

## Determining Who Pays Court Interpreters in Iowa

### **A. State Public Defender (SPD) or local Public Defender (LPD) Office pays the interpreter in these situations:\***

1. Criminal case (including traffic and simple misdemeanor cases): if a defendant is indigent\* and needs an interpreter (Iowa Code §815.11)...
  - a. If the attorney is a court-appointed private attorney – the SPD Office pays the interpreter
  - b. If the attorney is a public defender – the local PD Office pays the interpreter

**\*Note:** According to the Iowa Administrative Code §493-13.2(2)c(2) – the SPD (or local PD) pays the interpreter whenever the court finds: (1) the client (defendant) is indigent – **OR** – (2) although the client is able to employ counsel, funds are not available to the client to pay for necessary interpreter services. (The SPD pays the interpreter in the latter situation.)
2. Juvenile delinquency case and the parents/guardians of the child are indigent, the SPD pays the interpreter for the child (Iowa Code §232.11(3)(b)), but not for a parent whose child is involved in a juvenile delinquency case...
  - a. If the attorney is a court-appointed private attorney – the SPD Office pays the interpreter
  - b. If the attorney is a public defender – the local PD Office pays the interpreter
3. Child in Need of Assistance (CINA) case or chapter 232 Termination of Parental Rights (TPR) case: if a parent is entitled to court appointed counsel under Iowa Code §232.89 or §232.113 – and – the parent is indigent, the SPD pays the interpreter for the parent(s), even if the attorney for the child is a local PD.

### **B. State Court Administrator's (SCA) Office pays the interpreter in these situations:\*\***

*\*\*When the SCA's Office pays interpreters, the payments are made from the jury and witness fund (§602.1302).*

1. In any non-criminal case where the person who needs an interpreter is: a party who is indigent – or – a witness. The fees will be taxed as costs to the parties (Iowa Code §622A.3).
2. In a criminal case where a witness for the county attorney (or the attorney general -- when acting on behalf of a county attorney) needs an interpreter (Iowa Code §602.1302(4)).
3. In any case in which the defendant or party is not indigent, if there is any question about a party's ability to pay for an interpreter (e.g., defendant or party claims to be indigent at an initial appearance, but is later determined not to be indigent) – or – the case will be unduly delayed by a dispute over who will pay the interpreter – the court should appoint an interpreter and order the interpreter to be paid by the SCA's Office. *This policy is intended to promote prompt and fair court proceedings and to ensure timely payment of court interpreters.* The interpreter's fees will be taxed as costs to the parties at the end of the case.

### **C. The county pays the interpreter in these situations:**

Any case in which an interpreter is appointed for:

1. A deaf or hard-of-hearing participant in a court proceeding (Iowa Code §622B.7) – and for
2. An interpreter for a person involved in a mental health hospitalization case (Iowa Code §230.1).

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**D. Payment of interpreters in other law-related situations:**

1. **Administrative law proceedings:** When an interpreter provides services during an administrative law proceeding (e.g., worker compensation), the administrative agency pays the interpreter.
2. **Law enforcement agencies** use interpreters to interview non-English speaking defendants or witnesses while investigating a crime or performing other law enforcement functions. These functions are not part of the court process, so a court order is not required to appoint an interpreter. Interpreters who work for the Department of Corrections or Correctional Services, State Highway Patrol, city police, county sheriff, county attorney, or city attorney must file payment claims with the appropriate governmental agency. *The interpreter should clarify who will pay for the interpreter services and how the interpreter will be paid before agreeing to provide services for law enforcement agencies.*
3. **Private attorneys** may use interpreters to assist in interviewing parties or witnesses or during the taking of depositions. *The interpreter should clarify who will pay for the interpreter services and how the interpreter will be paid before agreeing to provide services for private attorneys.*
4. **Court-ordered programs involving the Department of Human Services (DHS):** Check with the local DHS office for paperwork requirements.
5. **Department of Correctional Services (DOC):** Example: Defendant goes directly from court to sign up for probation. Interpreter should check with the local DOC office for paperwork requirements.