



# Judicial Council of California

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## INVITATION TO COMMENT

SP24-09

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**Title**

Court Interpreters: Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons

**Proposed Rules, Forms, Standards, or Statutes**  
None

**Proposed by**

Hon. Brian L. McCabe, Chair  
Hon. Maurice Sanchez, Vice-Chair  
Court Interpreters Advisory Panel

**Action Requested**

Review and submit comments by November 26, 2024

**Proposed Effective Date**

February 21, 2025

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### Executive Summary and Origin

The Court Interpreters Advisory Panel (CIAP) proposes revisions to the current *Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons* (*Guidelines*), and a certification program approval process that is more responsive to the interpreter marketplace and the testing and certification landscape. The CIAP's revisions to the *Guidelines* are necessary to keep pace with the evolving interpreter marketplace and to address the shortage of certified American Sign Language (ASL) court interpreters to meet growing demands. Revisions are in alignment with CIAP's annual agenda, and will allow for greater flexibility, encouraging the emergence of additional ASL court interpreter testing entities to meet the growing certification needs.

### Background

Evidence Code section 754(h)(1) states: "Before July 1, 1992, the Judicial Council shall conduct a study to establish the guidelines pursuant to which it shall determine which testing organizations, agencies, or educational institutions will be approved to administer tests for certification of court interpreters for individuals who are deaf or hard of hearing." The council first adopted the *Guidelines* on February 21, 1992. The *Guidelines* were last revised in 2023,

*This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.*

effective January 1, 2024, when the council approved the temporary exemption to adherence to the *Guidelines* (Links A and B).

From 1998 to 2016, the Registry of Interpreters for the Deaf (RID) offered the Specialist Certificate: Legal (SC:L), which demonstrated specialized knowledge of legal settings and greater familiarity with language used in the legal system. However, on January 1, 2016, the RID Board of Directors imposed a moratorium on the SC:L certification and ceased its testing program. Although the Judicial Council of California continues to recognize SC:L holders for inclusion on the Master List of Certified and Registered Court Interpreters, no new SC:L credentials have been awarded since 2016, which has prevented the addition of new ASL court interpreters to the Master List and thus significantly reduced the available pool of qualified ASL court interpreters.

To address this gap, the Judicial Council approved temporary revisions to the *Guidelines* on January 1, 2024, granting a four-year exemption to recognize other states' qualified testing programs (Link A). Under this exemption, the Texas Board for Evaluation of Interpreters (BEI) Court Interpreter Certification was approved as an accepted testing entity for ASL court interpreters for at least four years. At present, the Texas BEI remains the only testing entity in the United States that tests for ASL court interpreter certification.

## **The Proposal**

On September 24, 2024, CIAP discussed the proposed revisions to the *Guidelines* and approved the following recommendations to circulate for public comment:

1. All instances of “shall” have been replaced with “must” to modernize the language and ensure the certifying organizations understand the mandatory nature of the requirements. This change emphasizes the obligation without potential ambiguity.
2. Sections imposing unreasonable expectations on noncontracted organizations have been removed. These revisions include the elimination of requirements for nondiscrimination statements in every announcement and the provision of certain lists and information to the Judicial Council. These changes ensure that external agencies are not burdened with impractical obligations.
3. Sections specific to California have been revised or removed to make the *Guidelines* applicable to a broader range of certifying bodies. These revisions include the removal of requirements specifying the composition of evaluation panels with California-specific members, ensuring statewide accessibility for testing locations, and other provisions that limited applicability to out-of-state organizations. These changes aim to broaden the scope and applicability of the *Guidelines* beyond California-based entities.
4. Revisions to the testing criteria have been made to better align them with the practical requirements of the certification process. These revisions ensure that the *Guidelines* reflect the current standards and expectations for ASL court interpreter certification.

5. An application process has been established to streamline and modernize the approval procedure for certifying organizations, aligning with the proposed revised *Guidelines*.

These revisions aim to provide certifying bodies with clearer, more accessible pathways to gain approval while maintaining high certification standards. This approach ensures that California courts can meet the growing demand for ASL court interpreters without compromising the quality of certification.

Addressing California’s need for more qualified ASL court interpreters is essential, as highlighted in the *2020 Language Need and Interpreter Use Study* (Link C). ASL is the third most requested language in the state, and the current pool of interpreters is insufficient to meet the growing demand. By updating the *Guidelines* to recognize more certifying agencies, California can expand its pool of qualified interpreters while maintaining the necessary standards for court proceedings.

### **Alternatives Considered**

This project follows a directive from the Judicial Council for CIAP to revise the *Guidelines* before the end of the four-year exemption period (Link A). Updated *Guidelines* will benefit the courts and public for two reasons: (1) the Texas BEI will be able to continue to verify that it meets Judicial Council requirements every four years, and (2) future entities that test for ASL court interpreter certification will be able to apply for recognition by the Judicial Council.

### **Fiscal and Operational Impacts**

Approval of the revisions to the *Guidelines* would result in no cost to the courts or council. Staff resources necessary for the Language Access Implementation Unit to revise and implement the new *Guidelines* and accompanying application form will be minimal.

## Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

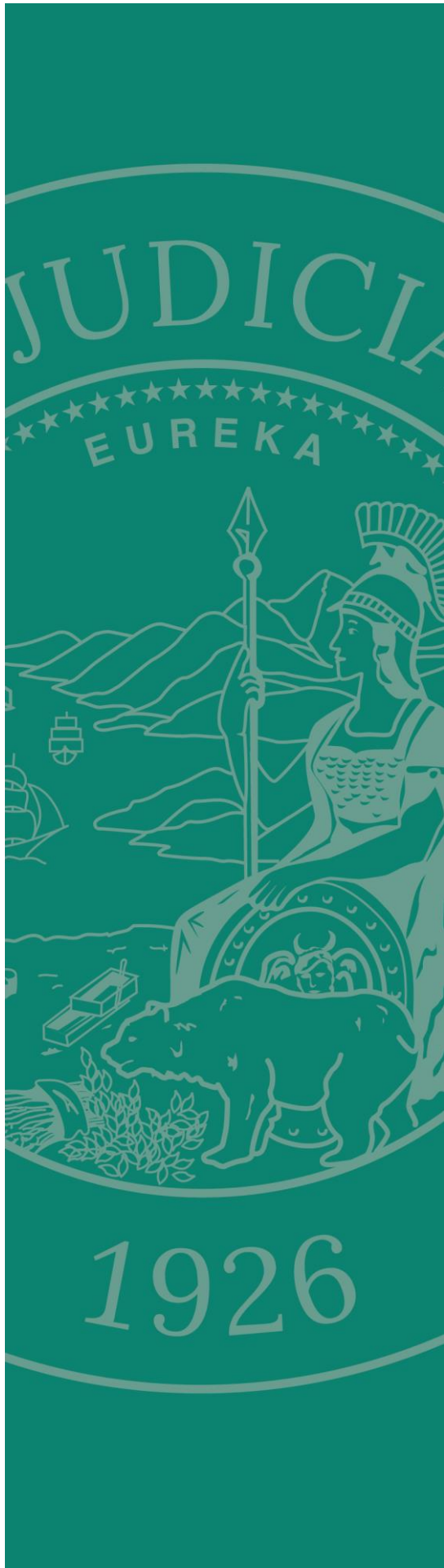
- Does the proposal appropriately address the stated purpose?
- Are the proposed revisions to the *Guidelines* sufficient to ensure flexibility and responsiveness in approving new certifying agencies while maintaining high standards for ASL court interpreter certification?
- Does the proposed application process streamline and simplify the approval procedure for certifying organizations while maintaining high standards?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- Will the proposal expand the availability of qualified ASL court interpreters to serve limited-English-proficient court users?

## Attachments and Links

1. Attachment A: Proposed changes to *Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons*
2. Attachment B: *Application to the Judicial Council for ASL Court Interpreter Certification Programs*
3. Link A: <https://jcc.legistar.com/View.ashx?M=F&ID=12443593&GUID=86D50238-F331-4F4E-BBA7-A91D30995599>
4. Link B: <https://languageaccess.courts.ca.gov/sites/default/files/partners/default/2024-05/Guidelines%20for%20Approval%20of%20Certification%20Programs%20-%20Jan%202024.pdf>
5. Link C: <https://languageaccess.courts.ca.gov/sites/default/files/partners/default/2023-07/2020-language-need-and-interpreter-use-study-report-to-the-legislature.pdf>



# **Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons**

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January 1, 2024 **2025**



Judicial Council of California

# Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons

## Preamble

Evidence Code section 754 requires that in any civil or criminal action—including any action involving a traffic or other infraction, juvenile court proceeding, proceeding to determine the mental competency of a person, or administrative hearing where a party or witness is a deaf or hard-of-hearing person and that person is present and participating—the proceeding shall be interpreted in a language that the deaf or hard-of-hearing person understands by a qualified interpreter appointed by the court or other appropriate authority. A “qualified interpreter” is defined as “an interpreter who has been certified as competent to interpret court proceedings by a testing organization, agency, or educational institution approved by the Judicial Council as qualified to administer tests to court interpreters for individuals who are deaf or hard of hearing.” (Evid. Code, § 754(f).)

Evidence Code section 754 further requires the Judicial Council to establish guidelines under which it will determine which testing organizations, agencies, or educational institutions will be approved to administer tests and certify court interpreters for deaf and hard-of-hearing persons and provides that an initial approval of testing entities shall occur before July 1, 1992. The Judicial Council, therefore, establishes the following guidelines.

In these guidelines, the term “certified court interpreter” is used to mean a sign language interpreter who is certified to interpret in court proceedings. “Certifying organization” refers to the entity under whose auspices the evaluation of applicant interpreters is conducted. “Evaluating panel/board” refers to the persons who rate the applicant interpreters. Oral interpreting, services to hard-of-hearing individuals such as assistive listening devices, interpreting for deaf/blind individuals, and other forms of communicative assistance to persons with hearing disabilities are not covered by these guidelines.

## Guidelines

### 1. Structure and Administration of Evaluating Panels/Boards

- A. The evaluating panel/board and its processes **must** ~~shall~~ be administratively independent of the certifying organization in the testing and certification of individual applicants—that is, the panel/board **must** ~~shall~~ be free of influence from any external sources on decisions affecting the test results and certification of interpreters.
- B. **The certifying organization, in all its processes, shall not discriminate must have a non-discrimination policy that ensures no discrimination** among applicants for certification

as to age, sex, race, religion, national origin, disability, sexual orientation, or marital status ~~and shall include statements on nondiscrimination in every announcement of the certification program.~~ The certifying organization **must** ~~shall~~ provide for access and reasonable accommodation to the testing process for persons with disabilities.

- C. The certifying organization **must** ~~shall~~ possess the knowledge and experience necessary to conduct the testing and certification of court interpreters.
- D. The certifying organization **must** ~~shall~~ have a formal procedure for the selection of evaluating panel/board members. That procedure must include input from certified interpreters and deaf individuals who possess the knowledge and experience required for that purpose.
- E. The certifying organization **must** ~~shall~~ have formal procedures for training of evaluating panel/board members to ensure the consistency of their evaluation over time.
- F. ~~The evaluating panel/board shall include, but not be limited to:~~
  - ~~1. A majority of members who are deaf and possesses the knowledge and experience necessary to evaluate court interpreters for deaf persons;~~
  - ~~2. Certified interpreters who may themselves be court interpreters or intermediary court interpreters (as defined in Evid. Code, § 754) and possess the knowledge and experience necessary to evaluate court interpreters for deaf persons; and~~
  - ~~3. A judge or member of the State Bar of California.~~
- FG.** The certifying organization **must** ~~shall~~ hold testing at reasonable cost to the applicant interpreter and with sufficient frequency ~~and diversity of location~~ to ensure that there is reasonable opportunity ~~and accessibility~~ for individuals ~~in all parts of the state~~ to be tested and certified.
- GH.** The certifying process **must** ~~shall~~ have and maintain:
  - 1. Competence-based standards of performance;
  - 2. A clear process for determining the pass-fail standard for certification and cutoff scores on tests; and
  - 3. An established procedure for the regular and timely review and adjustment of these standards of performance, utilizing input from interpreters, deaf and hard-of-hearing persons, court personnel, and research sources.
- HI.** The certifying organization **must** ~~shall~~ maintain the confidentiality and integrity of the testing process, including test materials, scoring information, and other sensitive information. The certifying organization **must** ~~shall~~ have a procedure to regularly update, rotate, reformulate, or alter test materials to guarantee that the confidentiality of test

items, tapes, scripts, and other materials is protected and that the materials are new to those applicants who are being tested.

- I. On completion of testing, the certifying organization **must** ~~shall~~ issue to qualified interpreters a certificate that clearly identifies the interpreter as certified to interpret in court by this organization and the period of time covered by the certification.
- JK. The certifying organization **must maintain** ~~shall furnish to the Judicial Council~~ a list of those interpreters who are certified to interpret in court proceedings and **must** ~~shall~~ keep this list up to date ~~by immediately informing the Judicial Council of any additions or deletions to this list.~~
- L. ~~If the certifying organization plans to include in this list those interpreters who were certified to interpret in court proceedings by the organization before the effective date of approval by the Judicial Council to certify court interpreters under these guidelines, the certifying organization shall have a clear and reasonable procedure to do so. This procedure must ensure that interpreters so included meet the competency and knowledge requirements of the certifying organization as approved under these Judicial Council guidelines.~~
- KM. The certifying organization **must** ~~shall~~ have an established and reasonable procedure for assuring the continued competency of certified court interpreters through periodic assessment or other means. Such a certification maintenance process must include efforts by the certifying organization to enhance continued competence of the individual. If continuing education is used as a means of ensuring continued competency, the certifying organization may not require interpreters to enroll in its own education or training program.
- MN. The certifying organization **must** ~~shall~~ promptly report certification results to applicants.
- NO. The certifying organization **must** ~~shall~~ have and publicize the existence of a reasonable grievance and appeal process for certification applicants who question the certification or testing process, test results, or eligibility for testing.
- OP. The certifying organization **must** ~~shall~~ have and publicize the existence of a reasonable complaint process for the public to use in addressing discipline of those holding certificates, including revocation of certification for conduct that clearly indicates incompetence, unethical behavior, and physical or mental impairment affecting performance.
- PQ. ~~The certifying organization shall also furnish to the Judicial Council a list of community organizations and contacts that can serve as resources to the court in facilitating the legal process where certified sign language court interpreters are involved.~~



## 2. Certification Testing and Test Content

- A. The certification process, including tests and testing procedure, **must** ~~shall~~ be objective, fair, and free of test bias (including, but not limited to, bias as to age, sex, race, religion, national origin, sexual orientation, culture, or class).
- B. The certification process, including tests and testing procedure, **must** ~~shall~~ be directly based on the knowledge and skills needed to function as an interpreter in court proceedings.
- C. Tests and testing processes **must** ~~shall~~ be standardized and nondiscriminatory and **must** ~~shall~~ be shown to be both reliable and valid (particularly relative to the certified court interpreter's subsequent ability to perform in court proceedings) under generally accepted procedures for establishing the validity and reliability of tests.
- D. The certifying organization **must** ~~shall~~ clearly state, and publish in a manner reasonably certain to provide adequate notice to applicants, the certification and testing criteria and the requirements used to certify court interpreters, including information about the competencies required, the level of competency required, and how these competencies are determined.
- E. The certifying process **must** ~~shall~~ be comprehensive in testing for all aspects of the court interpreting process, including:
  - 1. ~~Translation and transliteration~~ **Interpretation** competency, which includes:
    - a. **Consecutive interpreting, simultaneous interpreting, and sight translation;**
    - b. American Sign Language competency;
    - c. English language competency; and
    - d. Competency in interpreting language and terminology common to court proceedings;
  - ~~2. The role, function, and understanding of techniques for working with a relay interpreter or other intermediaries or for working as a relay interpreter;~~
  - 23.** Understanding of social, cultural, and linguistic aspects of the local, state, and national communities of deaf people;
  - 34.** The role and function of court interpreters, including court etiquette;
  - 45.** The various court proceedings that commonly and frequently require use of an interpreter or interpreters; and
  - 56.** A code of conduct and professional ethics.
- F. If, in addition to testing for the above, a certifying organization establishes education and training requirements that an interpreter must have before certification (such as a high school diploma or college degree), there must be a direct correlation between these requirements and an interpreter's ability to perform in court proceedings. A certifying

organization may not require an interpreter to take its own education or training program as a prerequisite to testing or certification.

### 3. Application to the Judicial Council for Approval to Certify Court Interpreters and Maintenance of Standing

- A. ~~The certifying organization shall provide to the Judicial Council all evidence required to document compliance with these guidelines.~~ The certifying organization must submit a completed application to the Judicial Council to document compliance with these guidelines at four-year intervals after initial approval.
- B. The certifying organization **must** will notify the Judicial Council **if it** of any plans to suspend or discontinue testing, either permanently or temporarily.
- ~~B. The certifying organization shall advise the Judicial Council of any substantive changes in the structure and administration of the certification process, including any substantive changes in testing techniques or testing content. The certifying organization, agency, or institution shall provide any information about the certification process to the Judicial Council on request.~~
- ~~C. An approved certifying organization shall provide evidence to the Judicial Council of continued compliance with the guidelines at four year<sup>1</sup> intervals after initial approval.~~
- ~~D. An approved certifying organization shall provide evidence of continued compliance with these guidelines before the mandated four year interval.~~
- CE.** The Judicial Council may suspend or revoke its approval of a certifying organization or place conditions on continued approval, if such action is deemed necessary to ensure the quality and/or integrity of court interpreting or this approval process.

### 4. Exemptions in Critical or Unusual Circumstances

- A. Effective January 1, 2024, the council approved allowing for exemptions for adherence to these guidelines in critical or unusual circumstances for a period of four years to assure that certified ASL court interpreters are available to provide services in California. This allowance may include recognition of another state's testing program, provided that the council can verify that the testing entity is qualified to administer tests to court interpreters for the deaf or hard-of-hearing.<sup>2</sup>

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<sup>1</sup> On December 15, 2009, the Judicial Council adopted the recommendation to revise guidelines 3.C and 3.D of the *Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard of Hearing Persons* to require the review of approved certifying organizations from every two years to every four years.

<sup>2</sup> On November 17, 2023, the council approved a four-year exemption, effective January 1, 2024, to ensure certified ASL court interpreters are available in California. This includes recognizing the Texas Office of Deaf and Hard of

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Hearing Services (DHHS) Board for Evaluation of Interpreters (BEI) as an approved testing entity for a temporary period. For more details, refer to the [Judicial Council Report](#). On November 17, 2023, the four-year exemption, effective January 1, 2024, was considered for approval by the council. Under the proposed exemption, the council also considered for approval the Texas Office of Deaf and Hard of Hearing Services (DHHS) Board for Evaluation of Interpreters (BEI) as an approved testing entity for ASL court interpreter certification temporarily for a period of four years, effective January 1, 2024.

# Application to the Judicial Council for ASL Court Interpreter Certification Programs

**Instructions:** Please complete the following application to provide information about your American Sign Language (ASL) court interpreter certification program. Each section includes questions designed to ensure your program meets the guidelines set by the Judicial Council of California. Provide detailed responses and include links to supporting documentation where indicated. You can access the full ASL Certification Guidelines [here](#).

## Section 1: Contact Information

1. Name of the certifying organization:
2. Contact details (including phone number, email address, and mailing address):

## Section 2: Background

1. When did the certifying organization begin testing for the ASL court interpreter certification? (Year)
2. Does the certifying organization have documented processes for both the development and administration of the ASL court interpreter certification exam, as well as for the selection and training of exam raters?      Yes                  No
  - Provide links to the documented processes for exam development and administration, and for rater selection and training (If unavailable, write N/A):
3. Does the certifying organization have a public registry of persons with the ASL court interpreter certification?      Yes                  No
  - Provide a link to the public registry (If unavailable, write N/A):

## Section 3: Fairness and Non-Discrimination

1. Does the certifying organization provide reasonable accommodation to the testing process for persons with disabilities?      Yes                  No
  - Provide details or a link to the accommodation policy (If unavailable, write N/A):
2. Is the certification process, including the exam, objective, fair, and non-discriminatory?      Yes                  No
3. Does the certifying organization have a non-discrimination policy?      Yes                  No
  - Provide a link to the non-discrimination policy (If unavailable, write N/A):
    - *The non-discrimination policy should ensure no discrimination based on age, sex, race, religion, national origin, disability, sexual orientation, or marital status.*
4. Does the certifying organization have procedures to maintain the confidentiality and integrity of the exam materials and scores?      Yes                  No

- Provide a link to the confidentiality and integrity procedures (If unavailable, write N/A):
- 5. Does the certifying organization have a grievance and appeal process for certification applicants who question the certification or testing process, test results, or eligibility for testing?      Yes                      No
  - Provide a link to the grievance and appeal process (If unavailable, write N/A):

**Section 4: Exam Information**

1. Does the certifying organization provide publicly available information about the certification process, including exam dates, registration, content, format, scoring, and appeal processes? Yes                      No
  - Provide a link to this information (If unavailable, write N/A):
2. Does the exam cover the following criteria? (See below).  
    Yes                      No
  - Provide a link to this information (If unavailable, write N/A):

**Criteria Covered:**

1. Interpretation competency, which includes:
  - a. Consecutive interpreting, simultaneous interpreting, and sight translation
  - b. American Sign Language competency
  - c. English language competency
  - d. Competency in interpreting language and terminology common to court proceedings
2. Understanding of social, cultural, and linguistic aspects of the local, state, and national communities of deaf people
3. The role and function of court interpreters, including court etiquette
4. The various court proceedings that commonly and frequently require use of an interpreter or interpreters
5. A code of conduct and professional ethics

**Section 5: Certification Maintenance and Complaints**

1. Does the certifying organization have a certification maintenance process, including continuing education requirements and fees?  
    Yes                      No
  - Provide a link to the certification maintenance process (If unavailable, write N/A):
2. Does the certifying organization have and publicize a reasonable complaint process for the public to use in addressing discipline of those holding certificates?  
    Yes                      No
  - Provide a link to the complaint process (If unavailable, write N/A):

**Section 6: Declaration**

I declare that the foregoing is true and correct.

Signature:

Print Name:

Title:

Date:

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