

How to Ask the Court for an Interpreter

Note: Use these forms and instructions to ask the court to appoint an interpreter for you in a lawsuit if you are a person who has a limited ability to read, write, or understand English or if you have a hearing impairment and require interpretation services. Under Montana law, you have a right to an interpreter at the Court's cost.

These instructions and forms may not be right for you. They cannot take the place of advice from a lawyer. Talk to a lawyer if you have **any** questions.

Print the forms in this packet single-sided, with writing on one side of the page. Do not change these forms. If you change the forms, you might lose language you need.

Who Can Use These Forms?

You can use these forms if you are involved in a court proceeding and you are a person with Limited English Proficiency (LEP) or if you are a person who has a hearing impairment. An LEP person is an individual who does not speak English as their primary language and who has a limited ability to read, write, or understand English.¹

You can use these forms for any court proceeding (civil or criminal) in any court (district, justice, municipal, city).

You can use these forms if you are one of the parties in the lawsuit, or if you have other involvement in the lawsuit as a witness, a juror, or prospective juror.

How Do I Ask the Court to Appoint an Interpreter for Me?

You will need to fill in and file with the court the following forms to ask the court to appoint an interpreter to assist you:

- Motion and Brief to Appoint an Interpreter, and
- Order Appointing Interpreter.

The **Motion and Brief to Appoint an Interpreter** is for you to complete, sign, and file with the court. It asks the court to appoint an interpreter to provide language assistance in any civil or criminal proceeding conducted by the court. It also explains why the court is required to appoint an interpreter for you. After you complete the Motion form, you must

¹ Montana Judicial Branch Administrative Policy Number 890 (2010).

file it with the court and send a copy of it to each of the parties in the lawsuit. After you fill out, sign and file the Motion with the court, the clerk of court will give the Motion to the judge to review. If the judge decides that you need an interpreter, the court will appoint an interpreter for you in the court proceeding, at no cost to you.

The **Order Appointing Interpreter** is for the judge to fill in, except for the top part that you will fill in. The Order appoints an interpreter for you in the civil or criminal proceeding conducted by the court.



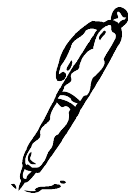
What Words Do I Need to Know?

A person with **Limited English Proficiency (LEP)** is an individual who does not speak English as their primary language and who has a limited ability to read, write, or understand English.

A person who has a **hearing impairment** is someone who has an impairment in hearing, including deafness. A hearing impairment can be permanent or fluctuating. Deafness is a severe hearing impairment, where the person cannot process spoken language even with amplification.

Where Should I File My Motion?

You file your Motion and Brief to Appoint an Interpreter in the clerk's office for the court where the lawsuit was filed.



How Do I Use These Forms?

1 Fill in the Forms

- Fill in all of the blanks in the Motion form. To find your Judicial District, visit www.courts.mt.gov/locator, and use the Court Locator by entering your county or city.
- Sign and date the Motion.
- Fill in just the top part (the court and case information) on the Order Appointing Interpreter form.

2 Make Copies

- Make copies of your Motion and Brief to Appoint an Interpreter. You will need one copy of the Motion for each Petitioner/Plaintiff and each Respondent/Defendant in the lawsuit.
- Make two copies of the Order Appointing Interpreter.

3 File the Forms at the Courthouse

You can file the forms by hand-delivering them to the Clerk of Court where the lawsuit was filed (see Section A below), or by mailing them to the Clerk of Court (see Section B below).

A. To file by hand-delivery to the Clerk -

- Take your Motion and proposed Order, along with the copies, and go to the office of the clerk of court where the lawsuit was filed. To find the address for the court, visit www.courts.mt.gov/locator, and use the Court Locator by entering your county or city. If your case is in district court, use the tab on the left to find the address for the "Clerk of District Court." If your case is in a court other than district court, use the tab "Limited Courts of Jurisdiction" to find the address for the court.
- Hand your original "Motion and Brief to Appoint an Interpreter" to the clerk.
- Ask the clerk to date-stamp your copies of the Motion, to show the date the Motion was filed. The date-stamped copy of the Motion is for you to keep. Mail one copy of the Motion to each party in the lawsuit.
- Give the copies of the Order Appointing Interpreter to the clerk. Ask the clerk to lodge the Order Appointing Interpreter in the file. "Lodging" means that the clerk will not officially file the document in your court file, but will just keep the Order Appointing Interpreter inside the court file so the judge can look at it in the future.

B. To file by mailing the documents to the Clerk of Court -

- Find the address of the office of the clerk where the lawsuit was filed. To find

the address for your Judicial District, visit www.courts.mt.gov/locator, and use the Court Locator by entering your county or city. Use the tabs on the left to view the address for the clerk of court. If your case is in district court, use the tab on the left to find the address for the "Clerk of District Court." If your case is in a court other than district court, use the tab "Limited Courts of Jurisdiction" to find the address for the court.

- Mail the original "Motion and Brief to Appoint an Interpreter," along with three copies of the Order Appointing Interpreter. Also include one copy of the Motion. In your mailing, include a letter to the Clerk, asking the Clerk to date-stamp the copy of the Motion, to show the date the Motion was filed. Ask the Clerk to return the date-stamped copy of the Motion to you. It's a good idea to include a stamped envelope addressed to yourself, for the Clerk to use in returning the date-stamped copy of the Motion to you.

4 Mail copies of your Motion to the other parties

- On the same day you file with the Clerk of Court your "Motion and Brief to Appoint an Interpreter," mail a copy of your "Motion and Brief to Appoint an Interpreter" to each party of the case. It's best to mail the documents on the same date as you put in the "certificate of service" section at the end of the Motion. Mail the documents to the name and address for each party as shown on the court papers filed by each party. The name and address for each party in the lawsuit is usually in the top left corner of the first page of the court paper filed by that party. If the other party has a lawyer, this will be the lawyer's address.

Where Can I Get More Information?

The laws of Montana are called the Montana Code Annotated or "MCA." The laws of the U.S.A. are called the U.S. Code Annotated or "U.S.C.A." The laws about equal justice in the courts by eliminating language barriers for persons with Limited English Proficiency and for persons who are deaf or hard of hearing include:

1. 42 U.S.C.A. § 12101.

2. 42 U.S.C.A. § 2000d.
3. 45 Code of Federal Regulations Part 80.
4. Sections 49-4-501 through 49-4-511, MCA.

The symbol § means section. The MCA can be found at your local library or online at <https://leg.mt.gov/bills/mca/index.html>.

The Montana Judicial Branch has published Administrative Policy Number 890, Court Interpretation Services, outlining the requirements for interpretation services. You can read this policy at courts.mt.gov/cao/ct_services/hr/policies. Go to the “Court” section of the webpage and click on “890.”

Where Can I Get Legal Help?

These organizations may be able to help you:

- **Montana Legal Services Association (MLSA)** gives free legal help to low-income people. To find out if you qualify for MLSA, call the MLSA HelpLine at 1-800-666-6899 or apply at mtlsa.org.
- **The State Bar Lawyer Referral and Information Service (LRIS)** refers people to Montana lawyers who might be able to help, for a fee. Call LRIS at 1-406-449-6577, or go to montanabar.org. Click on “For The Public” then “Lawyer Referral.”
- **The State Law Library** can help you find and use legal resources such as books, forms, and websites. You can visit the Law Library website at <https://courts.mt.gov/Library>. Or you can contact a Reference Librarian at (800) 710- 9827 or by email at mtlawlibrary@mt.gov.

(your address)

(city, state zip code)

(your phone number)

MONTANA _____ JUDICIAL DISTRICT JUSTICE CITY COURT,
(number of district in which the district court is located)
_____ COUNTY
(name of county where the lawsuit is pending)

Petitioner (or) Plaintiff,
and

Respondent (or) Defendant.

Cause No.: _____
Department No. _____

**Motion and Brief to Appoint
an Interpreter for**

(your name)

Motion

I, _____, am a (check only one box below:)
(print your full name)

- Petitioner/Plaintiff
- Respondent/Defendant
- Witness
- Juror or prospective juror
- Other: _____ (fill in your involvement in the court proceeding)

I respectfully request that the Court enter an Order appointing an interpreter for me in
this matter.

I am (*check only one box below*):

a person with Limited English Proficiency. My primary language is _____, and I request an interpreter in that language.

-- or --

a person who has a hearing impairment (which may include deafness). I require a qualified interpreter to provide interpretation assistance. I require this kind of interpreter (*check one*): ___ American Sign Language; ___ other (*please describe*):

_____.

Brief

The Americans with Disabilities Act (ADA) requires that State and local governments communicate effectively with people who have communication disabilities.² The goal is to ensure that communication with people with disabilities is as equally effective as communication with people without disabilities.³ The Montana Judicial Branch Administrative Policy Number 890 requires the Judicial Branch to provide equal access to justice in the courts by eliminating language barriers for persons with limited English proficiency (LEP) and persons who are deaf or hard of hearing.⁴

Montana Policy 890 requires payment by the Office of Court Administrator (or the County, in a criminal proceeding) for services provided by an interpreter appointed by a Montana court.

² 42 U.S.C.A. § 12132.

³ Id. § 12101.

⁴ Montana Judicial Branch Administrative Policy Number 890 (2010).

Request for Relief

I, _____ (*your name*), respectfully request this Court to enter an Order appointing an interpreter for me in this proceeding, which includes the translation of all court orders in this court action.

I declare under penalty of perjury and under the laws of the state of Montana that this Motion is true and correct.⁵

Signed this _____ day of _____, 20____, in _____, _____.

(date) (month) (year) (city) (state)

(your signature)

(print your name)

⁵ § 1-6-105, MCA.

CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of _____, 20____, I sent a true and correct copy of this document to the following persons:

Other persons in the lawsuit:

(On these lines, write the name and address of a party named in the lawsuit. You must provide a copy of your motion to each party. Check the box at right to show how you sent it.)

1. _____ by first-class mail, or
_____ by hand delivery

(Add this information for every other person named in the lawsuit. If there are more than two, you'll have to add more sections.)

2. _____ by first-class mail, or
_____ by hand delivery

(your signature)

(You fill in only the top part of this form, nothing below the word "Having".)

MONTANA _____ JUDICIAL DISTRICT JUSTICE CITY COURT,
(number of district in which your county is located)
_____ COUNTY
(name of your county)

<p>_____, Petitioner (or) Plaintiff, and _____, Respondent (or) Defendant.</p>	<p>Cause No.: _____ Department No. _____</p> <p>Order Appointing Interpreter</p>
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Having considered the Motion and Brief to Appoint an Interpreter and any response thereto, the Court HEREBY ORDERS that _____
(name of interpreter)

is appointed as interpreter for _____ at the cost
(name of the LEP or hearing-impaired person)

of the court.

_____ shall contact the interpreter
(name of the LEP or hearing-impaired person)
at the following address, phone number, and email:

IT IS FURTHER ORDERED:

1) The Clerk of Court shall send written notice to the interpreter named above of every hearing or other court proceeding that requires the participation of

_____ ; and
(name of the LEP or hearing-impaired person)

2) If _____ is an LEP person (and not a hearing-

impaired person), then the Clerk of Court shall send the interpreter a copy of every written order issued in this court action, and the interpreter shall translate the order and provide it to the LEP person.

Signed on this _____ day of _____, 20____.

District Court Judge

Copies to:
Person who requested interpreter
Petitioner/Plaintiff
Respondent/Defendant
Appointed interpreter