary

This policy is intended to guide judges, court staff and interpreters on the policies and procedures governing language access in the District and County Courts at Law of Montgomery County, Texas.

Application of Policy to All Courts

In accordance with Chapter 57, Texas Government Code, this language access policy applies to all proceedings, both civil (meaning civil, family and juvenile) and criminal cases. The request for appointment of interpreter may be made by motion of a party, a witness, or on the judge's own motion. Nothing within this policy shall prohibit a judge in a civil proceeding from directing an interpreter's fees be paid as cost in accordance with Rule 183, Texas Rules of Civil Procedure.

Procedures to Request a Court Interpreter

On special hearings and trials the Montgomery County Office of Court Administration (OCA) will schedule and provide court interpreter, upon receipt of a written request from the Court.

Court interpreters shall not make arrangements directly with the court or counsel for a substitute in a case to which they have been assigned. Court Interpreters shall notify the Montgomery County OCA 24-hours in advance if a court interpreter is unable to attend their court assignment. In the event of unexpected emergency, they shall notify the Montgomery County OCA at the earliest possible time. The court shall inform the Montgomery County OCA at least 48 hours in advance of any cancellation or rescheduling of a case requiring the previously scheduled assignment of a court interpreter.

Certified Interpreter Availability

Montgomery County provides certified Spanish interpreters to the courts by statute due to the size of the county's population. In the event interpreters in another language other than Spanish are requested, the Montgomery County OCA will search diligently for a certified court interpreter in that language within a 75 mile radius of Montgomery County. In the event that a certified court interpreter in that language is not located, the court may, in its discretion, use a non-certified interpreter for the parties or witness requesting language

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access.

Special Requirements for Cases Involving Deaf Interpreting

In the event a request for interpreters is made by parties that are hearing impaired, two deaf interpreters shall be appointed; one for the benefit of the parties, and the other for the benefit of the court.

Duties of a Court Interpreter

A certified court interpreter assigned to provide interpretation services in the Courts by the Montgomery County OCA is accountable to the Courts for the completion of their duties. Likewise, a certified court interpreter shall not seek payment from private attorneys or parties while on assignment from the Montgomery County OCA. Any activities in violation of this policy may result in removal from the list of certified court interpreters used by Montgomery County.

To maintain certified status, court interpreters must submit to Montgomery County OCA proof of successful completion of the minimum requirements for continuing education every year.

Court interpreters shall appear in person at 8:00 a.m. to check in with the Montgomery County OCA prior to the commencement of the docket time. The court interpreter should notify the Montgomery County OCA if he/she will be late for the assignment. The Montgomery County OCA will then notify the Court Coordinators.

When going into Court, the interpreter should check in with the Court Coordinator or Judge.

Court interpreters should notify the appropriate court authority as soon as possible of any environmental linguistic or physical limitations that impede or hinder their ability to deliver interpreting services.

On special hearings or trials the court interpreter should notify the presiding Judge of the need to take periodic breaks to maintain mental and physical alertness and prevent the court interpreter from becoming fatigued.

In the event the court interpreter sees the need for an additional interpreter for special hearings and trials, the court interpreter should notify the Montgomery County OCA as soon as the need is recognized.

Before departure from the court facility, the court interpreter must check with the Montgomery County OCA to determine if the court interpreter can be of further assistance in other cases or other matters pending in the court or court complex.

Procedures Upon Cancellation of Proceeding

An interpreter shall be entitled to receive payment for no greater than one (1) day of trial in the event a plea is taken or a settlement reached on the day of trial. An interpreter shall not be entitled to payment if a trial is cancelled due to plea or settlement at any time previous to the day of trial. Additionally, an interpreter scheduled for any day in which the Courts are closed due to a decision by the Constitutional County Judge ("County Judge") related to inclement weather, natural disaster, or some other reason shall not be entitled to payment for that missed day.

Processing Billing

Court Interpreters shall submit the “Order for Payment of Foreign Language Interpreter Fees Montgomery, County, Texas” to the Montgomery County OCA. The following situations apply to the submission of interpreter vouchers:

1. During regular docket days, the interpreter must submit his/her Order for Payment to the Montgomery County OCA after concluding their services for the day. The Montgomery County OCA will submit the Order for Payment to the Administrative Judge. Once the Order for Payment is signed by the Administrative Judge, the Order for Payment will be processed to the Auditor’s office for payment.
2. On Special hearings or Trial dates, the interpreter shall submit the Order for Payment at the end of the hearing or trial to the Court Coordinator for Judge’s signature. Once the Order for Payment is signed, the Court Coordinator must forward the Order for Payment to the Montgomery County OCA. The Montgomery County OCA will then process the Order for Payment to the Auditor’s office for payment.

Order for Payments shall be submitted by the close of the next business day. Otherwise, the voucher will be not be submitted for payment.

An interpreter who is assigned during regular docket days, but has accepted assignment to attend a hearing during that time period, must choose either option 1 or option 2 for submission of their voucher; they may not choose both for the same day.

Payment for Mileage

Mileage for travel to and from the court for official court interpreter assignments shall be paid at the current Montgomery County rate to an interpreter with headquarters listed outside of Montgomery County.

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