

§ 6-703. Appointment of interpreters.

(A) Use of Certified or Provisionally Certified Court Interpreter. Whenever an interpreter is required to be appointed by a court or probation office, the court or probation office shall first attempt to appoint a certified or provisionally certified court interpreter who is listed on the statewide register of interpreters if one is reasonably available.

(B) Use of Registered Court Interpreter on Statewide Register. If the court or probation office has made diligent efforts to obtain a certified or provisionally certified court interpreter as required by § 6-703(A) and found none to be available, the court or probation office may appoint a registered court interpreter who is otherwise competent to interpret in the courts.

(C) Use of Other Court Interpreter. If the court or probation office has made diligent efforts to obtain a certified or provisionally certified court interpreter and a registered court interpreter, and found none to be available, the court or probation office may appoint a court interpreter who is otherwise competent to interpret in the courts. All arrangements for interpreters shall be made by authorized court or probation personnel. Hearings for parties who appear with their own interpreter may be continued pending the court's determination of language needs of the individual and the qualifications of the interpreter, if a certified, provisionally certified, or registered interpreter is not available. Provided, however, in proceedings in which a Spanish interpreter is utilized, only a certified or registered interpreter shall be allowed. In proceedings in which a sign interpreter is utilized, only an interpreter awarded a Level I or Level II classification by the Nebraska Commission for the Deaf and Hard of Hearing shall be allowed.

(D) To determine whether a certified or registered interpreter is reasonably available, reasonable advance attempts must be made to arrange for the presence of a certified or provisionally certified interpreter prior to the use of a registered interpreter, and then, for the presence of a registered interpreter prior to the use of an interpreter who is not certified, provisionally certified, or registered.

(E) Number of Interpreters. For any single proceeding scheduled for 3 hours or more, two language interpreters shall be appointed. For any single proceeding scheduled for more than 1 hour, two sign interpreters shall be appointed. For any single proceeding lasting more than 2 hours, if two interpreters are not reasonably available, the interpreter must be given not less than a 10-minute break every 30 minutes.

(F) Rebuttable Presumption. There is a rebuttable presumption that an interpreter must be appointed if an interpreter is requested or it is shown that the party is having difficulty in communicating.

(G) All interpreters shall be at least 19 years old, shall have read the Code of Professional Responsibility for Interpreters, shall take the Interpreter Oath and shall verify in writing that he/she has read and understands the Code of Professional Responsibility for Interpreters prior to interpreting in the Nebraska Courts or the Nebraska State Probation System.

(H) Individuals serving as interpreters for the State of Nebraska, pursuant to these rules, shall not be considered employees of the State of Nebraska.

See Appendix 1 for Code and Interpreter Oath.

[Originally numbered as] Rule 2(B)?(D) amended September 17, 2003; [originally numbered as] Rule 2(D) moved to (G) on January 4, 2007, effective July 1, 2007; [originally numbered as] Rule 2(D)?(F) adopted January 4, 2007, effective July 1, 2007; [originally numbered as] Rule 2(B)?(D) and (G) amended June 25, 2008, effective July 1, 2008. Renumbered and codified as § 6-703, effective July 18, 2008; § 6-703(A)-(C) and (E)-(H) amended October 21, 2009; § 6-703(A)-(D) amended March 16, 2011; § 6-701(A)-(C) amended May 16, 2012, effective July 1, 2012; § 6-703(E) amended November 26, 2014.
