

The Rights of the Deaf Community in the Court System Step by Step Instructions to Ensure Access to a Court Interpreter

What does the law require?

Courts operating in South Carolina must appoint as many qualified interpreters or deaf relay interpreters as needed and as approved by the SC Association of the Deaf. The interpreter must be approved by the deaf person and certified by either the SC Association of the Deaf or the National Registry of Interpreters for the Deaf. The individual must be qualified to interpret the proceedings to and the testimony of the deaf person. The deaf person may waive having a qualified interpreter and may elect to use another individual of his own selection as his interpreter. The judge may also find that it is not necessary for the fulfillment of justice. In addition, courts must furnish appropriate auxiliary aids and services where necessary to ensure that communications with people who are deaf or hard-of-hearing are as effective as communications with other members of the public.

How are interpreters deemed to be qualified?

A qualified sign language interpreter is defined in the SC Code of Laws (Section 15-27-15). A qualified interpreter is a person 18 years of age or older who has been certified by the National Registry of Interpreters for the Deaf. The qualified sign language interpreter must also receive approval from SCAD and cannot be a family member of the deaf person.

What are auxiliary aids?

Auxiliary aids include interpreters, amplification devices and real time captioning.

Who is eligible for this service?

The following is a nonexclusive list of individuals to whom this obligation applies: a party or witness in any legal proceeding including, but not limited to a civil or criminal proceeding, a family court proceeding, an action involving a traffic violation, or other criminal matter heard in magistrates court, jurors, members of the jury pool, attorneys, guardians *ad litem*, and parents of juveniles. Courts and clerks of court also have a duty to ensure effective communication in other settings such as the clerk's office and telephone communications.

Who is responsible for making sure that the service is provided?

The person who requires the service must make a request to the appropriate court in a timely manner or in due time such that the proceedings are not delayed by the request. The court is then required to appoint as many qualified interpreters or deaf relay interpreters as needed. See SC Code of Laws Section 15-27-15. If a person elects to use an interpreter other than a qualified interpreter, the court must first make a determination that this action is in the best interest of the individual and in the best interest of justice. If the court denies a request for a sign language interpreter for any proceeding, the court must make specific findings on the record that another equally effective means of communication is available.

What alternative is available should the service be denied by the court?

The deaf person should immediately contact the specific Municipal or Magistrate Court or chief judge of the court in which the request was denied. For Probate and Masters in Equity, the specific court should be contacted. For Circuit and Family Court, the county clerk of court should be contacted. To assist SCAD members and other South Carolina citizens who require court interpretation services, this list provides you with the web links to the courts in South Carolina and the appropriate office. In the event the court does not have a clerk available, you should contact the chief judge.

South Carolina Municipal Court
<http://www.sccourts.org/municipalCourt/alphaList.cfm>

South Carolina Magistrate's Court
<http://www.sccourts.org/magistrateCourt/magistrateJudgeListPF.cfm>

South Carolina Probate Judges
<http://www.sccourts.org/probateCourt/probJudgeListPFbyCty.cfm>

South Carolina Masters in Equity
<http://www.sccourts.org/mastersCourt/alphaList.cfm>

South Carolina Family and Circuit Court
Clerks of Court
<http://www.sccourts.org/clerksCourt/alphaList.cfm>

South Carolina Court Administration
Desiree R. Allen
Voice: (803) 734-1080
TTY: (803) 734-6375
<http://sccourts.org> or dallen@sccourts.org

South Carolina Court of Appeals – for Court of Appeals hearings
Voice: (803) 734-1890
FAX: (803) 734-1839

South Carolina Supreme Court – for Supreme Court hearings
Voice: (803) 734-1080
TTY: (803) 734-6365

Note: Court Administration and SCAD are continuing to work together to address the needs of court interpretation. This document will be updated as new items develop.