



# Wyoming Judicial Branch

## Americans with Disabilities Act Public Access Policy

### I. PURPOSE

The purpose of this Policy is to ensure all individuals have equal access to and full participation in judicial programs, court services, and court activities and to prohibit discrimination against any individual on the basis of physical or mental Disability.

### II. APPLICABILITY

This Policy (ADA Policy) shall apply to the Wyoming Judicial Branch, including the Wyoming Supreme Court, District Courts, Chancery Court, Circuit Courts, their employees and any county or elected officials supporting the Wyoming Judicial Branch, pursuant to law.

### III. AUTHORITY

- A. Pursuant to the Wyoming Constitution, the Order of the Wyoming Supreme Court and the resolution of the Wyoming District Courts, the Wyoming Judicial Council exercises general superintending control over the Judicial Branch for administrative policy-making and planning purposes.
- B. All administrative policies shall be binding on all judicial branch judges and employees. County employees and elected officials serving the Wyoming Judicial Branch, pursuant to law, shall also adhere to administrative policies which are relevant to them, and are adopted by the Wyoming Judicial Council. *Rules and Procedures Governing the Wyoming Judicial Council Rule 13.*

### IV. DEFINITIONS

- A. “Applicant” means an individual who submits a Request for Modification either in writing or orally.
- B. “Auxiliary Aids” means services or devices enabling persons with impaired sensory, manual or speaking skills to have an equal opportunity to participate in a Judicial Proceeding. Auxiliary Aids may (but do not necessarily) include such services or devices as qualified interpreters (See Appendix D, *Sign Language Interpreters*), assistive listening headsets, television captioning and decoders, telecommunications devices including artificial intelligence captioning for deaf persons (TDDs), videotext displays, readers, taped texts, brailled materials, and large print materials. Examples of Auxiliary Aids or services of a personal nature not covered by this Policy include, without limitation, the following: prescription eyeglasses, hearing aids, wheelchairs, and/or personal medical or attendant care.

- C. “Disability” with respect to an individual, means a physical or mental impairment that substantially limits one or more of the Major Life Activities of such individual; a record of such an impairment; or being regarded as having such an impairment.
- D. “Facility” means all or any portion of buildings housing Judicial Branch employees or courthouses, which includes structures, sites, complexes, equipment, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located. County courthouses are provided and maintained by each individual county pursuant to Wyo. Stat. Ann. § 18- 2-103.
- E. “Individual with a Disability” means a person who has a “Disability,” as that term is defined herein.
- F. “Court Proceeding” means any hearing, trial, or other appearance before the Circuit Courts, Chancery Court, District Courts and the Wyoming Supreme Court in an action, appeal, or other proceeding, including any matter conducted by a Judicial Officer.
- G. “Judicial Officer” means a justice, judge, commissioner, or magistrate authorized to preside over a Court Proceeding.
- H. “Major Life Activities” includes functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- I. “Qualified Individual with a Disability” means an Individual with a Disability who, with or without Reasonable Modification to rules, policies, or practices, the removal of architectural, or communication barriers, or the provision of Auxiliary Aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the Wyoming Judicial Branch.
- J. “Reasonable Modification” means modifications to court rules, policies, practices or procedures, or the removal of architectural, or communication barriers to make court services and programs readily accessible to and useable by, Individuals with Disabilities so long as the modification would not result in a fundamental alteration of the nature of a service, program, or activity or cause undue financial or administrative burden.
- K. “Request for Modification” means a request provided to the Statewide ADA Coordinator by an Applicant requesting a modification to court rules, policies, practices or procedures, or the removal of architectural, or communication barriers to make court services and programs readily accessible to, and useable by, the Applicant.
- L. “Service Animals” includes:
  - 1. Dogs that are individually trained to do work or perform tasks for Individuals with Disabilities. Service Animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person’s Disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as Service Animals.

2. Miniature horses pursuant to Wyo. Stat. Ann. § 35-13-205, that have been individually trained to do work or perform tasks for Individuals with Disabilities.

**M.** “Statewide ADA Coordinator” means an employee of the Wyoming Administrative Office of the Courts (AOC) responsible for addressing Requests for Modification to access judicial programs, activities, and services under the Americans with Disabilities Act within the Judicial Branch, overseeing the administration, compliance, training and any complaints associated with issues raised by this Policy. When the Statewide ADA Coordinator is unavailable, a designee within the AOC shall act as the Statewide ADA Coordinator.

## **V. THE AMERICANS WITH DISABILITIES ACT OF 1990**

- A.** The Americans with Disabilities Act of 1990 (ADA) was enacted to prohibit discrimination against people with disabilities. Under Title II of the Act, no Qualified Individual with a Disability shall, by reason of such Disability, be excluded from participation in or be denied the benefits of services, programs or activities of a public entity. This Policy aims to give Individuals with Disabilities an equal opportunity to access, use, and fully participate in Court Proceedings, and court services and programs
- B.** Whenever reasonable, policies, practices or procedures must be modified to make court services and programs readily accessible to, and useable by, Individuals with Disabilities. This includes removing architectural barriers by altering existing facilities where feasible or relocating services to an accessible site. It also includes removing communication barriers by providing Auxiliary Aids and services which would allow an Individual with a Disability to effectively work in the courts, represent a client, be a party in a lawsuit, testify as a witness, serve on a jury, or observe a hearing or trial.
- C.** In providing Reasonable Modifications, the Wyoming Judicial Branch will give primary consideration to the modification requested by the Applicant. However, an alternative modification may be implemented if equally effective. Every effort shall be made to meet the specific needs of the Applicant. However, the Wyoming Judicial Branch is not required to make modifications that would fundamentally alter the service or program or cause undue financial or administrative burden.

## **VI. REQUESTS FOR MODIFICATION**

- A.** A person requiring a modification to obtain access to Court Proceedings, programs, services, court records, or activities at the Wyoming Supreme Court, Chancery Court, any District Court or any Circuit Court should contact the Statewide ADA Coordinator.
- B.** A written Request for Modification is preferred. However, the request may be made by telephone to the Statewide ADA Coordinator. In such instances the Statewide ADA Coordinator shall commit such request to writing.
  1. The Statewide ADA Coordinator shall maintain a record of all Requests for Modification and the actions taken thereon for three (3) years.

2. The *ADA Modification Request Form*, which is attached hereto as Appendix A, and can be found on the Wyoming Judicial Branch website, may be obtained from the Statewide ADA Coordinator, the Supreme Court Clerk’s Office, the Chancery Court Clerk’s Office, any District Court judicial assistant, and any Circuit Court Clerk’s Office.
  3. If appropriate, or upon request, the Statewide ADA Coordinator will provide assistance with writing and submitting the written Request for Modification.
    - a. Large print or other accessible formats of the *Request for Modification Form* are available upon request.
    - b. If appropriate, other personnel associated with the judicial program, service or activity may assist the Applicant in the submission of a completed Request for Modification to the Statewide ADA Coordinator.
- C. A Request for Modification shall include:
1. A description of the person’s Disability;
  2. The role of the person in the Court Proceeding;
  3. The modification sought;
  4. The date and time of the modification requested; and
  5. The Court Proceeding, program, service, or activity for which the modification is sought.
- D. A Request for Modification may be submitted by any lawyer, party, witness, juror, or other individual interested in attending any Court Proceeding, program, activity or service or another person on behalf of such interested person.
- E. The Request for Modification should be submitted to the Statewide ADA Coordinator with as much advance notice as possible, but in any event should be made no less than five (5) business days prior to the date for which the modification is sought. If a Request for Modification is not received five (5) business days prior to the date for which the modification is sought, it will be deemed untimely and addressed as set forth in Section VII of this Policy.

## VII. UNTIMELY REQUESTS FOR MODIFICATION

- A. If an untimely Request for Modification is made by a participant (party, witness, etc.), and a Reasonable Modification cannot be made without delay, the court shall postpone, reschedule, or otherwise delay the Court Proceeding, judicial program, service, or activity affected until a Reasonable Modification can be achieved. The court must ensure the delay will not infringe on other protected rights. Under such circumstances, the Applicant shall be required to immediately submit a written request. If appropriate or upon request, court personnel will provide assistance with writing and submitting the Request for Modification.
- B. If an untimely Request for Modification is made by a non-participant (public, media, family member, etc.), and a Reasonable Modification cannot be made without delay, the court shall not be required to postpone, reschedule, or otherwise delay the Court Proceeding, judicial program, service, or activity affected. Under such circumstances, the Applicant should immediately submit a written request. If appropriate or upon request, court personnel will provide assistance with writing and submitting the Request for Modification.

- C. If an untimely Request for Modification is made, and a Reasonable Modification can be made without delay, the court shall immediately grant such modification without requiring an advance written request. In such a case, a *Request for Modification Form* shall be completed by either the person requesting the modification or court personnel. The *Request for Modification Form* and the action taken shall be provided to the Statewide ADA Coordinator to maintain in accordance with this Policy.

## VIII. DECISIONS ON REQUESTS FOR MODIFICATION

- A. Once a Request for Modification has been received, the Statewide ADA Coordinator will, as soon as practicable, notify the Applicant of the decision on the request and, if granted, of the modification to be provided. An alternate modification may be offered instead of the requested modification if the Statewide ADA Coordinator or the court determines another equally effective modification is available.
  - 1. If necessary, the Statewide ADA Coordinator may require the Applicant to provide additional information about the Disability to determine the appropriate modification to meet the Applicant's needs.
  - 2. Under no circumstances will the Statewide ADA Coordinator be permitted to request information regarding the Applicant's Disability that is not necessary for the evaluation of the modification requested.
- B. If the Statewide ADA Coordinator determines additional time may be necessary to make a modification, the Statewide ADA Coordinator shall notify the judge presiding over the matter, who will determine an appropriate course of action.
- C. A Request for Modification may be denied only if the Statewide ADA Coordinator finds that:
  - 1. The person making the request is not a Qualified Individual with a Disability; or
  - 2. The requested modification would create an undue financial or administrative burden; or
  - 3. The requested modification would fundamentally alter the nature of the Court Proceeding, judicial program, service or activity; or
  - 4. The Applicant has refused to comply with this Policy after being notified of its terms; or
  - 5. The Applicant's failure to comply with this Policy makes it impossible or impracticable the ability to provide the requested modification.
- D. The Applicant shall be notified of the decision to grant, deny, or provide an alternative modification when a Request for Modification is received as soon as possible. Such notification shall be made in writing by the Statewide ADA Coordinator. The notice may also be provided orally, by the court, if necessary to avoid delay.
- E. No employee of the Judicial Branch shall retaliate against any person who exercises their rights under the ADA or who requests modification pursuant to this Policy.

## IX. APPEAL PROCEDURE

- A. If a Request for Modification is denied or the offered alternate modification is unsatisfactory to the Applicant, the Applicant may appeal the decision of the Statewide ADA Coordinator to the Chief Legal Officer of the AOC within ten (10) days of receiving a written notification of the decision made.

- B.** A written appeal on a modification decision is preferred. However, the appeal may be made orally to the Chief Legal Officer. In such instances the Chief Legal Officer shall commit the appeal to writing.
  - 1.** An *Appeal from a Modification Decision Form*, which is attached hereto as Appendix B, and can be found on the Wyoming Judicial Branch website, may be obtained from the Statewide ADA Coordinator, the Supreme Court Clerk’s office, the Chancery Court Clerk’s office, any District Court judicial assistant, or any Circuit Court Clerk’s office.
  - 2.** If appropriate, or upon request, the Chief Legal Officer shall assist in writing and submitting the written appeal.
    - a.** Large print or other accessible formats of the *Appeal from a Modification Decision Form* are available upon request.
    - b.** If appropriate, other personnel associated with the judicial program, service, or activity may assist the Applicant in the submission of a completed *Appeal from a Modification Decision Form* to the Chief Legal Officer.
- C.** A submitted *Appeal from a Modification Decision Form* shall include:
  - 1.** The reason for disagreement with the previous determinations; and
  - 2.** The remedy sought.
- D.** The Chief Legal Officer shall provide a decision on the appeal in writing as expeditiously as possible, but in no event, no more than sixty (60) days from the date of appeal. In resolving appeals, the Chief Legal Officer is authorized to independently investigate the facts surrounding the appeal and has the discretion to utilize appropriate dispute resolution processes or other methods, including but not limited to, designating an appropriate neutral to assist in resolving the issues in controversy.
- E.** All appeals received by the Chief Legal Officer and the corresponding responses to the appeals shall be maintained by the Administrative Office of the Courts for three (3) years.

## **X. SERVICE ANIMALS**

- A.** Reasonable Modifications shall be made to the court’s policies, practices, and procedures to permit the use of Service Animals by Individuals with Disabilities. Service Animals are permitted to accompany Individuals with Disabilities in all areas of the Facility where the public is normally permitted. Service Animals must be under the control of their handlers at all times. Service Animals must be harnessed, leashed, or tethered, unless these devices interfere with the Service Animal’s work or the handler’s Disability prevents using these devices. In that case, the handler must maintain control of the animal through voice, signal, or other effective controls. Service Animals must be housebroken.
- B.** Individuals with Service Animals may be asked if the animal is a Service Animal and inquire into the service the animal provides and into the training the animal has received. However, an individual shall not be required to show identification or certification of the Service Animal’s status or of the individual’s Disability.
- C.** Animals whose sole function is to provide comfort or emotional support do not qualify as Service Animals. The use of an emotional support animal will be reviewed on a case- by-case basis and at

the discretion of the presiding judge.

## **XI. PUBLIC NOTICE**

- A.** A public notice in the same form as Appendix C, which is attached to this Policy, shall be posted in visible places at each Facility where Court Proceedings, programs, services, or activities are held. The public notice shall be posted, at a minimum, in the following locations: the Supreme Court Clerk's office, the Chancery Court Clerk's office, each District Court, and each Circuit Court Clerk's office. The public notice shall identify the Statewide ADA Coordinator and the State Court Administrator. Such public notice shall also provide a website address where a copy of this Policy, implementation guidance, and forms may be obtained electronically.
- B.** If the courthouse Facility within which Court Proceedings, programs, services, or activities are provided are inaccessible, a public notice shall be posted on the outside of the building or at another such location at or near the building that is readily accessible.

## **XII. RESERVATION OF RIGHTS**

- A.** The Wyoming Judicial Branch reserves the right to interpret, change, or rescind this Policy in whole or in part, at any time without prior notice.
- B.** The Wyoming Judicial Branch expressly reserves sovereign immunity and specifically retains all immunities and defenses available to it as a sovereign.



# Appendix A

## Wyoming Judicial Branch

### ADA Modification Request Form

Please fill out this form to request a modification under the Americans with Disabilities Act (ADA). Submit your completed form with as much advance notice as possible, but in any event the request should be made no less than five (5) business days before the date for which the modification is sought. You may submit a paper copy or email this form. All requests for modifications will be given due consideration and if necessary, may require an interactive process between the requester and the Statewide ADA Coordinator to determine the best course of action.

Enter the first Date the modification is needed: \_\_\_\_\_

Enter the final date the modification is needed: \_\_\_\_\_

Court location where the modification is needed (required): \_\_\_\_\_

Case name or court case number (if known): \_\_\_\_\_

**The information below is required unless otherwise stated.**

Name of person requesting accommodation, (first, middle and last names): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP code: \_\_\_\_\_

Phone number: \_\_\_\_\_ Cell number (if any): \_\_\_\_\_

Email address: \_\_\_\_\_

The person requesting accommodation(s) is a:  Plaintiff  Defendant  Juror  Witness

Other: \_\_\_\_\_ in this case.

What specific accommodation(s) are you requesting?

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Please provide any additional information that might be useful in reviewing your accommodation request.

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This form is being completed by:  the person requesting the accommodation(s).  
 someone other than the person requesting accommodation(s).

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone number: \_\_\_\_\_

Email address: \_\_\_\_\_

Please provide your relationship to the person requesting the accommodation: \_\_\_\_\_

Note: If you DO NOT have an EMAIL ADDRESS you can print a copy of this ADA request form.  
Please copy and send the completed request form to the Statewide ADA Coordinator.

**Wyoming Judicial Branch Statewide ADA Coordinator**

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



# Appendix B

## Wyoming Judicial Branch

### ADA Appeal from a Request for Modification

Chief Legal Officer Review requested. (Specify reason and the remedy you want):

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DATE: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Person Requesting Review)

#### **CHIEF LEGAL OFFICER REVIEW**

I have reviewed the original request for modification, the offer of alternate modification OR the denial of modification and the reason for the denial, and the reason that this review has been requested and find as follows:

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DATE: \_\_\_\_\_

\_\_\_\_\_  
CHIEF LEGAL OFFICER



# Appendix C

## Wyoming Judicial Branch

### Public Notice

The Americans with Disabilities Act prohibits discrimination against any qualified individual with a disability. The Wyoming Judicial Branch does not permit discrimination against any individual on the basis of physical or mental disability in accessing its judicial programs. In accordance with the Americans with Disabilities Act, the Wyoming Judicial Branch will provide reasonable accommodations to allow qualified individuals with disabilities to access all of its programs, services and activities.

If you need assistance, have questions or need additional information, please contact your Statewide ADA Coordinator:

#### **Wyoming Judicial Branch Statewide ADA Coordinator**

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

If you need assistance, have questions or need additional information, you may also contact the Administrative Office of the Courts, State Court Administrator by mail, telephone, or email as follows:

**Ben Burningham, Chief Legal Officer**  
2301 Capitol Ave  
Cheyenne, WY 82001  
(307) 777-6565  
[bburningham@courts.state.wy.us](mailto:bburningham@courts.state.wy.us)

The Wyoming Judicial Branch Americans with Disabilities Act Policy Regarding Access to Judicial Programs, and relevant forms may be found online at [www.courts.state.wy.us](http://www.courts.state.wy.us).



# Appendix D

## 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](mailto: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.



# Attachment A

## Wyoming Judicial Branch

### Court Sign Language Interpreters Interest Form

#### SECTION 1: PERSONAL INFORMATION

\_\_\_\_\_  
Last Name

\_\_\_\_\_  
First Name

\_\_\_\_\_  
M.I.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Home Phone Number

\_\_\_\_\_  
Cell Phone Number

\_\_\_\_\_  
Other Phone Number

\_\_\_\_\_  
Personal Email Address

\_\_\_\_\_  
List locations you are available to provide interpreter services

or  Check for Statewide

#### SECTION 2: INTERPRETING EXPERIENCE

\_\_\_\_\_  
Native Language

\_\_\_\_\_  
Languages for which you interpret

\_\_\_\_\_  
List any courts where you are currently providing sign language interpreting services

#### SECTION 3: ACKNOWLEDGEMENT

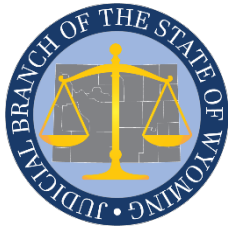
I hereby certify that the information in this document is accurate. I understand that any false statements, omissions, or misrepresentations that I indicate on this form may be grounds for immediate suspension of interpreting services within the Wyoming Court System as well as removal from the roster of registered court interpreters in Wyoming.

\_\_\_\_\_  
Signature of Sign Language Interpreter

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name





# Attachment C

## Wyoming Judicial Branch

### Sign Language Interpreter's Code of Ethics

#### **Canon 1: Accuracy and Completeness**

Sign Language Interpreters shall render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written, and without explanation.

#### **Canon 2: Representation of Qualifications**

Sign Language Interpreters shall accurately and completely represent their certifications, training, and pertinent experience.

#### **Canon 3: Impartiality and Avoidance of Conflict of Interest**

Sign Language Interpreters shall be impartial, unbiased and shall refrain from conduct that may give an appearance of bias. Sign Language Interpreters shall disclose any real or perceived conflict of interest.

#### **Canon 4: Professional Demeanor**

Sign Language Interpreters shall conduct themselves in a manner consistent with the dignity of the court and shall be as unobtrusive as possible.

#### **Canon 5: Confidentiality**

Sign Language Interpreters shall keep confidential all matters interpreted and all conversations overheard between counsel and client. Interpreters should not discuss a case pending before the court.

#### **Canon 6: Restriction of Public Comment**

Sign Language Interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential.

#### **Canon 7: Scope of Practice**

Sign Language Interpreters shall limit themselves to interpreting and translating, and shall not give legal advice, express personal opinions to individuals for whom they are interpreting, or engage in any other activities which may be construed to constitute a service other than interpreting or translating while serving as an interpreter.

**Canon 8: Assessing and Reporting Impediments to Performance**

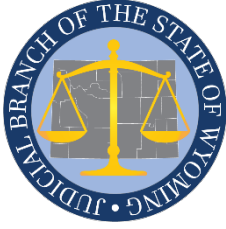
Sign Language Interpreters shall assess their ability to deliver services for which they are contracted at all times. When Sign Language Interpreters have any reservation about their ability to satisfy an assignment competently, they shall immediately convey that reservation to the appropriate Judicial Officer.

**Canon 9: Duty to Report Ethical Violations**

Sign Language Interpreters shall report to the proper authority any effort to impede their compliance with any law, any provision of this Code, or any other official policy governing court interpreting and legal translating.

**Canon 10: Professional Development**

Sign Language Interpreters shall continually improve their skills and knowledge and advance the profession through activities such as professional training and education and interaction with colleagues and specialist.



# Attachment D

## Wyoming Judicial Branch

### Sign Language Interpreter Payment

#### I. PAYMENT OF SIGN LANGUAGE INTERPRETERS AND OTHER RELATED SERVICES

A. **Compensation Rate for Sign Language Interpreters.** Sign Language Interpreters should be compensated at the following rate, where possible:

1. Professionally Certified: \$55/hr.
2. Registered: \$40/hr.
3. Qualified: \$25/hr.

The Sign Language Interpreter's certification status and availability in the judicial district and the state may require a higher compensation rate.

B. **Minimum Time Compensation.** Unless otherwise agreed to, Sign Language Interpreters shall be paid a thirty (30) minute minimum. Sign Language Interpreters shall be paid by the hour in thirty (30) minute increments. Time shall be determined by using the next highest thirty (30) minute increment (i.e., 2 hours 4 minutes equals 2 hours 30 minutes). This time shall include any pre-assignment prep time (i.e., remote interpretation) in which the court has requested of the Sign Language Interpreter.

C. **Payment for Travel Time.** At the discretion of the court, a Sign Language Interpreter may be paid the State of Wyoming's allowable mileage reimbursement rates or half the hourly Sign Language Interpreter rate for travel time. In extraordinary circumstances, the Sign Language Interpreter may be paid the full hourly Sign Language Interpreter rate for travel when round-trip travel exceeds one hundred fifty (150) miles.

D. **Overnight Travel.** In the case of trials or hearings exceeding one (1) day duration, Sign Language Interpreters may be compensated for food and lodging at the state rate when round-trip travel of one hundred twenty (120) miles or greater is required to secure the best qualified Sign Language Interpreter. To receive reimbursement for food or lodging expenses, the Sign Language Interpreter must receive written authorization from the court for the expenses. Reimbursement of allowed food and lodging expenses will be made only if itemized receipts are provided and expenses are within the allowable ranges as defined by the State of Wyoming fiscal procedures.

E. **Cancellation Policy.** A Sign Language Interpreter whose assignment is cancelled within seventy-two (72) hours of the assigned start time shall be paid for the scheduled time up to a maximum of sixteen (16) hours as determined by the presiding judge in the cancelled matter. If the assignment is cancelled with more than seventy-two (72) hours' notice, the scheduling court shall not pay a cancellation fee.