

# Determining Who Pays Court Interpreters and Translators in Iowa <sup>1</sup>

## A. Oral Language Interpreters and Translators of Court-Related Materials <sup>2</sup>

1. **Civil** cases (law, equity, domestic, probate, small claims) – If the interpreter provided services for: A party (**indigent** or **non-indigent**) or witness during a **court proceeding** or **mandatory mediation**: State Court Administration (**SCA**) pays to ensure timely payment of the interpreter [§622.A(3)]; but SCA does **not pay** for interpreting services **outside of court** (e.g., depositions or office communications).<sup>3</sup>
2. **Criminal** (all types, incl. simp misdems.) and **post-conviction relief** <sup>4</sup> - If interpreter provided services for:
  - a. An **indigent** defendant or a witness for an indigent defendant: (1) State Public Defender (SPD) pays the interpreter if defendant was represented by a **court-appointed private attorney** (not a public defender) – OR – if the defendant was **not represented by an attorney**; (2) the Local Public Defender (**LPD**) pays the interpreter if defendant was represented by a **public defender** [§815.11].
  - b. A defendant who has obtained a **privately-retained attorney**, but **cannot afford an interpreter** at this time: SPD pays [IA Admin Code §493-13.2(2)(c)(2)(2)].
  - c. A **non-indigent** defendant or a witness for that def. during a **court** proceeding -- or during a victim-offender reconciliation session (if a case has been filed): **SCA** pays, but SCA does **not pay** for interpreting during activities **outside of court**.<sup>3</sup>
  - d. A **county attorney's witness**: **SCA** pays – including interpretation during **depositions** [§602.1302(3)].
3. **Juvenile: Child/Family in Need of Assistance (CINA/FINA), Termination of Parent Rights (TPR), or Mental Health Commitment cases** – If the interpreter provided services for:
  - a. A **child** or witness for a child: **SPD** pays (if a court-appointed private attorney represented the child) – OR – the **LPD** (if a public defender represented the child), regardless of the economic status of the child's parents [§232.89(1) or 232.113(1)].
  - b. An **indigent parent/guardian/custodian** (PGC) -- and -- the PGC is **entitled to court-appointed counsel** under §232.89 or §232.113: the **SPD** pays the interpreter for the PGC, even if the attorney for the child is a local public defender (LPD).
  - c. A **non-indigent parent/guardian/custodian** (PGC) or witness for a non-indigent PGC: **SCA** pays; see 1.C.
  - d. A **county attorney's witness**: **SCA** pays [§602.1302(3)].
4. **Juvenile: Delinquency** cases – If the interpreter provided services for:
  - a. The **child** or witness for the child: **SPD** pays (if the child is represented by a court-appointed private attorney) – OR – the **LPD** pays (if child is represented by a public defender) [§232.11(3)(b)].
  - b. A **parent/guardian/custodian**: **SCA** pays.
  - c. A **county attorney's witness**: **SCA** pays [§602.1302(3)].
5. **Adult mental health/substance abuse commitment** cases: **County Auditor** pays [the county that is the legal residence of the person who is the subject of the MH/SA case [§229.42, §230.1(1)(a)-(b)].

## B. Interpreters for Deaf and Hard-of Hearing Persons

All cases with a **deaf or hearing-impaired** participant in a legal proceeding: The **County Auditor's Office** in the county where the hearing is held pays the interp. (or certified real-time reporter) [§622B.7].

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1 All citations in this chart (e.g., §...) are to the Iowa Code, unless indicated otherwise.

2 Fees for **oral language** court interps. and translators of court-related materials may be taxed as court costs or indigent defense legal expenses at the end of the case (see IA Code 232.141, 622A.3, and 815.9).

3 **SCA** pays the interpreter for **non-indigent** parties involved in **court** proceedings, but **not** for services **outside of court** (e.g., **office or jail communications** or **depositions**) [see IA Code 622A.3; ICR 47.3(14)(b)].

**Note: Interpreters must contract with the party's attorney to obtain payment for services outside of court.**

4 Post-conviction relief (PCR) is a **civil** case, but the SPD pays the interpreter if the inmate is represented by a court-appointed attorney.