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Idaho Court Interpreter Policy Manual

Administrative Office of the
Courts Idaho Supreme Court
P.O. Box 83720
Boise, Idaho 83720-0101

For questions or comments, please contact:

Santiago Barrios
[Statewide Language Access
Coordinator](#)
208-947-7554
languageaccess@idcourts.net

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Scope

This document was created to provide court interpreters with a clear understanding of the policies and procedures they must abide by while serving as interpreters in court proceedings or for services and programs under the control of the Court. The policies and guidance found in this document apply to all court interpreters, regardless of whether they are listed on the Idaho Supreme Court Roster of Court Interpreters (roster). It is essential that interpreters understand their responsibility and adhere to the Code of Professional Responsibility for Interpreters in the Judiciary as prescribed by Idaho Supreme Court Order, Idaho Court Administrative Rules (I.C.A.R.) 52, 52.1, and this policy.

Section 1.0 - Introduction

1.1 Language Access Committee

The Language Access Committee (LAC) is a standing committee, appointed by the Supreme Court, and comprised of Idaho judges, court interpreters, members of the legal community, advocates, subject matter experts, and court staff. The work of the LAC focuses on improving access for individuals with limited English proficiency (LEP). The responsibilities of the LAC include, but are not limited to:

- Maintaining the statewide [Language Access Plan](#).
- Providing policy recommendations, conducting a statewide needs assessment, and overseeing the implementation of policy and procedures through appropriate performance measures.
- Reviewing statutes, rules, and statewide publications and recommending any necessary amendments.
- Reviewing current data collection processes, identifying reporting needs and desirable data elements for incorporation into future data collection processes and systems.
- Researching and identifying other technologies that may provide for efficiencies in language access services.
- Developing methods and materials to increase court interpreter recruitments, including relationships with universities to target language students, and partnering with other organizations to increase interpreter participation and job opportunities.
- Enhancing public outreach by developing information on accessing language services for public distribution, including the Court's website, and signage in local courthouses.

The LAC meets regularly and reports periodically to the Court.

Please see <https://isc.idaho.gov/main/judicial-committees> for a current roster.

1.2 Access to Justice

Idaho law requires that when a participant in a legal proceeding is not able to understand or speak English, “the court shall appoint a qualified interpreter to interpret the proceedings.” Idaho Code section 9-205. The United States Constitution, federal statutory law, and Idaho law guarantee individuals with LEP the right to due process and the right to meaningful participation in the court proceedings before them.

1.3 The Role of the Court Interpreter

A court interpreter serves as a communication bridge for an individual with LEP, or a deaf or hard of hearing person in a court proceeding. A court interpreter is responsible for rendering a complete and accurate interpretation or translation, without altering, omitting or adding anything to what is stated or written, and without explanation. All court interpreters are responsible for understanding and adhering to the Code of Professional Responsibility for Interpreters in the Judiciary as prescribed by Idaho Supreme Court Order, Idaho Court Administrative Rules (I.C.A.R.) 52, 52.1, and this policy.

Section 2.0 – Court Interpreter Training and Certification

2.1 Court Interpreter Training and Certification Process

As a member of the Council of Language Access Coordinators (CLAC), the Idaho Administrative Office of the Courts has access to a written screening exam and oral certification exams for select languages available through the [Language Access Services Section](#) of the National Center State for Courts (NCSC).

For languages for which no NCSC oral certification exam has been developed, interpreters must complete training and testing to be recognized as a Registered court interpreter. See Section 2.6 and I.C.A.R. 52.

To become a Certified court interpreter, an individual must complete the following steps:

Step One: Intro to Court Interpretation

Self-paced, language-neutral, online course designed to provide an orientation to new interpreter candidates and prepare them for the written exam. This course is a prerequisite to both the written exam and oral certification exam. Topics covered during the course include the following:

- Code of Conduct: Principles and Practice
- Skills and Modes of Interpreting: Theory and Practice

- Criminal Procedure and Commonly Used Legal Terminology
- Resources, References, and Self-Study
- Vocabulary Development
- What Do the Exams Look Like?

Step Two: Ethics Review and Written Exam Preparation Class

One-day, language-neutral course divided into two tracks. Track One covers the interpreter role in the legal setting, ethics and professional conduct, as well as how to develop professional judgment. Participants are involved in highly interactive discussions and activities created to teach new interpreters how to apply the Idaho Code of Professional Responsibility for Interpreters in the Judiciary, federal and state law, and Supreme Court rules and orders.

Track Two addresses exam preparation. This section includes exercises, activities and mock exams developed to prepare candidates for the written exam. This course is a prerequisite to both the written exam and the oral certification exam.

Step Three: National Center for State Courts (NCSC) Written Exam

The written exam consists of 135 multiple-choice questions on general English language proficiency, court-related terms, and ethics and professional conduct. The written exam is constructed to measure entry-level knowledge that a minimally competent person entering the court interpreting field would need, including English general vocabulary, common words and phrases likely to be heard in court, the typical progression of cases through the court system, and provisions of the code of professional responsibility.

To pass this exam, a candidate must answer 80 percent of the questions correctly. Passing the written exam alone does not mean an individual is a certified or approved court interpreter. Candidates who do not pass this exam may not retake it for one year. A candidate may not take a version of the written exam more than twice. The written exam is a prerequisite to the optional skill-building workshop and the oral certification exam.

Step Four: Skill-Building Workshop

A one-day class designed to give participants one-on-one time with experienced faculty, as well as intensive practice in the three modes of interpreting. This is an optional workshop designed to assist participants in their preparation for the oral certification exam.

Step Five: Court Interpreter Oral Exam Preparation Course – Language-Neutral

Course designed to prepare exam candidates for the oral certification exam. The course offers highly interactive tailored instruction and individualized feedback to participants. This is an optional course.

Step Six: NCSC Oral Certification Exam

The oral certification exam consists of a spoken examination on the three modes of court interpreting: sight translation (which includes two parts), consecutive interpreting, and simultaneous interpreting. A candidate must obtain a score of 70 percent or higher on all three sections to pass the exam. A passing score on the sight translation section of the exam requires an average of 70 percent overall for both parts, with none of its parts having a score of less than 65 percent.

To become a Certified – Master Level interpreter, the candidate must complete steps one through five above and pass the NCSC Oral Certification Exam in one testing cycle with the following scores:

- 80 percent or higher on the simultaneous and consecutive portions;
- An average score of 80 percent for both sight-English and sight-foreign; and,
- A minimum score of 80 percent in both sight translations.

To become a Conditionally Approved interpreter, the candidate must complete steps one through five above and receive scores on the NCSC Oral Certification Exam that do not meet the requirement to become a Certified or Certified – Master Level interpreter, but instead receive scores at or above the following minimums:

- An overall score of 55 percent or higher on the exam; and,
- No single score falls below a 50 percent, including on the simultaneous, consecutive, and both sight-English and sight-foreign translation portions.

An individual may fall under the Conditionally Approved level of qualification for a period of two calendar years, after which they must retake the entire NCSC oral certification exam to remain on the roster.

If a test candidate passes two sections of the oral examination and scores 68 percent or higher on the third section, an automatic rescore will be done on the failed section. The Administrative Office of the Courts will bear the cost of automatic rescoring. The score on any rerated section will be considered the final score(s) of the candidate. No test candidate may request a rescore once having been notified of the test results.

There are two equally accepted paths for test administration of the oral certification exam: whole testing and partial testing. Whole testing means that a candidate sat for and passed all three sections of the oral certification exam in one testing cycle. Partial testing means that a candidate sat for and passed all three sections of the oral certification exam across multiple testing cycles. See Section 2.2 for policies regarding a partial testing standard.

Out-of-state exam candidates will be charged higher registration fees.

2.2 Partial Testing Standard

If an individual passes only one or two sections of the oral certification exam, his or her scores will continue to be valid, and he or she may choose not to retake those sections for a period of two calendar years. During that time, the candidate may sit for the section or sections of the exam that he or she did not pass. If the candidate is unable to pass all three sections of the exam within two calendar years from the first passing score, the candidate will be required to retake all three sections of the exam, regardless of whether the candidate passed a section in a previous testing cycle.

If a candidate passes two sections of the exam, but not the third, the Statewide Language Access Coordinator may, at his or her discretion, allow the candidate to retake the failed section within the same calendar year.

Partial testing is not permitted for candidates who are seeking the Certified –Master Level designation.

2.3 Repeat Test Candidates – Oral Certification Exam

Pursuant to CLAC agreements and NCSC criteria for oral certification exam scores, the following policies will be enforced for candidates who fail an oral exam:

- Candidates will be retested with different oral exam versions;
- Only after all available oral exam versions have been administered to a candidate may the candidate then be given a previously taken version; and
- Candidates ideally must wait 12 months, but never less than six months, before taking the same version of an examination.

In an effort to limit the frequency of testing and enhance candidate preparation, repeat test candidates will be required to wait a minimum period of time between testing attempts – ideally a year, but under no circumstances less than six months. See Section 2.2 regarding the partial testing standard.

2.4 Reciprocity Standards for Certification Exams

In addition to the Court Interpreter Training and Certification Program administered by the Administrative Office of the Courts, for the purposes of court interpreter certification interpreter exams (consisting of all three modes of interpreting) from the following entities are accepted as equivalent to passing the oral certification exam for reciprocity consideration:

- Administrative Office of the United States Courts
- Any entity in good standing as a CLAC member and administering an NCSC oral certification exam.

Interpreters seeking reciprocity in Idaho for inclusion on the roster should contact the Language Access Office at languageaccess@idcourts.net for additional information. Idaho interpreters seeking reciprocity in other states should contact the state's administrative office of the courts to obtain this information.

If an interpreter holding a court certification from one of the above-named entities has not been actively interpreting in the previous 12 calendar months, the interpreter may be required to retake the oral certification exam, submit to another evaluation, or complete other requirements as determined by the Administrative Office of the Courts to become an interpreter on the Supreme Court roster.

In 2006, the Consortium for State Court Interpreter Certification, now CLAC, adopted the following "Universally Accepted Standards for Oral Exam Scores". If an exam candidate from another CLAC member state has met this legacy standard, the Idaho Supreme Court will reciprocate on that individual's certification exam scores.

- a. Completed the entire test within one test cycle;
- b. Scored at least 70% on all four portions of the test;
- c. Completed the test within one state;
- d. Took no version of the oral exam more than twice;
- e. Did not retake an oral exam within a 6-month period of time

Note: Candidates not satisfying the above standard may still be permitted to interpret in individual cases at the discretion of the Statewide Language Access Coordinator when an interpreter on the roster is not available.

2.5 Abbreviated Certification Exams

Abbreviated exams are available only for select languages as determined by the National Center for State Courts Language Access Section. These exams test a candidate's English-speaking ability and simultaneous interpreting. Abbreviated exams do not include sight translation or consecutive interpreting. Candidates who pass an abbreviated certification exam, in addition to fulfilling all other necessary requirements, will be recognized as certified. If a standard (or full) oral certification exam is developed for that language, the interpreter will be required to take and pass the standard exam to maintain his or her certification.

2.6 Registered Court Interpreters

The process to become a Registered court interpreter is only available to those interpreters who speak a language for which no full or abbreviated certification exam exists. If a certification exam is later created, a Registered interpreter will no longer be eligible to be

listed as registered and must thereafter take and pass the oral certification examination.

To become a Registered interpreter, candidates must successfully complete steps one, two, and three of Section 2.1 above and pass the following proficiency assessment.

Foreign Language Proficiency Assessment

This assessment consists of two portions, an oral proficiency exam and a written comprehension exam that measures the English to foreign language interpreting skills and proficiency in court terminology of interpreter candidates. The written comprehension exam portion consists of 10-15 statements, including at least three questions, that must be translated from English into the foreign language. The Statewide Language Access Coordinator will facilitate a Zoom meeting for testing with the candidate and an exam rater. The exam rater will provide feedback, evaluate the translation, and certify mastery of the foreign language. The Zoom meeting will be recorded and used for rating purposes. Candidates must have their camera on at all times during the exam. Exam raters must be experienced interpreters with a minimum of five years of court interpretation experience. If no experienced interpreter is available in the state to rate an exam, then the Statewide Language Access Coordinator will contact CLAC to obtain a list of out-of-state interpreters for that language.

Section 3.0 – Court Interpreter Rosters

3.1 Rosters Maintained by the Administrative Office of the Courts

Pursuant to I.C.A.R. 52, the Administrative Office of the Courts maintains the following rosters:

- Certified – Master Level
- Certified
- Conditionally Approved
- Registered

3.2 Roster Applications

The Administrative Office of the Courts conducts criminal history checks on all applicants prior to placement on the roster. See Section 3.3. Current rosters, as well as application forms for the rosters, are available via the Supreme Court's website located at: <https://isc.idaho.gov/court-interpreter/court-interpreter>. Please call 208-947-7554 or email languageaccess@idcourts.net to request that a copy of this information be sent to you.

3.3 Criminal History Checks for Court Interpreters

Court interpreters have direct contact with individuals at all stages of the legal process (e.g., defendants, victims, witnesses, attorneys, bailiffs, juries, judges). Interpreters must report to the Statewide Language Access Coordinator any charges or convictions that could impact their role as interpreters.

Self-Declaration Form

Roster applicants are required to complete a self-declaration form so that a criminal history check may be conducted prior to placement on the Supreme Court roster. The self-declaration form authorizes the Supreme Court to obtain and release information without liability. The applicant must provide or disclose the following information on the self-declaration form:

- The name, address and date of birth which appears on a valid identification document issued by a governmental entity,
- A description of all criminal conviction(s) or charges and the circumstances surrounding the incident(s),
- Any notice by a state or local agency of substantiated child or substantiated vulnerable adult abuse, neglect, exploitation, or abandonment complaint,
- A signed release of information authorizing the Supreme Court, through their Administrative Office of the Courts, to obtain the criminal background check information and release information without liability.

The Administrative Director of the Courts or designee may inquire, or request additional information regarding any information provided on, or omitted from the self-declaration form prior to making a determination. The Supreme Court, through its Administrative Office of the Courts, will complete the criminal history check and inform the applicant of the results.

Failure to Disclose Information

Failure to provide a self-declaration form containing a release of information provision or information required under this policy may result in a denial of the application.

Updating Criminal History Checks

Unless otherwise required by law to complete a criminal history check more frequently, every person subject to this policy must complete an updated criminal history check at least every two years. An updated criminal history check must include a self-declaration form and a check of the Idaho court records management system. A criminal history check may also include, at the Court's discretion, a check of the Idaho Child Abuse and Neglect Central Registry, the National Sex Offender Registry and the National Crime Information Center. The Supreme Court through its Administrative Office of the Courts, or any appointing court may, at its discretion, require a criminal history check or updated criminal history check of any person subject to this policy at any time. Two years will be

calculated from the date of the person's most recent criminal history check approval.

Unconditional Denial

Court interpreters subject to this policy will not be eligible to serve if they have pled guilty or been found guilty of one (1) or more of the designated crimes listed below, or their equivalent under the laws of any other jurisdiction, regardless of the form of the judgment or withheld judgment.

Designated Crimes.

- a. Armed Robbery, as defined by section 18-6501, Idaho Code,
- b. Arson, as defined by sections 18-801 through 18-805, Idaho Code,
- c. Forcible sexual penetration by use of a foreign object, as defined by section 18-6608, Idaho Code,
- d. Incest, as defined by section 18-6602, Idaho Code,
- e. Injury to a child, felony or misdemeanor, as defined by section 18-1501, Idaho Code,
- f. Kidnapping, as defined by sections 18-4501 through 18-4503, Idaho Code,
- g. Lewd conduct with a minor, as defined by section 18-1508, Idaho Code,
- h. Mayhem, as defined by section 18-5001, Idaho Code,
- i. Murder in any degree, voluntary manslaughter, assault or battery with intent to commit a serious felony, as defined by sections 18-4001, 18-4003, 18-4006, 18-4015, 18-909 and 18-911, Idaho Code,
- j. Poisoning, as defined by sections 18-4014 and 18-5501, Idaho Code,
- k. A felony involving a controlled substance, where the judgment or withheld judgment was entered within seven (7) years preceding the denial,
- l. Possession of sexually exploitative material, as defined by section 18-1507A, Idaho Code,
- m. Rape or male rape, as defined by sections 18-6101 and 18-6108, Idaho Code,
- n. Felony stalking, as defined by section 18-7905, Idaho Code,
- o. Sale or barter of a child, as defined by section 18-1511, Idaho Code,

- p. Sexual abuse or exploitation of a child, as defined by sections 18-1506 and 18-1507, Idaho Code,
- q. Any felony punishable by death or life imprisonment,
- r. Any felony involving any type or degree of embezzlement, fraud, theft or burglary, where the judgment or withheld judgment was entered within seven (7) years preceding the denial,
- s. Abuse, neglect, exploitation or abandoning of a vulnerable adult, as defined by sections 18-1505 and 18-1505A, Idaho Code,
- t. Attempt, solicitation, or conspiracy to commit any of the designated crimes,
- u. Domestic violence, felony, as defined by section 18-918, Idaho Code,
- v. Attempted strangulation, felony, as defined by section 18-923, Idaho Code,
- w. Sexual battery, felony, as defined by section 18-925, Idaho Code, or
- x. Attempt, solicitation, or conspiracy to commit any of the designated crimes.

Continuing Duty to Report

Court interpreters are obligated to uphold the [*Code of Professional Responsibility for Interpreters in the Judiciary*](#), including the obligation to report any issue that may impact their performance as well as any criminal conviction(s) or charges, resulting between required criminal background checks.

3.4 Removal of an Interpreter from a Roster

An interpreter may be removed from a roster maintained by the Administrative Office of the Courts as provided in I.C.A.R. 52.1.

3.5 Requirements for Renewal of Certification

Certified, Certified – Master Level, and Registered interpreter credentials must be renewed every two years after the credential is received to remain on the roster. The two-year reporting period for the certification begins on January 1 following certification. To renew the certification for another two-year period, an interpreter must:

- (1) Pay a renewal fee of \$10.00;
- (2) Complete a compliance form in order to document the current name, address, and other pertinent information;
- (3) Provide a signed Interpreter Oath pursuant to I.C.A.R. 52(f);

- (4) Undergo a criminal history records check and pay a \$50.00 processing fee;
- (5) Complete continuing education hours as provided in Section 4.1; and
- (6) Interpret in court proceedings or out-of-court legal interviews or depositions for 40 hours per year. If good cause exists, an exception to this requirement may be made at the discretion of the Statewide Language Access Coordinator.

Section 4.0 – Continuing Education Requirements

Continuing education requirements ensure that court interpreters listed on the roster are maintaining and improving their interpreting skills and expanding their vocabulary. Further, continuing education requirements help certified interpreters to comply with Canon 10 of the Code of Professional Responsibility for Interpreters in the Judiciary regarding professional development.

Court interpreters are responsible for finding and accessing local and national educational events that meet the continuing education requirements outlined below.

4.1 Required Continuing Education Hours for Renewal of Certification

Every two years, Certified and Certified – Master Level interpreters must complete a total of 16 hours of approved continuing education during the reporting period. A minimum of two hours of the total continuing education requirement must be regarding court interpreter ethics.

Every two years, Registered interpreters must obtain four hours of approved continuing education during the reporting period. A minimum of two hours of the total continuing education requirement must be regarding court interpreter ethics.

Approved compliance forms are available on the court interpreter webpage located on the Supreme Court’s website at <https://isc.idaho.gov/court-interpreter/certification-training>. Please call 208-947-7554 or email languageaccess@idcourts.net to request that a copy of this information be sent to you.

4.2 Calculating Continuing Education Hours

Continuing education hours are calculated by adding up the total number of minutes of the training and dividing that number by 60 minutes. Time for breaks and meals should not be counted. For example, a training that begins at 8:30 a.m. and ends at 4:30 p.m. would be calculated as follows:

8 hours x 60 minutes = 480 minutes

8 hours – 90 minutes (lunch hour and two 15-minute breaks) = 390 minutes

390 minutes ÷ 60 minutes = 6.5 hours (or six hours and 30 minutes)

After the first 60 minutes, time will be measured in half-hour increments, and will be rounded down. For example, a training that lasts 3 hours and 14 minutes is worth 3.0 hours. Training that lasts 3 hours and 40 minutes is worth 3.5 hours.

Excess education hours earned during one reporting period may not be carried over to the next reporting period, unless pre-approved by the Statewide Language Access Coordinator on a case-by-case basis for good cause.

4.3 Earning Continuing Education Credits

Continuing education programs must focus on the improvement of professional knowledge, skills, and abilities. Programs may be directly related to the act of interpreting, or may cover different types of cases, terminology, or legal concepts. Programs may also focus specifically on professional ethics and development.

Except as noted below, all continuing education hours must be earned in participatory activities such as: an in-person or online instructor-led course, workshop, lecture, or other activity at which attendance is monitored and verified. Participatory continuing education activities may include courses offered at accredited institutions of higher learning or conferences or workshops sponsored by professional organizations, provided the topic is relevant to court interpreting and approved by the Administrative Office of the Courts. Education courses directed at non-certified interpreters to assist them in taking the written exam or oral certification exam are not eligible for continuing education credit. However, approval may be sought for teaching test preparation courses.

Continuing education hours are awarded for participation in pre-approved, organized educational programs given under responsible sponsorship with capable direction and qualified instruction, for self-study programs of study groups of two or more people, or for teaching an approved continuing education program.

Self-study programs must be directed toward the improvement of memorization skills, vocabulary development, the three modes of interpreting, knowledge of legal procedures and a command of terminology, and reading books related to interpreting or translating. Self-study programs must be pre-approved by the Administrative Office of the Courts through the Statewide Language Access Coordinator. Continuing education credit for self-study programs may not exceed four hours.

Certified court interpreters who serve as instructors in participatory activities as defined above, and education courses directed to non-certified interpreters may receive continuing education credit for preparation time. Credit is limited to two preparation hours for every hour of instruction. Continuing education credit for serving as an instructor may not exceed six hours.

Continuing education hours will be calculated as described under Section 4.2. No credit will be given for attending only a portion of a participatory activity. Arriving late or leaving early will result in the interpreter not receiving any continuing education credit

for the course.

Continuing education hours will not be awarded for rating or developing certification exams of any kind, attending exam preparation programs, engaging in marketing or consulting activities, participating in the same continuing education program more than one time in a reporting period, or attending or conducting programs that are not related to the continuing education requirements.

4.4 Approval Process for Continuing Education Programs

All programs must be approved by the Administrative Office of the Courts through the Statewide Language Access Coordinator. Program approval forms and a list of supporting documentation are located on the website listed under Section 4.1. Please call 208-947-7554 or email languageaccess@idcourts.net to request that a copy of this information be sent to you. This information should be submitted at least 60 days in advance of the program to assure approval.

Except for self-study programs, retroactive approval may be sought for good cause. Approval will not be given for programs that are less than 60 minutes in length.

4.5 Provider Responsibilities

Providers of approved continuing education activities must have a written and published policy available upon request containing information on (1) refunds in case of non-attendance, (2) time period for return of fees, and (3) notification of activity cancellation.

Providers of approved continuing education activities must keep the following records for a period of five years:

- Course outline or syllabus
- Record of date(s) and location(s) of activity
- Curriculum vitae or resumé of instructor(s)
- Full name of each certified interpreter participating in activity
- Roster of attendance with participants' signatures
- Copy of attendance verification issued to participants
- Summary of evaluations

The provider of an approved continuing education activity must notify the Administrative Office of the Courts of any change in its location, organizational structure, personnel responsible for continuing education activities, including name and address changes, within 30 days after the change.

Providers must provide documentation to participants that show they attended an approved program. Providers must establish a system whereby participants are required to sign in at the beginning of the program and sign out at the end.

Providers must accept full responsibility for adhering to requirements, including but not limited to recordkeeping, issues of attendance verification, and instructor qualifications.

4.6 Instructor Qualifications

Instructors teaching approved continuing education activities must meet the following minimum qualifications:

Interpreting Classes: Have at least a BA from a U.S. university or the equivalent degree from a foreign university and at least five years' experience in court interpreting or possess Idaho state or federal court interpreter certification.

Translation Classes: Have at least a BA from a U.S. university or the equivalent from a foreign university and have at least five years' experience as a professional translator or be accredited by a professional translators' association recognized by the Administrative Office of the Courts or possess a university degree in translation or valid credentials as a translator from another country.

Other Classes: Possess the necessary credentials to practice their profession or trade (an academic degree, license, certificate, etc.) and have at least five years' experience in their profession or trade or have experience teaching the subject of the course in question.

The Administrative Office of the Courts may waive any requirement for exceptional individuals. Requests for exceptions must be made in writing and examined on a case-by-case basis, with particular consideration given to the continuing education program topic.

4.7 Recordkeeping

Court interpreters on the roster must retain a record of their continuing education compliance and proof of attendance at continuing education programs for one full reporting period after attendance.

4.8 Non-Compliance with Continuing Education Requirements and Lapse of Certification Credential

Non-compliance with the continuing education requirement or failure to submit the renewal of certification forms may result in removal from the roster or loss of certification. An interpreter may be required to pay for and retake the oral certification exam and fulfill any other requirements necessary to regain certification. See I.C.A.R. 52.1.

Section 5.0 – Policy Violations and Disciplinary Process

The courts and individuals with LEP rely heavily on an interpreter’s skills, performance, and integrity in his or her duties, regardless of whether the interpreter is certified. It is for this reason that an interpreter may be disciplined or lose his or her certification or registration or placement on the roster for acting in a manner inconsistent with the Idaho Code of Professional Responsibility for Interpreters in the Judiciary, state law, Supreme Court rule, or court order.

To obtain information regarding the disciplinary process, see I.C.A.R. 52.1.

Section 6.0 – Compensation

Consistent with Idaho Code section 9-205, interpreters are paid from the county district court fund. Rates set by Supreme Court order will be reviewed every two years to ensure the rates are comparable with that of court interpreters in surrounding states.

6.1 Minimum Hourly Rates for Freelance Court Interpreters

Hourly rates for freelance Spanish court interpreters are set by Supreme Court [order](#). Hourly rates for freelance interpreters for languages other than Spanish and interpreters for the Deaf/Hard of Hearing are negotiated as appropriate.

Unless otherwise negotiated, freelance court interpreters are compensated for a minimum of two hours per assignment.

6.2 Court Interpreters’ Expenses

Mileage for freelance court interpreters must be paid at the state rate under Idaho Code section 9-1603, and pursuant to Supreme Court [order](#), for each mile necessarily traveled in excess of 20 miles. Airfare, hotel accommodations, and state per diem for meals for out-of-town court interpreters must also be paid by the county or state.

6.3 Compensation for Time Reserved

If an assignment is canceled with less than 48 hours’ notice, the court interpreter must be compensated for the time reserved at the hourly rate. The court interpreter must remain available to the court during that time. Importantly, if he or she is not available for a last-minute assignment during the time reserved, the court may refuse to compensate the interpreter for that time.

6.4 Cancellation, Double-booking Assignments, and Failure to Appear for Assignments

If a court interpreter is unable to appear for an assignment that he or she accepted, then the interpreter should notify the appointing authority immediately so that other arrangements can be made. Cancellations, double-booking assignments, and failing to appear for assignments should be avoided. If an interpreter exhibits such unprofessional behavior without good cause, the interpreter may be removed from the roster and subject to discipline. See Section 5.0 and I.C.A.R. 52.1.

6.5 Substitutions by Court Interpreters

The Statewide Language Access Coordinator maintains control over the scheduling and assignment process. Once an interpreter has accepted an assignment, the interpreter should not send another interpreter in his or her stead. If an interpreter wishes to request removal from an assignment that has been accepted, then the interpreter should notify the appointing authority immediately.

6.6 Court Interpreter Contracts

It is recommended that counties enter into a contract or memorandum of understanding with interpreters to clearly define the terms and conditions of the work, including court rules regarding the appointment of interpreters and professional code of conduct, interpreting rates, and a method for tracking and calculating interpreter time, expenses, and cancellation fees and policies.

Section 7.0 – Remote Interpreting

Remote interpreting may be used for court proceedings. Remote interpreting is ideal for short, simple hearings, especially those that are largely administrative in nature and predictable. The main advantage of remote interpreting is that it provides courts with access to interpreter services on short notice and access to interpreters who speak a wide variety of languages. If a hearing is held remotely via a videoconferencing application, such as Zoom or Webex, the interpreter should be provided with the link at least an hour prior to the assignment.

Before the hearing begins, the INTERPRETER should:

- Become familiar with the interpreting program. With specialized video or telephone equipment, be comfortable with toggling between the options (“Courtroom” mode, “Defendant Only” mode and “Counsel-Client Only” mode, muting and proper use of the camera).

- Consider proper attire if video equipment is being used.
- Report any connectivity issues to the court immediately.

Section 8.0 – Translation of Court Documents, Forms, and Audio Recordings

In an ongoing effort to provide access to the courts, more and more court documents are being translated from English and provided in a second language. These court documents are made available to the public online, by e-mail, and in hard copy from the local clerk’s office. There are 44 counties in the state, and every county court maintains a wide variety of documents and forms.

The purpose of a translation is to produce a written document that faithfully and accurately reproduces in the target language the closest natural equivalent of the source-language document or tape without embellishment, omission, or explanation. To provide equal access to written documents, translations must be neither better than nor inferior to the document being translated in appearance, style, or content. A translator must be mindful to preserve the form and appearance of the translated text, as well as any words with ambiguous meaning, grammar, and spelling.

Professional interpreting and professional translating require different skill sets. Just because an individual is highly qualified as an interpreter does not mean he or she will be highly qualified as a translator and vice versa. The process of translation requires far more than linguistic proficiency in two languages. It is a specialized discipline that requires high standards of quality, as well as cross-cultural analysis and careful research.

8.1 Qualifications Necessary for Translating Forms

It is imperative that court documents and forms be translated correctly. To ensure accuracy, the translation of court forms should be conducted by an ATA Certified Translator or other professionally certified translator. Translation work should be done in teams of two to ensure accuracy and consistency. Translation software is available, but unreliable. Therefore, it should not be used.

8.2 Documents and Forms Produced by the Idaho Supreme Court and the Administrative Office of the Courts

Court documents and forms are often created by Idaho Supreme Court committees, staff of the Administrative Office of the Courts, or program managers operating under the direction of the Administrative Director of the Courts. These documents and forms are often developed for use by courts statewide. Judges and court personnel should contact the Statewide Language Access Coordinator to arrange for the translation of these court documents and forms.

8.3 Documents and Forms Produced by District Courts

The translation of documents and forms produced by local district courts may be arranged by local court personnel. When selecting a translator, the individual coordinating the project should adhere to the guidelines set forth in Section 8.1. Any questions or concerns about the translation of documents may be directed to the Statewide Language Access Coordinator.

8.4 Transcription and Translation of Audio Recordings

Audio recordings can play an important role during the presentation of evidence in a trial. In order for these recordings to be examined by the parties in an efficient manner the audio files are often produced into a transcript. If parts of the recording contain a foreign language, then a translation of the material is also necessary.

The transcription and translation of the audio recording must be a “true and correct written copy of the audio material” and must be able to withstand challenges to its accuracy and completeness. Therefore, transcription and translation must be done by a certified legal translator as they will have the necessary qualifications, credentials, and expertise to complete the work and serve as an expert witness.

Even though there are no specific rules or procedures in place relating to transcription and translation of audio recordings, a certified translator will be familiar with conventionally accepted standards for format and presentation of the final written product.