

**WEBB COUNTY SIGN LANGUAGE POLICY AND PROCEDURES  
FOR CIVIL AND CRIMINAL CASES**

This Policy applies to hearing impaired individuals appearing in civil and criminal proceedings in the following Webb County Courts:

<ol style="list-style-type: none"><li><b>1. 49<sup>th</sup> Judicial District Court</b></li><li><b>2. 406<sup>th</sup> Judicial District Court</b></li><li><b>3. 111<sup>th</sup> Judicial District Court</b></li><li><b>4. 341<sup>st</sup> Judicial District Court</b></li><li><b>5. County Court at Law No. 1</b></li><li><b>6. County Court at Law No. 2</b></li><li><b>7. Justice of the Peace, Precinct 1, Place 1</b></li><li><b>8. Justice of the Peace, Precinct 1, Place 2</b></li></ol>	<ol style="list-style-type: none"><li><b>9. Justice of the Peace, Precinct 2, Place 1</b></li><li><b>10. Justice of the Peace, Precinct 2, Place 2</b></li><li><b>11. Justice of the Peace, Precinct 3</b></li><li><b>12. Justice of the Peace, Precinct 4</b></li><li><b>13. Title IV-D Child Support Court</b></li><li><b>14. 4<sup>th</sup> &amp; 5<sup>th</sup> Judicial District Courts</b></li></ol>
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In accordance with Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act, it is the policy of Webb County to provide reasonable accommodations to persons who are hearing impaired. Article 38.31 of the Texas Code of Criminal Procedure governs the appointment of a sign language interpreter in criminal cases. Civil proceedings are governed by Chapter 21, Subchapter A of the Texas Civil Practice and Remedies Code, Rule 183 of the Texas Rules of Civil Procedure, Sec. 57.001 of the Gov't Code and Rule 604 of the Texas Rules of Evidence. Under Tex. R. Evid. 604, the Presiding Judge should ensure that each interpreter takes an oath to discharge properly the interpreter function, including accurately interpreting for the speakers in the proceeding and properly preparing for the assignment. Pursuant to CPRC §21.002, in civil cases, a deaf person who is a party or witness is entitled to have the proceedings interpreted by a court-appointed interpreter. Sign language interpreter services needed to assist parties in civil and criminal proceedings are the responsibility of the parties or their attorneys. Therefore, the hearing impaired individual or their attorney are responsible for asking for such service by notifying the court for the

need for such service as soon as possible and in advance of any court proceedings. This request must be made by filing a formal written motion or on the record in open court. An acceptable form for a Motion and Order for Appointment of Sign Language Interpreter is attached to this Policy as Exhibit A and incorporated herein. After a proper request for a sign language interpreter is made, a judge must provide a sign language interpreter or other auxiliary aide services for a party or witness who is hearing-impaired in any judicial proceeding.

Civil and criminal judicial proceedings include trials, hearings, status conferences, ceremonies and other judicial activities conducted by a Court, such as court sponsored alternative dispute resolution. If a criminal defendant is to be placed on probation, the probation officer for the criminal defendant shall notify the court in writing, or on the record, if the criminal defendant's hearing impairment will in any way affect his or her ability to meet all conditions of probation. The probation officer for the criminal defendant shall also inform the court of any available alternative programs that would allow the criminal defendant to participate in all probation programs. Upon said written notice, the court shall conduct a hearing to identify any disability-related issues preventing compliance with the conditions of probation and to include and/or modify conditions to include alternative means of ensuring compliance. Such alternative means may include, but are not limited to, alternative programs or options, or excusing the criminal defendant from particular terms and conditions of probation.

The court will give primary consideration to a hearing impaired individual's choice of auxiliary aid or service unless it can show that another equally effective means of communication is available or that use of the means chosen would result in a fundamental alteration in the nature of the court proceedings or an undue financial or administrative burden on Webb County.

The clerk of the court or other court employee designated by the judge shall be responsible for securing the services of certified interpreters and/or otherwise qualified interpreters. In order to ensure that this policy is properly implemented, the clerk must be familiar with its court's policy of providing reasonable accommodations to hearing impaired individuals. The clerk must have a ready working knowledge of the types of auxiliary aids and services necessary for effective communication available to serve the needs of the hearing impaired persons and of the local sources from which auxiliary aids and services may be procured. Auxiliary aids and services include a "live" person, qualified or American Sign Language certified interpreter or one provided by a Video Remote Interpreting (VRI) language translation service. A qualified interpreter is an interpreter who is able to interpret effectively, accurately and impartially both receptively and expressively so that a party can fully participate and effectively communicate in the judicial proceedings to ensure a fair trial. Although VRI may not be appropriate in all circumstances, such as a jury trial, it is to be highly considered for hearings. Each court should maintain a roster of certified interpreters and otherwise qualified interpreters available to perform interpreting services. A list of qualified sign language interpreters and their rate schedule is attached to this policy as Exhibit B 1 - 4 and incorporated herein. The clerk of the court or other court employee designated by the judge is responsible for locating certified or otherwise qualified interpreters for court proceedings. Payment for sign language interpreting services or other auxiliary aids should be from the Webb County Operating Budget applicable to the fiscal year at the time sign language interpreting services are rendered. For services rendered in District Court, the funding source is the Judicial General District County account. For services rendered in County Courts, the funding source is the Judicial General County Courts account of the Webb County Operating Budget. For all other courts, the Webb County Auditor will determine the funding source.

ATTEST:

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Danny Valdez  
Webb County Judge

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Margie Ramirez Ibarra  
Webb County Clerk

APPROVED AS TO FORM:

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Marco A. Montemayor  
Webb County Attorney

**\*By law, the county attorney's office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval of their own respective attorney(s).**