

1 **Rule 3-306.03. Interpreter credentialing.**

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3 **Intent:**

4 To outline the procedure for credentialing of contract interpreters for legal proceedings.

5 **Applicability:**

6 This rule shall apply to legal proceedings in ~~the~~ courts of record and not of record. This rule
7 shall apply to interpretation for non-English speaking people and not to interpretation for
8 persons with a hearing impairment, which is governed by Utah and federal statutes.

9 **Statement of the Rule:**

10 (1) Certification programs. Subject to the availability of funding, and in consultation with the
11 committee, the ~~A~~administrative ~~O~~office ~~of the courts~~ shall establish programs to certify and
12 approve interpreters in English and the non-English languages most frequently needed in the
13 courts.

14 (2) Statewide roster. The ~~A~~administrative ~~O~~office shall publish a roster of certified, approved,
15 and registered contract interpreters— authorized to provide interpreting services for the judiciary.
16 Addition to or removal from the roster is within the sole discretion of the Administrative Office.
17 Interpreters may be removed from the roster at any time, with or without cause.

18 (3) Applications. To be considered for addition to the court roster~~certified, approved or~~
19 ~~registered~~, an applicant shall:

20 ~~(34)~~(A) file an application form approved by the administrative office;

21 ~~(34)~~(B) pay a fee established by the Judicial Council;

22 ~~(34)~~(C) pass a background check;

23 ~~(34)~~(D) provide proof that the applicant is a Utah resident;

24 ~~(34)~~(E) complete training as required by the administrative office;

25 ~~(34)~~(F) obtain a passing score on the court interpreter's test(s) as required by the
26 administrative office;

27 ~~(34)~~(G) complete 10 hours observing a certified interpreter in a legal proceeding; and

28 (1)(H) take and subscribe the following oath or affirmation: "I will make a true and
29 impartial interpretation using my best skills and judgment in accordance with the Code of
30 Professional Responsibility."

31 (42) Federal or out-of-state credentials. A person who is certified in good standing by the
32 federal courts or by a state having a certification program that is equivalent to the program
33 established under this rule may apply to be a certified contract interpreter without complying
34 with paragraphs ~~(34)~~(~~BA~~) through ~~(34)~~(H), with the exception of paragraph ~~(34)~~(C), but shall
35 pass an ethics examination and otherwise meet the requirements of this rule.

36 (53) Reporting obligation. A person credentialed under this rule has an ongoing obligation to
37 immediately report to the program coordinator any criminal charges or convictions ~~the~~
38 ~~interpreter has~~ and any Utah State Court cases the interpreter is personally involved in as a
39 party.

40 ~~(64)~~ **Rare language exemption.** When the interpreter speaks a rare language and the courts
41 currently lack credentialed interpreters in that language, the Language Access ~~Committee~~
42 Program Manager (“Program Manager”) may, for good cause shown, exempt an interpreter
43 from meeting one or both of the requirements listed in subparagraph ~~(34)~~(B) and ~~(34)~~(F). An
44 interpreter seeking an exemption shall make a written request, outlining the reasons for the
45 exemption, to the ~~Language Access Program~~ Manager~~Coordinator~~. ~~The Language Access~~
46 ~~Committee shall consider the request at its next meeting following the request, and may require~~
47 ~~the interpreter making the request to appear at the meeting or to provide more information.~~ ~~(5)~~ If
48 an exemption is granted, the interpreter shall meet the conditions set by the ~~committee~~Program
49 Manager and shall apply for an extension of the exemption annually, or as otherwise required
50 by the ~~committee~~Program Manager.

51 ~~(76)~~ **Background checks and continuing education.** No later than December 31 of each
52 even-numbered calendar year, certified, approved, and registered contract interpreters shall
53 pass the background check for applicants, and certified contract interpreters shall complete at
54 least 16 hours of continuing education approved by the administrative office of the courts.

55 ~~(87)~~ **Independent contractors.** ~~With the exception of staff interpreters who are employees of~~
56 ~~the courts,~~ Contract court interpreters, including those listed on the statewide roster, are
57 independent contractors.

58 *Effective: ~~May 1, 2016~~February 27, 2024*