

\* The proposed amendment to the Interpreter Code of Conduct and Procedure adds a definition of "qualified interpreter", clarifies court responsibility to use Court-certified or qualified interpreters, and clarifies court use of non-certified telephonic interpreter services once all reasonable options for employing a certified or qualified interpreter have been exhausted.

...

## **Rule II. Definitions**

...

**Qualified Interpreter.** An interpreter who has been duly trained and qualified under the Indiana Supreme Court Office of Judicial Administration for a language that is not on the list of available National Center for State Courts oral examinations.

...

## **Rule IV. Procedures**

1. Determining Need for Interpretation.

a) Appointing an interpreter is a matter of judicial discretion. It is the responsibility of the court to determine whether a participant in a legal proceeding has a limited ability to understand and communicate in English. When the court determines the need for interpretation, the court must use a certified or qualified interpreter. The court may only use an interpreter not certified or qualified by the Indiana Supreme Court Office of Judicial Administration if all reasonable options for employing a certified or qualified court interpreter have been exhausted.

b) A certified or qualified interpreter ~~must~~<sup>should</sup> be appointed in all phases of a **criminal proceeding** when the defendant:

- 1) Is unable to accurately describe persons, places, and events that affect his or her defense;
- 2) Is unable to tell the court "what happened" over a period of time;
- 3) Is unable to request clarification when statements are vague or misleading, particularly during cross-examination, to defend his/her position, or otherwise to participate in his/her defense;
- 4) Is not on an equal footing with an English-speaking defendant with an equivalent education and background.

c) The court shall use the services of multiple interpreters when necessary to aid interpretation in court proceedings.

Proposed Amendment to Indiana Interpreter Code of Conduct and Procedure (July 2023)

d) A certified or qualified interpreter must be appointed in all phases of a **civil proceeding** when necessary for the meaningful participation of the party or witness.

e) The court may only use non-certified telephonic interpreter services for brief, non-contested hearings or when time is of the essence, and the court is unable to obtain an in-person court certified or qualified interpreter in advance. The court must never use uncertified or unqualified interpreters, telephonically or in-person, for guilty pleas, long hearings, contested matters, or trials. It is up to each court to assess, ensure, and establish on the record that these interpreters are qualified before the hearing.

...