



Wyoming Judicial Branch

Spoken Language Interpreter Policy

This Policy governs spoken language interpretation in the courts and offers guidelines for access to the courts by persons with Limited English Proficiency. For sign language interpretation please refer to the Sign Language Interpreter Policy.

I. DEFINITIONS

- A. "Court Proceeding" means any hearing, trial, or other appearance before the circuit court, district court, chancery court, and the Wyoming Supreme Court in an action, appeal, or other proceeding conducted by a Judicial Officer.
- B. "Court Interpreter Program Manager" means an employee of the Wyoming Administrative Office of the Courts (AOC) responsible for administering the Wyoming Interpreter Program.
- C. "Judicial Officer" means a justice, judge, commissioner, or magistrate authorized to preside over a Court Proceeding.
- D. "Language Interpreter" mean an independent contractor as defined by IRS Revenue ruling 87-41 who is authorized to provide language interpreter services for the Wyoming Judicial Branch as set forth in this Policy. A Language Interpreter may be Professionally Certified, Registered, or Qualified as defined herein.
- E. "Limited English Proficient (LEP) Person" means an individual who does not speak English as their primary language and who has limited ability to speak or understand the spoken English Language.
- F. "Professionally Certified Interpreter" means a Language Interpreter who has achieved the Professionally Certified designation on the Roster by completing the steps set forth in Section II(B).
- G. "Qualified Interpreter" means a Language Interpreter who is not Professionally Certified or Registered, as defined herein, but has been qualified by the local court.
- H. "Registered Interpreter" means a Language Interpreter who has not achieved certification but has met minimum professional competency standards as outlined in Section II(B).
- I. "Wyoming Interpreter Roster (Roster)" means a list of Language Interpreters as described in Section II of this Policy.

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 Interpreters and Registered Interpreters shall be included on the Roster. Qualified Interpreters shall not be included on the Roster.
- B. To receive the designation of a Professionally Certified 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 Appendix 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 Language Interpreter to complete the two (2) day Wyoming interpreter orientation again;
 - 4. Provide evidence of certification in a recognized interpreter certification program, and provide evidence that the Language Interpreter is on a roster of interpreters maintained by another jurisdiction, or provide similar credentialing which the Court Interpreter Program Manager deems appropriate for interpreting in the Wyoming courts; and
 - 5. Take the *Wyoming Interpreter Oath*, which is attached to this Policy as Appendix 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 to this Policy as Appendix 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 Language Interpreter to complete the two (2) day Wyoming interpreter orientation again;
 - 4. Pass the Oral Proficiency Interview (OPI) with a score of Advanced-Mid or better. If a score of Advanced-Mid or better is not attained, the Language Interpreter may retake the OPI after a ninety (90) day waiting period. A score of Advanced-Mid or higher must be attained within one (1) year of attending the Wyoming interpreter orientation; and
 - 5. Take the *Wyoming Interpreter Oath*, which is attached to this Policy as Appendix B.

III. APPOINTMENT OF LANGUAGE INTERPRETERS

- A. The court shall appoint and pay for language interpretation in Court Proceedings relating to the following case types, subject to Section III(C):
- 1. Felony and Misdemeanor;
 - 2. Forcible Entry or Detainer;
 - 3. Juvenile Delinquency and CHINS;
 - 4. Protection Orders;
 - 5. Abuse and Neglect;
 - 6. Paternity and Support when covered under Title IV-D of the Social Security Act;
 - 7. Relinquishment and Termination of Parental Rights; and
 - 8. Mental Health – Title 25.

- B. The court may, in its discretion, appoint and pay for an interpreter for any LEP party to any Court

Proceeding.

- C. For those cases listed in Sections III(A) and III(B), the court may pay for language interpretation services in the following circumstances:
 - 1. During Court Proceedings when an individual related to a case, a victim, witness, parent, legal guardian, or minor charged as a juvenile is an LEP Person, as determined by the court.
 - 2. To facilitate communication outside of the Judicial Officer's presence to allow a Court Proceeding to continue as scheduled, including pretrial conferences between defendants and prosecuting attorneys to relay a plea offer immediately prior to a court appearance.
 - 3. During contempt proceedings when loss of liberty is a possible consequence.
 - 4. During mental health evaluations performed for the purpose of aiding the court in determining competency.
- D. The court shall not arrange, provide, or pay for language interpretation to facilitate communication with attorneys, prosecutors, or other parties related to a case involving LEP Persons for the purpose of gathering background information, investigation, trial preparation, client representation, or any other purpose that falls outside of the Court Proceedings, except as delineated in Section III(C). Prosecutors and attorneys are expected to provide and pay for language interpretation that they deem necessary for case preparation and general communication with parties outside of Court Proceedings.
- E. For cases other than those listed in Sections III(A) through III(C) above, the parties may provide and arrange for their own interpretation services. Failure by the parties to provide and arrange for language interpretation services will not require a continuance of hearings.

IV. QUALIFICATIONS OF LANGUAGE INTERPRETERS

- A. All Language Interpreters provided by the courts shall sign an oath to abide by the *Interpreter's Code of Ethics*, which is attached to this Policy as Appendix 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 Language Interpreter according to the following preference list: (1) Professionally Certified Interpreters; (2) Registered Interpreters; and (3) Qualified Interpreters.
- C. When a Language Interpreter is not listed on the Roster, the court shall conduct a *voir dire* inquiry of the Language Interpreter to determine the Language Interpreter's credentials prior to utilizing the services of the Language Interpreter in a Court Proceeding. The *voir dire* inquiry applies to family members and friends of parties involved in the case used as 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 Interpreter or Registered Interpreter; and
 - 2. A finding that the proposed Language Interpreter appears to have adequate language skills, knowledge of interpreting techniques, and familiarity with interpreting in a court setting; and
 - 3. A finding that the proposed Language Interpreter has read, understands, and will abide by the *Interpreter's Code of Ethics*, attached as Appendix C to this Policy.

V. COURT RESPONSIBILITIES WHEN APPOINTING LANGUAGE

INTERPRETERS

- A.** Absent exigent circumstances, the court should arrange, provide, and pay for two (2) or more Language Interpreters during the following proceedings to prevent interpreter fatigue and the concomitant loss of accuracy in interpretation:
 - 1. Court Proceedings scheduled to last three (3) hours or more; or
 - 2. Court Proceedings in which multiple languages other than English are involved.
- B.** When two (2) Language Interpreters are used, one Language Interpreter will act as the proceedings interpreter and the other a support interpreter. The proceedings interpreter provides language interpretation services for all LEP 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) Language Interpreters are not reasonably available as set forth in Section V(A), the 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 LANGUAGE INTERPRETERS

- A.** The following guidelines and limitations apply to the utilization of Language Interpreters:
 - 1. Language Interpreters are bound by an oath of confidentiality and impartiality, and serve as officers of the court; therefore, the use of one Language Interpreter by more than one individual in a case is permitted.
 - 2. The court is not obligated to appoint a different Language Interpreter when a 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 INTERPRETERS

- A.** A court employee may not interpret Court Proceedings except as follows:
 - 1. Prior to using a court employee as a Language Interpreter, the court shall make findings in open court on the record summarizing the unsuccessful efforts made to obtain a 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 Policy.

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.** Language Interpreters are not entitled to interpret on behalf of the courts or in Court Proceedings. Instead, the provision of interpretation services by Language Interpreters rests within the discretion of each Judicial Officer.
- C.** Professionally Certified Interpreters and Registered Interpreters are not entitled to have their names

included on the Roster. The Roster is maintained at the discretion of the Wyoming AOC.

D. The AOC shall investigate complaints and impose sanctions against Language Interpreters to protect the integrity of Court Proceedings and the safety of the public.

E. Sanctions may be imposed upon a Language Interpreter when:

1. The Language Interpreter is unable to adequately interpret the Court Proceedings;
2. The Language Interpreter knowingly makes a false interpretation;
3. The Language Interpreter knowingly discloses confidential or privileged information obtained while serving as a Language Interpreter;
4. The Language Interpreter knowingly fails to disclose a conflict of interest;
5. The 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 Language Interpreter must be in writing, signed by the complainant, and delivered via mail or email to the Court Interpreter Program Manager at:

Wyoming Supreme Court
c/o Court Interpreter Program Manager
2301 Capitol Ave.
Cheyenne, WY 82002
interpreters@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 Court Interpreter Program Manager 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 Interpreter or Registered Interpreter from the Roster for the pendency of the investigation. In any case where the Court Interpreter Program Manager deems it necessary to remove the Professionally Certified Interpreter or Registered Interpreter from the Roster, notice shall be sent by certified mail to the Language Interpreter.

G. Investigation and Report.

1. Upon receipt by the Court Interpreter Program Manager of a written complaint against a Language Interpreter or upon its own initiative based on suspicion of misconduct, the Court Interpreter Program Manager shall investigate the alleged improper conduct of the Language Interpreter.
2. The Court Interpreter Program Manager shall seek and receive such information and documentation as is necessary for the investigation.
3. The rules of evidence do not apply, and the Language Interpreter is not entitled to representation by counsel.
4. The Court Interpreter Program Manager 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 Language Interpreter by certified mail at the same time it is provided to the State Court Administrator. The Language Interpreter shall have fifteen (15) days from receipt to respond to the report and recommendation of the Court Interpreter Program Manager.

H. Findings and Possible Sanctions.

1. Upon receipt of the report and recommendations of the Court Interpreter Program Manager and the 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 Language Interpreter;
 - c. Specify corrective action with which the 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, written exam, or oral proficiency interview;
 - d. Suspend the Language Interpreter from the Roster for a specified period of time, or until corrective action is completed; or
 - e. Remove the 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 Language Interpreter and the complainant. Written notice will also be provided to Judicial Officers and court staff if sanctions are imposed against the Language Interpreter.

IX. REMOTE INTERPRETING

- A. Remote interpretation may be utilized to facilitate access to the courts by LEP Persons as may be determined by the court.
- B. Courts, at their discretion, may utilize KUDO, a remote interpretation platform.
- C. The Roster will designate Language Interpreters who have obtained KUDO certification.
- D. To receive KUDO certified designation on the Roster, a Language Interpreter must:
 1. Set up a KUDO profile/account;
 2. Complete a self-guided course provided by KUDO, The Interpreter Journey;
 3. Attend a one (1) hour live KUDO webinar provided by KUDO and provide the Court Interpreter Program Manager, or designee, with a certificate of completion; and
 4. Attend a thirty (30) minute webinar provided by the AOC.

X. RECORDING OF PROCEEDING

- A. The court may order that the testimony of the person for whom interpretation services are provided, and the interpretation, be recorded for use in verifying the official transcript of the Court Proceeding. If an interpretation error is believed to have occurred based on a review of the recording, a party may file a motion requesting that the court direct that the official transcript be

amended and the court may grant further relief as it deems appropriate.

XI. ACCESS TO SERVICES

- A.** Based on current Policy, court interpreting services are only provided in the cases detailed under Sections III(A) through III(C). This Policy reflects a commitment to consistency and fairness in the provision of interpreting services for LEP Persons statewide, a recognition of the serious nature and possible consequences of Court Proceedings for individuals who come into contact with the courts, and the need to allocate limited financial resources most effectively.

XII. FACILITATING THE USE OF LANGUAGE INTERPRETERS

- A.** To facilitate the use of the most qualified Language Interpreter available, the AOC or its designated agent(s) shall administer the training and testing of Language Interpreters and post the Roster on the Wyoming Judicial Branch.

XIII. PAYMENT

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

Appendix A



WYOMING JUDICIAL BRANCH COURT INTERPRETER SERVICE PROVIDER INTEREST FORM

SECTION 1: PERSONAL INFORMATION

Last Name **First Name** **M.I.** **Date**

Home Phone Number **Cell Phone Number** **Other Phone Number**

Personal E-mail Address

or Check for Statewide

List locations you are available to provide interpreter services

SECTION 2: INTERPRETING EXPERIENCE

Native Language **Languages for which you interpret**

List any courts where you are currently providing 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 Interpreter Service Provider **Date**

Printed Name



Appendix C

Wyoming Judicial Branch

Language Interpreter's Code of Ethics

Canon 1: Accuracy and Completeness

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

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

Canon 3: Impartiality and Avoidance of Conflict of Interest

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

Canon 4: Professional Demeanor

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

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

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

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

Language Interpreters shall assess their ability to deliver services for which they are contracted at all times. When 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

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

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 in related fields.

Appendix D



Wyoming Judicial Branch

Language Interpreter Payment

I. PAYMENT OF SIGN LANGUAGE INTERPRETERS AND OTHER LEP-RELATED SERVICES

A. Compensation Rate for Language Interpreters. 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 Language Interpreter's certification status and language availability in the judicial district and the state may require a higher compensation rate.

B. Minimum Time Compensation. Unless otherwise agreed to, Language Interpreters shall be paid a thirty (30) minute minimum. 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 Language Interpreter.

C. Payment for Travel Time. At the discretion of the court, a Language Interpreter may be paid the State of Wyoming's allowable mileage reimbursement rates or half the hourly Language Interpreter rate for travel time. In extraordinary circumstances, the Language Interpreter may be paid the full hourly 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, 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 Language Interpreter. To receive reimbursement for food or lodging expenses, the 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 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.