



Wyoming Judicial Branch

Sign Language Interpreters

This Appendix governs sign language interpretation in the courts in accordance with the ADA Policy. For spoken language interpretation please refer to the Spoken Language Interpreter Policy.

I. DEFINITIONS

The definitions in the ADA Policy shall apply to this Appendix. In addition, the following terms have the meanings set forth below:

- A. "Auditory Device" means any device that can be used to create a sound that can be heard by Hard-of-Hearing Persons, such as a hearing aid or FM system.
- B. "Deaf Person" means a person who has hearing loss so severe there is little or no functional hearing.
- C. "Hard-of-Hearing Person" means a person who has hearing loss but has enough residual hearing that an Auditory Device enables the person to process speech.
- D. "Mute Person" means a person who is unable to speak.
- E. "Professionally Certified Sign Language Interpreter" means a Sign Language Interpreter who has achieved the Professionally Certified designation on the Roster by completing the steps set forth in Section II(B).
- F. "Qualified Sign Language Interpreter" means a Sign Language Interpreter who is not Professionally Certified or Registered, as defined herein, but has been qualified by the local judge.
- G. "Real Time Captioning" means a method in which captions are simultaneously prepared and transmitted at the time of origination by a software application or a court reporter using a software application.
- H. "Registered Sign Language Interpreter" means a Sign Language Interpreter who has not achieved certification but has met minimum professional competency standards as outlined in Section II(C) of this Appendix.
- I. "Sign Language Interpreter" means an independent contractor as defined by IRS Revenue ruling 87-41 who is authorized to provide sign language interpreter services for the Wyoming Judicial Branch as set forth in this Appendix. A Sign Language Interpreter may be Professionally Certified, Registered, or Qualified as defined herein.
- J. "Wyoming Interpreter Roster (Roster)" means a list of language interpreters as described in Section II of this Appendix.

II. WYOMING INTERPRETER ROSTER

- A. There shall be a Wyoming Interpreter Roster (Roster) maintained by the Wyoming Administrative Office of the Courts (AOC) and posted on the Wyoming Judicial Branch website. Professionally Certified Sign Language Interpreters and Registered Sign Language Interpreters shall be included on the Roster. Qualified Sign Language Interpreters shall not be included on the Roster.
- B. To receive the designation of a Professionally Certified Sign Language Interpreter in the State of Wyoming, the Sign Language Interpreter shall:
 - 1. Attend the two (2) day Wyoming interpreter orientation with a minimum of eighty percent (80%) attendance of the entire orientation, and one hundred percent (100%) attendance of the Wyoming specific component;
 - 2. Complete and return the *Wyoming Interpreter Service Provider Interest Form*, which is attached hereto as Attachment A, and can be found on the Wyoming Judicial Branch website;
 - 3. Pass the Wyoming interpreter written exam with a score of eighty percent (80%) or higher. A score lower than eighty percent (80%) requires the Sign Language Interpreter to complete the two (2) day Wyoming interpreter orientation again;
 - 4. Provide evidence of holding at least one of the following sign language interpreter credentials from the Registry of Interpreters for the Deaf (RID): SC:L, NIC, NIC- A, NIC-M, CI, CT, NAD V, and /or CDI or a similar credential deemed appropriate by the Statewide ADA Coordinator; and
 - 5. Take the *Wyoming Sign Language Interpreter Oath*, which is attached to this Appendix as Attachment B, and can be found on the Wyoming Judicial Branch website.
- C. To receive the designation of a Registered Interpreter in the State of Wyoming, the Language Interpreter shall:
 - 1. Attend the two (2) day Wyoming interpreter orientation with a minimum of eighty percent (80%) attendance of the entire orientation, and one hundred percent (100%) attendance of the Wyoming specific component;
 - 2. Complete and return the *Wyoming Interpreter Service Provider Interest Form*, which is attached hereto as Attachment A;
 - 3. Pass the Wyoming interpreter written exam with a score of eighty percent (80%) or higher. A score lower than eighty percent (80%) requires the Sign Language Interpreter to complete the two (2) day Wyoming interpreter orientation again;
 - 4. Provide evidence of holding at least one of the following sign language interpreter credentials from RID: NAD III, NAD IV, or a similar credential deemed appropriate by the Statewide ADA Coordinator; and
 - 5. Take the *Wyoming Sign Language Interpreter Oath* (Attachment B).

III. APPOINTMENT OF SIGN LANGUAGE INTERPRETERS

- A. The court shall appoint, and pay for, a Sign Language Interpreter when a Request for Modification is submitted, and it is determined by the court or the Statewide ADA Coordinator that a Sign Language Interpreter is the appropriate modification for the Applicant in accordance with the ADA Policy.

- B. If the court or the Statewide ADA Coordinator determines, in consultation with the Deaf, Mute, or Hard-of Hearing Person, that an alternate form of communication will effectively translate Court Proceedings, the court may utilize an alternate modification such as an Auditory Device or Real-Time Captioning to communicate the Court Proceedings to a Deaf, Mute, or Hard-of Hearing Person.

IV. QUALIFICATIONS OF SIGN LANGUAGE INTERPRETERS

- A. All Sign Language Interpreters provided by the courts shall sign an oath to abide by the *Interpreter's Code of Ethics*, which is attached to this Appendix as Attachment C, and can be found on the Wyoming Judicial Branch website.
- B. To ensure that Court Proceedings are interpreted as accurately as possible, courts are strongly encouraged to appoint a Sign Language Interpreter according to the following preference list: (1) Professionally Certified Sign Language Interpreters; (2) Registered Sign Language Interpreters; and (3) Qualified Sign Language Interpreters.
- C. When a Sign Language Interpreter is not listed on the Roster, the court shall conduct a *voir dire* inquiry of the Sign Language Interpreter to determine the Sign Language Interpreter's credentials prior to utilizing the services of the Sign Language Interpreter in a Court Proceeding. The *voir dire* inquiry applies to family members and friends of parties involved in the case used as Sign Language Interpreters. The court shall make the following findings in open court on the record:
 - 1. A summary of the unsuccessful efforts made to obtain a Professionally Certified Sign Language Interpreter or Registered Sign Language Interpreter; and
 - 2. A finding that the proposed Sign Language Interpreter appears to have adequate language skills, knowledge of sign language interpreting techniques, and familiarity with interpreting in a court setting; and
 - 3. A finding that the proposed Sign Language Interpreter has read, understands, and will abide by the *Interpreter's Code of Ethics* (Attachment C).

V. COURT RESPONSIBILITIES WHEN APPOINTING SIGN LANGUAGE INTERPRETERS

- A. Absent exigent circumstances, the court should arrange, provide, and pay for two (2) or more Sign Language Interpreters during Court Proceedings scheduled to last more than one (1) hour to prevent interpreter fatigue and the concomitant loss of accuracy in interpretation.
- B. When two (2) Sign Language Interpreters are used, one Sign Language Interpreter will act as the proceedings interpreter and the other a support interpreter. The proceedings interpreter provides language interpretation services for all Deaf, Mute, or Hard-of Hearing Persons, while the support interpreter is available to assist with research, vocabulary, equipment, or other issues. The proceedings interpreter and the support interpreter should, when possible, alternate roles every thirty (30) minutes.
- C. If two (2) Sign Language Interpreters are not reasonably available as set forth in Section V(A), the Sign Language Interpreter should be given no less than a ten (10) minute break for every fifty (50) minutes of interpreting, when possible.

VI. UTILIZATION OF SIGN LANGUAGE INTERPRETERS

- A. The following guidelines and limitations apply to the utilization of Sign Language Interpreters:
 - 1. Sign Language Interpreters are bound by an oath of confidentiality and impartiality, and serve as officers of the court; therefore, the use of one Sign Language Interpreter by more than one individual in a case is permitted.
 - 2. The court is not obligated to appoint a different Sign Language Interpreter when a Sign Language Interpreter has previously provided interpretation services during a Court Proceeding for another individual in the same case or in a different case.
 - 3. Any individual may provide and arrange for interpretation services to facilitate attorney-client communication if interpretation services exceeding those provided by the court are desired.

VII. USE OF COURT PERSONNEL AS SIGN LANGUAGE INTERPRETERS

- A. A court employee may not interpret Court Proceedings except as follows:
 - 1. Prior to using a court employee as a Sign Language Interpreter, the court shall make findings in open court on the record summarizing the unsuccessful efforts made to obtain a Sign Language Interpreter who is not a court employee; and
 - 2. The court employee will not be paid wages or benefits in addition to the employee's regular compensation as a court employee. The court employee will not receive any interpreter service fees established in this Appendix or its Attachments.

VIII. INVESTIGATION OF COMPLAINTS AND IMPOSITION OF SANCTIONS

- A. An interpreter should be one whose record of conduct justifies the trust of the courts, witnesses, jurors, attorneys, parties, and the public.
- B. Sign Language Interpreters are not entitled to interpret on behalf of the courts or in Court Proceedings. Instead, the provision of interpretation services by Sign Language Interpreters rests within the discretion of each Judicial Officer and the Statewide ADA Coordinator.
- C. Professionally Certified Sign Language Interpreters and Registered Sign Language Interpreters are not entitled to have their names included on the Roster. The Roster is maintained at the discretion of the Wyoming Judicial Branch.
- D. The AOC shall investigate complaints and impose sanctions against Sign Language Interpreters to protect the integrity of Court Proceedings and the safety of the public.
- E. Sanctions may be imposed upon a Sign Language Interpreter when:
 - 1. The Sign Language Interpreter is unable to adequately interpret the Court Proceedings;
 - 2. The Sign Language Interpreter knowingly makes a false interpretation;
 - 3. The Sign Language Interpreter knowingly discloses confidential or privileged information obtained while serving as a Sign Language Interpreter;
 - 4. The Sign Language Interpreter knowingly fails to disclose a conflict of interest;
 - 5. The Sign Language Interpreter fails to appear as scheduled without good cause; or

6. An alternate sanction is deemed appropriate in the interest of justice.

F. Complaints.

1. A complaint against a Sign Language Interpreter must be in writing, signed by the complainant, and delivered via mail or email to the Statewide ADA Coordinator at:

Wyoming Supreme Court
c/o ADA Coordinator
2301 Capitol Ave.
Cheyenne, WY 82002
(307) 777-6487
ada@courts.state.wy.us

2. The complaint shall state the date, time, place, and nature of the alleged improper conduct. The complaint shall include the names, titles, and telephone numbers of possible witnesses. If the complainant is unable to communicate in written English, the complainant may submit the complaint in his/her primary language.
3. The Statewide ADA Coordinator may take immediate action, upon receipt and review of the complaint, if deemed necessary to protect the integrity of the courts, including immediately removing the Professionally Certified Sign Language Interpreter or Registered Sign Language Interpreter from the Roster for the pendency of the investigation. In any case where the Statewide ADA Coordinator deems it necessary to remove the Professionally Certified Sign Language Interpreter or Registered Sign Language Interpreter from the Roster, notice shall be sent by certified mail to the Sign Language Interpreter.

G. Investigation and Report.

1. Upon receipt by the Statewide ADA Coordinator of a written complaint against a Sign Language Interpreter, or upon its own initiative based on suspicion of misconduct, the Statewide ADA Coordinator shall investigate the alleged improper conduct of the Sign Language Interpreter.
2. The Statewide ADA Coordinator shall seek and receive such information and documentation as is necessary for the investigation.
3. The rules of evidence do not apply, and the Sign Language Interpreter is not entitled to representation by counsel.
4. The Statewide ADA Coordinator shall provide a written report of the investigation results, along with a recommendation on any action to be taken, to the State Court Administrator within sixty (60) days of the complaint or start of the investigation.
5. The report and recommendation shall be provided to the Sign Language Interpreter by certified mail at the same time it is provided to the State Court Administrator. The Sign Language Interpreter shall have fifteen (15) days from receipt to respond to the report and recommendation of the Statewide ADA Coordinator.

H. Findings and Possible Sanctions.

1. Upon receipt of the report and recommendations of the Statewide ADA Coordinator and the Sign Language Interpreter's response, if any, the State Court Administrator may take any of the following actions to protect the integrity of the courts and the safety of the public:
 - a. Dismiss the complaint;
 - b. Issue a written reprimand against the Sign Language Interpreter;
 - c. Specify corrective action with which the Sign Language Interpreter must fully comply in order to remain on the Roster, including, but not limited to, the completion of educational courses and/or retaking one or more parts of the of the Wyoming interpreter orientation or written exam;
 - d. Suspend the Sign Language Interpreter from the Roster for a specified period of time, or until corrective action is completed; or
 - e. Remove the Sign Language Interpreter from the Roster indefinitely.
2. Written notice of any action taken by the State Court Administrator will be sent via certified mail to the Sign Language Interpreter and the complainant. Written notice will also be provided to Judicial Officers and court staff if sanctions are imposed against the Sign Language Interpreter.

IX. REMOTE INTERPRETING

- A. Remote interpretation may be utilized to facilitate access to the courts by Deaf, Mute, and Hard-of-Hearing Persons as may be determined by the court.

X. PAYMENT

- A. Guidance for payment of Sign Language Interpreters is contained in Attachment D of this Appendix. Attachment D may be amended from time to time as necessary. Amendments to Attachment D may be made without requiring the reissuance of this Appendix or the ADA Policy.