

## **Kentucky Court of Justice Certification Policy for Spoken Language Interpreters**

Effective October 1, 2004

Amended March 2, 2009

The Director of the Administrative Office of the Courts (AOC) has established a statewide Certification Policy for Spoken Language Interpreters for the Court of Justice (COJ). All interpreters who desire to be listed in the AOC Interpreter Directory shall acknowledge receipt and acceptance of this Policy by signing and dating form AOC-INT-3. This acknowledgment shall be kept on file at the AOC Court Interpreting Services Division and in the staff interpreter's personnel file. Refusal to accept and adhere to this Policy shall be grounds for disciplinary action, including dismissal, for staff interpreters and shall result in removal of freelance interpreters from the AOC Interpreter Directory which precludes participation in COJ interpreting practices.

### **Qualifications for Certified Interpreters:**

1. Take the requisite examinations administered by the AOC and score as follows:
  - 80% or above on the English Proficiency Exam;
  - pass an oral proficiency exam, either in person or via telephone depending upon language availability, to the satisfaction of the AOC; and
  - 70% or above on each part of the Certification Exam in one sitting;
2. Have an acceptable criminal background report;
3. Attend the AOC orientation workshop;
4. Obtain the hours of court observation or work as required by the AOC;
5. Read the Code of Professional Responsibility, KRE 604, and KRS 422A.0604, and take the oath contained in Section 3 of the Administrative Procedures for the Court of Justice Part IX (APs).

### **Qualifications for Registered Interpreters:**

1. Take the requisite examinations administered by the AOC and score as follows:
  - 80% or above on the English Proficiency Exam;
  - pass an oral proficiency exam, either in person or via telephone depending upon language availability to the satisfaction of the AOC; and
  - between 65% - 69.9% cumulatively on the Certification Exam;
2. Have an acceptable criminal background report;
3. Attend the AOC orientation workshop;
4. Obtain the hours of court observation or work as required by the AOC;
5. Read the Code of Professional Responsibility, KRE 604, and KRS 422A.0604, and take the oath contained in Section 3 of the APs.

### **Qualifications for Provisional Interpreters:**

1. Take the requisite examinations administered by the AOC and score as follows:
  - 80% or above on the English Proficiency Exam;
  - pass an oral proficiency exam, either in person or via telephone depending

- upon language availability, to the satisfaction of the AOC; and
- between 55% and 64.9% cumulatively on the Certification Exam;

2. Have an acceptable criminal background report;
3. Attend the AOC orientation workshop;
4. Read the Code of Professional Responsibility, KRE 604, and KRS 422A.0604, and take the oath contained in Section 3 of the APs.

### **Criminal Background Check:**

The Interpreter Certification Request Form for a Criminal Background Check, AOC-INT-4, shall be used by the AOC to determine whether or not an interpreter applicant is eligible to work as a court interpreter. The AOC shall mail or email the applicant the results of his/her criminal background report. If the interpreter applicant does not have an acceptable criminal background, the candidate shall not be allowed to interpret for the COJ or reapply to the AOC for the interpreter certification process.

### **English Proficiency Written Exam**

The English Proficiency Written Exam (EPWE) consists of two parts: Part 1 - General English Language Vocabulary, and Part 2 - Court Related Terms and Usage. The AOC may include additional testing materials and translation sections when it is determined to benefit the certification process. A minimum score of 80% is required to pass. Under no circumstances may a candidate be permitted to segregate the EPWE process. A candidate who fails the EPWE shall wait six (6) months before re-taking the exam. Only interpreter candidates who successfully pass the EPWE may be permitted to register for the Oral Proficiency Interview.

### **Oral Proficiency Exam**

All candidates are required to pass an oral proficiency exam, either in person or via telephone depending upon language availability, to the satisfaction of the AOC in order to be eligible to proceed with the certification process. A candidate who does not satisfactorily pass the exam shall wait ninety (90) days before retaking it. If an interpreter candidate fails the oral proficiency exam a second time, written approval must be obtained from the AOC prior to any subsequent retesting. For languages or dialects in which an oral proficiency exam does not exist, the AOC shall have the discretion of assessing an interpreter's ability on a case-by-case basis.

### **Orientation Workshop**

An interpreter candidate shall be required to complete an orientation workshop within one year after successful completion of an oral proficiency exam. However, candidates may choose to take the orientation workshop before taking the EPWE or the oral proficiency exam. Materials provided at the orientation workshop include: (1) appropriate modes of interpreting to be used in the courts; (2) ethics and responsibilities of court interpreters; (3) basic descriptions of the COJ and the AOC; (4) various procedures for improving memory and interpreting skills; and (5) information about the Certification Exam.

Upon completion of the orientation workshop, the candidate is eligible to take the Certification Exam. Candidates may participate in a skills building workshop to help prepare for the Certification Exam.

If the certification process is not completed within the specified time, the AOC may require the candidate to attend the orientation workshop more than once.

### **Oral Certification Exam**

Within one (1) year of completing the orientation workshop, the candidate shall take the Oral Certification Exam. The exam is designed to determine whether the interpreter has the minimum language knowledge and interpreting skills in both English and the tested language to interpret in judicial proceedings in the state of Kentucky. It consists of three (3) parts that specifically examine the three (3) modes of interpreting: sight translation, consecutive interpreting, and simultaneous interpreting.

The candidate is required to score at least a 70% on each of the three (3) parts in order to pass the exam. In the event the candidate fails to obtain a score of 70% on each part of the exam, the candidate shall be required to retake all sections of the exam. A candidate must pass the Certification Exam within one (1) year of completing the orientation workshop to be listed in the AOC Directory. Upon passing the exam, the candidate shall be classified as a certified interpreter.

Candidates with a cumulative score between 65% and 69.9% shall be classified as registered interpreters. Candidates shall be required to retake the exam within one (1) year and achieve a score of 70% on each part of the exam in one sitting to gain certified designation, or achieve a cumulative score between 65% and 69.9% in order to maintain the registered designation. Registered interpreters who elect to not retake the Certification Exam as outlined in this policy shall be reclassified as provisional interpreters and removed from the AOC Directory.

Candidates with a cumulative score between 55% and 64.9% shall be classified as provisional interpreters. Provisional interpreters may retake the Certification Exam in an effort to attain registered or certified interpreter designation. Provisional interpreters shall not be listed in the AOC Directory. The AOC, however, may assign provisional interpreters as needed.

If an interpreter candidate is unable to take the Certification Exam because one does not exist in a particular language, the candidate may still be classified as a registered interpreter as long as he/she has passed both the EPWE and an oral proficiency exam, has completed the orientation workshop, and has obtained the requisite court observation hours.

Candidates with a cumulative score of less than 55% shall not be allowed to interpret for the Court of Justice.

The Oral Certification Exam may only be taken a total of two (2) times by each interpreter

candidate, regardless of the number of test versions available in any given language. Requests for an exception to this rule will be considered on a case-by-case basis and require the approval of the AOC.

Candidates currently designated as qualified interpreters will be reclassified as "temporary registered interpreters" and will be given one year from the effective date of this version of the Kentucky Court of Justice Certification Policy for Spoken Language Interpreters to meet the requirements outlined for registered or certified designation. Said interpreters shall be allowed to take the Oral Certification Exam a total of two (2) times within the aforementioned one-year period in an effort to obtain registered or certified designation, regardless of the number of times they have taken the test in the past. Individuals within this group are exempt from taking an oral proficiency exam, but must meet the minimum scoring guidelines on the Oral Certification Exam to receive the registered or certified designation. Qualified interpreters who elect not to retake the Oral Certification Exam, or who do not meet the minimum score requirements as outlined in this policy, shall be reclassified as provisional interpreters and removed from the AOC Directory.

### **Continuing Education**

Continuing education is required by the COJ and the AOC to ensure that the interpreters who serve in state courts maintain and improve their interpreting skills, and that the interpreters are in compliance with the Code of Professional Responsibility.

The AOC shall require both certified and registered interpreters to complete a minimum of twenty four (24) hours of Continuing Education Units (CEUs) during each two (2) year period of qualification status. Interpreters must have at least four (4) hours of education in ethics during each two year period. Each clock hour of activity shall be counted as one (1) CEU. CEUs shall be approved, in advance and in writing, by the AOC.

CEUs may be earned by attending courses, workshops, lectures, or other activities which have topics relevant to court procedures and court interpreting where attendance is monitored and verifiable. An interpreter may also receive CEUs for instructing, training, or presenting at a pre-approved activity. The AOC shall require verification of attendance or participation through the completion of the AOC Continuing Education Form, AOC-INT-02.

### **Court Observation or Work Hours**

The AOC shall require both certified and registered interpreters to complete twenty-four (24) hours of court observation or court interpreting for each two (2) year period of qualification status. The observation hours shall be completed in cases where an interpreter is utilized. In the event that this creates a hardship, however, approval may be obtained for observation hours to be completed without the presence of an interpreter. The AOC shall require verification of court observation hours through the completion of the AOC Court Observation Form, AOC-INT-01.

## **Renewal of Spoken Language Certification**

It shall be the responsibility of the certified staff interpreter or the freelance interpreter to renew his/her qualification status within the appropriate/applicable two (2) year time period. Renewal forms may be obtained from the AOC and shall be submitted at least thirty (30) days prior to expiration of same in order to avoid a lapse in certification status. AP IX, Sec. 9(8).

## **Removal of Staff Interpreters and Freelance Interpreters**

Upon request of an individual with limited English proficiency for whom an interpreter is appointed, or upon the court's own motion, an interpreter may be removed for inability to communicate with the individual with limited English proficiency. Additionally, an interpreter may be removed if, for reasonable cause, the services of another interpreter are desired by the individual with limited English proficiency, or if the services of an interpreter are not desired by the individual with limited English proficiency. AP Part IX, Sec. 12(1).

Additionally, a judge may remove an interpreter from his or her interpreting duties for good cause, which include, but is not limited to:

- 1) Inability to interpret adequately, including, but not limited to, where the interpreter or party report such inability;
- 2) Knowingly and willfully making false interpretation while serving in an official capacity;
- 3) Knowingly and willfully disclosing confidential or privileged information obtained while serving in an official capacity;
- 4) Failure to follow other standards prescribed by law or the Code of Professional Responsibility for Interpreters; and
- 5) Failure to appear as scheduled without good cause. AP IX Sec. 12(2).

## **Removal of Freelance Interpreters from the AOC Directory**

The Director of the AOC shall have the authority to remove a freelance interpreter from the AOC Directory for good cause which may include, but is not limited to, the following misconduct:

- 1) Knowingly and willingly making false interpretation while serving in an official capacity;
- 2) Knowingly and willfully disclosing confidential or privileged information obtained while serving in an official capacity;
- 3) Failing to follow other standards prescribed by law and/or the Code of Professional Responsibility for Interpreters;
- 4) Failing to appear as scheduled without good cause;
- 5) Failing to accept and adhere to the Kentucky Court of Justice Certification Policy;
- 6) Failing to follow the uniform payment rate; and
- 7) Requesting payment from a party for services to the COJ. AP Part IX, Sec. 10(2).

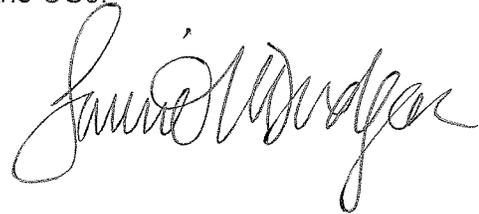
Freelance interpreters removed from the AOC Directory by the AOC Director shall be given

notice by certified mail, return receipt requested, and shall be given an opportunity to request reconsideration within ten (10) days of receipt of the notice.

### **Disciplinary action of Staff Interpreters**

The Personnel Policies of the Court of Justice shall apply to all staff interpreters. Staff interpreters may be disciplined for misconduct which may include but is not limited to the following:

- 1) Knowingly and willfully making false interpretation while serving in an official capacity;
- 2) Knowingly and willfully disclosing confidential or privileged information obtained while serving in an official capacity;
- 3) Failing to follow other standards prescribed by law and/or the Code of Professional Responsibility;
- 4) Failing to accept and adhere to the Kentucky Court of Justice Certification Policy;
- 5) Failing to appear as scheduled without good cause; and
- 6) Requesting payment from a party for services to the COJ.

A handwritten signature in cursive script, appearing to read "James W. Wadger".