

## Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688 www.courts.ca.gov

### REPORT TO THE JUDICIAL COUNCIL

Item No.: 25-053
For business meeting on February 21, 2025

#### **Title**

Judicial Council Update: Compliance Requirements for Certified Court and Registered Interpreters

#### Submitted by

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

#### Report Type

Information

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#### **Executive Summary**

This report provides updates to the *Compliance Requirements for California Certified Court and Registered Interpreters*. The revisions to the requirements, effective January 1, 2025, were developed by the Court Interpreters Advisory Panel to make the compliance process more efficient, clearer to interpreters, and aligned with operational improvements.

#### **Relevant Previous Reporting or Action**

The Compliance Requirements for California Certified Court and Registered Interpreters were last revised in 2020. The Judicial Council previously delegated authority to the Administrative Director to approve changes to the compliance requirements once they were developed and approved by the Court Interpreters Advisory Panel (CIAP).

On August 28, 2024, CIAP approved revisions to the compliance requirements for an effective date of January 1, 2025. These revisions were approved by the Administrative Director. The revised compliance requirements are included as Attachment A. The webpage regarding the annual court interpreter renewal and compliance cycle is available at Link A.

The council's responsibilities over court interpreters in California are set forth in Government Code sections 68560–68566 (Link B). In accordance with section 68562, all certified and registered spoken-language interpreters are required to meet continuing education and certification renewal requirements established by the council. Specifically, "[t]he Judicial

Council shall adopt standards and requirements for interpreter proficiency, continuing education, certification renewal, and discipline. The Judicial Council shall adopt standards of professional conduct for court interpreters." (Gov. Code, § 68562(d).)

#### Analysis/Rationale

The rationale behind the updates to the *Compliance Requirements for California Certified Court and Registered Interpreters* is to simplify and modernize the compliance process, update the requirements where needed, offer interpreters more options to complete their compliance requirements, and adapt to trends in online training. A chart summarizing the changes, and the rationale, may be found at Attachment B.

Specifically, CIAP approved the following updates:

- 1. Starting in 2025, shorten the compliance cycle to five months in the same calendar year (July 1 to the last business day in November).
- 2. Remove all late periods for payment or attestation. There will be no late periods and interpreters who are late will be suspended on a long-term basis.
- 3. Replace the current policy that requires permanent revocation of an interpreter's credential when the interpreter remains out of compliance with a long-term suspension policy that enables the interpreter to come back into compliance later without having to retake all the required interpreter examinations. To be reinstated, the interpreter would have to pay a reinstatement fee of \$250, pay the \$100 annual renewal fee, and complete any continuing education requirements.
- 4. Convey that interpreters may make their annual renewal payments and attest to completion of their continuing education and professional assignment requirements online through the Court Interpreter Data Collection System's Interpreter Portal.
- 5. Include a requirement that interpreters who have been credentialed for more than two years must take a newly developed online ethics refresher training for interpreters every two years along with other ethics courses that the council develops and determines should be required in the future.
- 6. Replace "instructor-led instruction" with "live, instructor-led instruction" and define "live, instructor-led instruction" as providing a forum, virtual or in person, that allows for live interaction between participants and faculty during the course.
- 7. Change the current requirement that interpreters can receive credit for a minimum of 15 hours of (live) instructor-led, approved Court Interpreter Minimum Continuing Education (CIMCE) educational activities to a minimum of 10 hours of live, instructor-led, approved CIMCE educational activities.

- 8. Change the current requirement that interpreters can receive credit for a maximum of 15 hours of non-instructor-led, approved CIMCE educational activities to a maximum of 20 hours of non-instructor-led, approved CIMCE educational activities.
- 9. Change the requirement that an educational activity be at least one hour in duration to at least 30 minutes.
- 10. Allow for the Court Interpreters Program (CIP) to approve "finish at your own pace" types of training.
- 11. Add language in Appendix B to the compliance requirements to explicitly state that professional interpreting assignments do not require payment and can include translations.

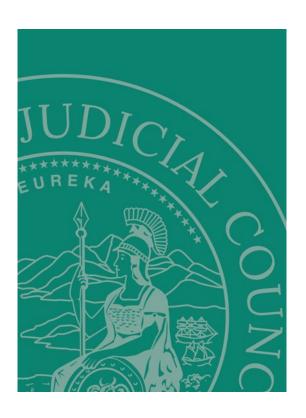
#### **Fiscal Impact and Policy Implications**

There is no anticipated fiscal impact for the trial courts. There will be a minimal operational impact on them if they are tracking the continuing education and professional assignment due dates of their interpreter employees. There also is no anticipated fiscal impact on the council. However, CIP staff will need to dedicate time and employee resources to implementing the approved recommendations, including making necessary changes to the Court Interpreter Data Collection System and the CIP public webpages to convey the changes.

#### **Attachments and Links**

- 1. Attachment A: Compliance Requirements for California Certified Court and Registered Interpreters (Jan. 2025)
- 2. Attachment B: Changes to Compliance Requirements for California Certified Court and Registered Interpreters (chart)
- 3. Link A: "Annual Renewal, Compliance, and Continuing Education" (webpage), https://languageaccess.courts.ca.gov/court-interpreters-resources/current-court-interpreters/annual-renewal-compliance-and-continuing
- 4. Link B: Gov. Code, §§ 68560–68566,

  https://leginfo.legislature.ca.gov/faces/codes\_displayText.xhtml?lawCode=GOV&division=
  &title=8.&part=&chapter=2.&article=4



# Compliance Requirements for California Certified Court and Registered Interpreters

With Procedures for Providers of Court Interpreter Continuing Education Activities



Judicial Council of California 455 Golden Gate Avenue San Francisco, California 94102-3688 www.courts.ca.gov

Sixth edition effective January 1, 2025.

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#### Introduction

#### **Purpose**

The Judicial Council of California, through its Court Interpreters Program (CIP), is the credentialing (sometimes referred to as *licensing*) body for certified court and registered spoken-language interpreters (hereafter "interpreters"). CIP administers the policy and procedures established by the Court Interpreters Advisory Panel for annual renewal fees and compliance requirements that interpreters are required to abide by to maintain their credentialing status. CIP also maintains the Judicial Council's online *Master List of Certified Court and Registered Interpreters* (hereafter "Master List"), <sup>1</sup> which is used by courts, justice partners, and the public to locate credentialed interpreters in good standing with the Judicial Council.<sup>2</sup>

The Judicial Council's responsibilities over court interpreters in California are stated in California Government Code sections 68560–68566. In accordance with section 68562, all spoken language interpreters are required to meet continuing education and certification renewal requirements established by the Judicial Council of California. Specifically:

The Judicial Council shall adopt standards and requirements for interpreter proficiency, continuing education, certification renewal, and discipline. The Judicial Council shall adopt standards of professional conduct for court interpreters.<sup>3</sup>

Providers of continuing education activities are also required to abide by the procedures stated in these requirements.

The **compliance requirements** for California certified court and registered interpreters:

- Ensure that the interpreters continuously improve and learn in order to maintain the requisite knowledge, skills, and abilities required to perform their responsibilities competently, fairly, and efficiently;
- Help interpreters preserve the integrity and impartiality of the judicial system through their efforts to ensure that all members of the public have equal access to the courts,

<sup>&</sup>lt;sup>1</sup> Available at <a href="https://languageaccess.courts.ca.gov/court-interpreters-resources/search-interpreter">https://languageaccess.courts.ca.gov/court-interpreters-resources/search-interpreter</a>.

<sup>&</sup>lt;sup>2</sup> American Sign Language (ASL) interpreters currently holding a Specialist Certificate: Legal (SC:L) issued by the Registry of Interpreters for the Deaf or the Court Interpreter Certification issued by the Texas Board for Evaluation of Interpreters may become a California certified court interpreter. For additional information, interpreters may contact <u>courtinterpreters@jud.ca.gov</u>. Effective January 1, 2024, ASL court interpreters on the Master List will be responsible for paying the \$100 annual renewal fee and attesting that they are in good standing. The continuing education requirements for ASL court interpreters remain with their credentialing body.

<sup>&</sup>lt;sup>3</sup> Gov. Code, § 68562(d).

stand on equal footing when participating in court proceedings, and are treated fairly and justly; and

• Help improve the administration of justice, reduce court delays, and promote fair and efficient court proceedings and standardized court practices and procedures.

In addition, interpreters have a duty to the profession and are required to do the following:

- Abide by the canons found in California Rules of Court, rule 2.890, Professional conduct for interpreters;<sup>4</sup>
- Read and understand the Professional Standards and Ethics for California Court Interpreters;<sup>5</sup>
- Newly credentialed interpreters must take the required live and remote ethics workshop
  provided by the Judicial Council within their first two years. It is recommended that new
  interpreters take this course as soon as possible;
- Interpreters who have been credentialed for more than two years must take an online ethics refresher training developed by the Judicial Council for interpreters every two years along with other ethics courses that the council develops and determines should be required in the future.
- If employed by the California courts, abide by the employing court's policies and procedures, including the *Code of Ethics for the Court Employees of California* as they pertain to interpreter employees;
- If contracted by the courts, abide by the terms of the courts' contractual agreements;
- Continually strive to increase language skills, including but not limited to staying current with technical, vernacular, and regional terminology; and
- Stay up to date on statutes, rules of court, legislative changes, and changes to policies and procedures that inform the duties of the interpreting profession.

#### **Education** Defined

Court Interpreter Minimum Continuing Education (CIMCE) refers to educational activities the interpreter participates in after passing the required examinations for certification or registration and enrolling on the Judicial Council's Master List.

<sup>&</sup>lt;sup>4</sup> Available at www.c<u>ourts.ca.gov/cms/rules/index.cfm?title=two&linkid=rule2\_890</u>.

<sup>&</sup>lt;sup>5</sup> Available at <a href="https://languageaccess.courts.ca.gov/court-interpreters-resources/education-and-training/required-ethics-training">https://languageaccess.courts.ca.gov/court-interpreters-resources/education-and-training/required-ethics-training</a>.

Introduction

*Education*, for the purposes of these requirements, is an educational activity relevant to court-related interpreting that:

- Offers development of existing skills and bridges identified knowledge gaps;
- Addresses the knowledge, skills, and abilities essential for court interpretation;<sup>6</sup>
- Enhances an interpreter participant's ability to perform interpreting work for the courts, other justice partners, and interpreting professions; and
- Is offered by a CIP-approved provider.

#### The **educational activity** must meet the following criteria:

- 1. The subject matter is relevant to court interpreting, the function of the courts or the judicial branch, or other approved interpreting services conducted outside the courts.
- 2. The activity is at least 30 minutes in length.
- 3. Clear goals and objectives are identified in the course outline or syllabus describing how learning outcomes (knowledge, skills, or abilities) will be applied, demonstrated, or used.
- 4. The course meets the educational standards, requirements, and rigor necessary for professional interpreters.

The educational activity must also meet at least two of the following five criteria:

- 1. The location where the learning activity takes place is educationally sound.
- 2. The interpreter participant receives or has access to all reference tools, materials, and resources required for learning and applying educational content.
- 3. The interpreter participant can practice using or applying the new information or skill as part of the learning experience.
- 4. The interpreter can interact with knowledgeable faculty or other experts by posing questions to clarify understanding of educational content.
- 5. An assessment tool or activity is provided that enables the participant to determine whether the knowledge, skills, and abilities gained through the educational activity can be applied to their work in the future.

<sup>6</sup> The knowledge, skills, and abilities are available at https://www.courts.ca.gov/documents/KSAs.pdf.

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# Part 1: Requirements and Procedures for California Certified Court and Registered Interpreters

#### 1.0 Summary of Compliance Requirements

All interpreters enrolled on the Judicial Council's *Master List of Certified Court and Registered Interpreters* receive email notification every July on how to complete their annual renewal requirements, accompanied by forms and instructions.

#### Note the following important points:

- If an email address is not on file or bounces back, the annual renewal materials will be sent via U.S. mail to the address listed on the interpreter's profile.
- The annual renewal packets include instructions on how to submit annual renewal fees and verification of completion of compliance requirements.
- Interpreters are responsible for keeping their contact information in their profile up to date by either updating this information directly in their profile or providing CIP with a completed *Information Update/Verification* form to update this information. <sup>7</sup> It is especially important that interpreters keep their email address updated as CIP, by default, communicates with credentialed interpreters almost exclusively by email.
- Failure to provide a current mailing address and/or email address, or not receiving the annual renewal materials, does not exempt an interpreter from fulfilling all compliance requirements and does not constitute lack of notice from CIP.

#### 1.1 Summary Chart of Annual Renewal Requirements

| Description   | Required   | Due Dates and Notes  |
|---|--|--|
| Annual Fee (active interpreter) Annual Fee (inactive interpreter) | \$100<br>\$50  | Due every year between July 1 and the last business day in November.   |
| Continuing Education and Professional Interpreting Assignments    | <ul> <li>30 hours of<br/>CIP-approved<br/>CIMCE courses</li> <li>40 professional<br/>interpreting<br/>assignments</li> </ul> | Due every two years. Attestation of completion of continuing education and professional assignments is due every other year between July 1 and the last business day in November.  Effective September 2019, interpreters were no longer required to turn in continuing education and professional assignment documentation. They are required to attest, under penalty of perjury, to completing all continuing education and |

<sup>&</sup>lt;sup>7</sup> The form is available to all interpreters at <a href="https://languageaccess.courts.ca.gov/court-interpreters-resources/current-court-interpreters/annual-renewal-compliance-and-continuing">https://languageaccess.courts.ca.gov/court-interpreters-resources/current-court-interpreters/annual-renewal-compliance-and-continuing.</a>

| Description                      | Required  | Due Dates and Notes  |
|----------------------------------|---|--|
|                                  |   | professional interpreting assignment requirements. CIP reserves the right to audit. Interpreters must maintain records verifying compliance for five years. Failure to provide records may result in suspension of the interpreting credential.  |
| Suspension and Reinstatement Fee | \$350<br>(\$100 annual fee<br>plus \$250<br>reinstatement fee | Suspension is effective December 1. Checks or money orders sent by mail must be received by CIP by the last business day in November to avoid suspension.  Interpreters who are facing economic or other hardship are encouraged to contact CIP as soon as possible in November before the deadline to avoid suspension and being assessed the reinstatement fee.  The interpreter's credentials are suspended until the interpreter asks to be reinstated.  To be reinstated, the interpreter must pay the annual fee of \$100 and a \$250 reinstatement fee (\$350 total). |

All interpreters on the Master List receive instructions on how to submit payment and attest to completing their continuing education and professional interpreting assignment requirements.

#### 1.2 Maintenance of Records

Interpreters must retain all records of continuing education and professional interpreting assignments for **five years**. Each education record must be accompanied by a valid CIMCE or Minimum Continuing Legal Education (MCLE) number and include:

- 1. An official transcript with a passing grade of C or above from a U.S. accredited college or university;<sup>8</sup>
- 2. A letter or certificate of completion from the education provider; and
- 3. A record of professional interpreting assignments that includes the date, type, and location of the event and, if applicable, the case number. (See Appendix B.)

<sup>8</sup> Courses provided by colleges or universities outside of the United States are subject to review by the Judicial Council; approval as CIMCE providers is not guaranteed.

If an interpreter misplaces any record that verifies proof of attendance, the interpreter must contact the education provider and request a copy or replacement.<sup>9</sup>

#### 1.3 Keeping Contact Information and Other Key Information Up to Date

Interpreters are responsible for keeping their contact information up to date in the Court Interpreter Data Collection System by either updating this information directly via the <a href="Interpreter Portal">Interpreter Portal</a> or by providing CIP with a completed <a href="Information Update/Verification form">Information Update/Verification form</a> and mailing it to CIP at the address shown on the form. Interpreters are responsible for relaying changes to names, place of employment, and employment status (e.g., independent contractor, court employee, retired) by submitting this form.

It is especially important that interpreters keep their email address updated as CIP, by default, communicates with credentialed interpreters almost exclusively by email. Failure to keep CIP apprised of current contact information is likely to result in not receiving important communications.

#### 1.4 Audit of Compliance Documentation

The Judicial Council reserves the right to conduct an audit and request verification of continuing education and professional assignment documentation. Failure to provide records and documentation as requested could result in the matter being referred to the credential review process and sanctions up to and including suspension of an interpreter's credential, additional required training, assessment of the reinstatement fee, and revocation.

#### 2.0 Annual Renewal Fees

Interpreters are notified by email when a new compliance cycle launches and are provided with related information and applicable forms:

- 1. Annual renewal fees are due every year between July 1 and the last business day in November.
- 2. The Language Access Services webpages<sup>10</sup> include the due dates as well any updated information regarding the annual renewal fees.
- 3. In the absence of an email address, notification will be mailed to the address on file as a reminder that the annual renewal fee is due.
- 4. Interpreters are strongly encouraged to pay their annual renewal fee online via the <a href="Interpreter Portal">Interpreter Portal</a> of the Court Interpreter Data Collection System to avoid delays. However,

<sup>&</sup>lt;sup>9</sup> A list of providers is available at <a href="https://languageaccess.courts.ca.gov/publication/list-providers-court-interpreter-minimum-continuing-education-cimce-credit">https://languageaccess.courts.ca.gov/publication/list-providers-court-interpreter-minimum-continuing-education-cimce-credit</a>.

<sup>&</sup>lt;sup>10</sup> See <a href="https://languageaccess.courts.ca.gov/court-interpreters-resources/current-court-interpreters/annual-renewal-compliance-and-continuing">https://languageaccess.courts.ca.gov/court-interpreters-resources/current-court-interpreters/annual-renewal-compliance-and-continuing</a>.

they may also pay this fee by check, money order, cashier's check, or as otherwise instructed by CIP. Checks or money orders sent by mail must be received by CIP by the last business day in November to avoid suspension.

6. CIP cannot provide information on whether the State Controller has cashed a check, money order, or cashier's check.

#### 3.0 Court Interpreter Minimum Continuing Education Requirements

Interpreters may participate in continuing education activities that are CIP approved for Court Interpreter Minimum Continuing Education (CIMCE) only *after* passing the required examinations in place to obtain California certified court or registered interpreter status and subsequent enrollment on the Master List.

Once the full enrollment process is complete, the interpreter is listed on the Master List, which is available to the public. The first continuing education compliance period begins on the interpreter's enrollment date with the Judicial Council and ends on the last day of November of the following year. All subsequent compliance periods for continuing education requirements begin on January 1 and end on November 30 of the following year.

Continuing education activities must have an assigned CIMCE number granted by:

- The Judicial Council of California's Court Interpreters Program; or
- Other U.S. state courts or Administrative Office of the Courts;

or an assigned Minimum Continuing Education (MCLE) number granted by:

The State Bar of California.

#### 3.1 Required Continuing Education Hours

All interpreters on the Master List are required to complete **30 hours** of continuing education within every two-year compliance period as follows:

- 1. All **30** hours may consist of live, instructor-led, approved CIMCE educational activities (in person or online); or
- 2. A minimum of **10** hours of non-instructor-led, approved CIMCE educational activities and a **maximum** of **20** hours of non-instructor-led, approved CIMCE educational activities.
- 3. Interpreters who have been credentialed for more than two years must take an online ethics refresher training developed by the Judicial Council for interpreters every two years along with other ethics courses that the council develops and determines should be required in the future. This instruction can be included as part of the maximum of 20 hours of non-instructor-led training.

4. Online, "self-paced" types of training may be taken and are classified as non-instructor-led training.

#### 3.2 Interpreters Applying for CIMCE Credit

It is strongly recommended that interpreters seek courses that the Court Interpreters Program has approved for Court Interpreter Minimum Continuing Education. If an educational activity has not been approved, we encourage submission of the application requesting CIMCE credit immediately after completion of the activity to avoid the possibility of nonapproval.

The **following conditions apply** to all interpreter applications for CIMCE credit:

- 1. CIMCE credit will be awarded only after completion of the entire educational activity.
- 2. For activities not approved by the Court Interpreters Program for CIMCE, proof of attendance—in the form of an official transcript or certificate of completion, including the number of hours—must accompany the application.
- 3. CIMCE credit will count toward requirements for the compliance period corresponding to the year in which the educational activity is completed.
- 4. CIMCE hours or credit for interpreting assignments may NOT be carried over from one compliance period to the next.
- 5. Educational activities approved by the State Bar of California for MCLE credit or awarded by other state court systems do not require submission of an application.
- 6. Certified and registered interpreters who are instructors of CIP-approved CIMCE activities or teach in interpreter training programs are eligible to receive non-instructor-led credit up to the maximum allowed continuing education credit for teaching activities. (See section 9.1, *Interpreters Teaching a CIP-Approved CIMCE Activity*.)
- 7. The maximum amount of CIMCE credit awarded for instructors of approved activities is 20 credits for non-instructor-led educational activities. An application must be submitted.
- 9. Interpreters must maintain transcripts, certificates, or letters of completion verifying proof of attendance for five years.

**Note:** Applications for CIMCE credit that are received after September 1 are *not* guaranteed to be approved by the last business day in November. Applications should be submitted as early as possible.

#### 3.3 Application Fees

Interpreters who attend non-CIP-approved activities and wish to request CIMCE credit must submit a nonrefundable application fee of \$50 per activity, not to exceed \$300 per year, provided all applications are submitted at the same time.

Education providers requesting CIMCE approval must submit a nonrefundable application fee of \$300 for conferences, interpreter vacations (approved only if the provider submits an application), and some multiday activities.

Educational activities offered by the following groups are **exempt** from application fees:

- Judicial Council of California
- California superior courts
- National Center for State Courts
- Other state courts and Administrative Office of the Courts
- Federal courts
- U.S. Department of Justice
- U.S. accredited colleges and universities<sup>11</sup>

For information on how to submit your application for CIMCE credit or approval, see section 9.2, *Application Fees and Submission*.

#### 3.4 Activities Not Approved by CIP for CIMCE

CIP will not approve for Court Interpreter Minimum Continuing Education the following activities:

- 1. Rating candidates for any state, federal, or National Center for State Courts (NCSC) court interpreter exam;
- 2. Developing any state, federal, or NCSC court interpreter exam, or exam development for any profession;
- 3. Attending classes in person or via distance learning that provide instruction on how to take and pass any state or federal court certification and/or registered court exam;
- 4. Attending classes in person or via distance learning that provide instruction on how to take and pass any professional exam, and/or prepare for any professional certification, licensing, or credentialing exam;
- 5. Attending courses on brand development, marketing, running or building a business, or engaging in marketing or consulting activities;

<sup>11</sup> Training provided by colleges or universities outside of the United States is considered on a case-by-case basis.

- 6. Performing self-directed research or publishing;
- 7. Attending courses primarily based on reading works of fiction (novels, movies, podcasts); 12
- 8. Completing the same CIMCE-approved activity more than once in the same compliance period;
- 9. Time spent doing homework; or
- 10. Attending or conducting activities unrelated to continuing education requirements.

CIMCE credit is **not guaranteed** for participation in activities that are advertised as, or are part of, interpreter vacations or workshops and conferences offered in a foreign country. Foreign travel in general is not CIMCE eligible.<sup>13</sup> (See Section 11.0, Professional Conferences and Educational Activities Outside of the United States.)

CIP may also deny approval of courses deemed not to meet the educational criteria or definition of education (see Introduction, Education Defined).

#### 3.5 Computation of CIMCE Credit

- 1. CIMCE credit is awarded as follows:
  - a. Each hour of participation in an educational activity is counted as 1 hour of CIMCE credit.
  - b. One satisfactorily completed academic quarter unit is equal to 10 hours of CIMCE credit.
  - c. One satisfactorily completed academic semester unit is equal to 15 hours of CIMCE credit.
- 2. CIMCE credit is approved for a minimum of 30 minutes of participation; subsequent time is measured in 15-minute increments and rounded down. For example, if an educational activity is 2 hours and 20 minutes, the allowable hours awarded are 2.25; if it is 2 hours and 45 minutes, 2.75 hours are awarded.
- 3. The maximum CIMCE credit per day is generally 6 hours. Credit may be approved for up to 8 hours per day at the discretion of CIP for conferences or other educational activities.

<sup>&</sup>lt;sup>12</sup> Courses in translation that include instruction on how to translate fictional work may be accepted.

<sup>&</sup>lt;sup>13</sup> Interpreters are highly encouraged to seek out courses from providers that have obtained CIMCE numbers approved by CIP.

#### 4.0 Professional Interpreting Assignments

All certified court and registered interpreters are required to complete 40 court-related or other qualifying professional interpreting assignments during each continuing education compliance period. (For a list of qualifying professional interpreting assignments, see Appendix B.)

Interpreters must retain documentation of completed professional interpreting assignments for **five years**. Documentation must include the date and type of event, case number (if applicable), location, name of venue where the event took place, and the duration of the assignment.

#### 4.1 Waiver of Professional Interpreting Assignments Requirement

Registered court interpreters may be eligible for a waiver if they cannot complete the required 40 court-related or other approved professional interpreting assignments because of a limited need for their language<sup>14</sup> by the court or other provider of interpreting services, as follows:

- 1. Interpreters can request a waiver in writing indicating the reason that a waiver is being requested, or request a waiver as otherwise instructed by CIP.
- 2. Waivers are granted on a case-by-case basis.

#### 5.0 Penalties for Noncompliance

Interpreters must pay the annual renewal fee and attest to completing their continuing education and professional interpreting assignment requirements by the last business day of November to avoid suspension and a reinstatement fee. Checks or money orders sent by mail must be received by CIP by the last business day in November to avoid suspension. Interpreters who remain out of compliance after the last business day in November will be notified by email in December that their credential has been suspended and they have been assessed a reinstatement fee. <sup>15</sup>

#### 5.1 Reinstatement Fee

A reinstatement fee is assessed to each interpreter who remains out of compliance beginning December 1.

#### 5.2 Suspension of Interpreter's Credential

If an interpreter has not met all annual renewal requirements by the last business day in November, the interpreter's certification and/or registration status will be **suspended**, the

<sup>&</sup>lt;sup>14</sup> Interpreters who reside out of state may not request a waiver due to out-of-state residence. Qualifying professional interpreting assignments completed out of state are acceptable.

<sup>&</sup>lt;sup>15</sup> Consistent with Government Code section 71802(d), only court interpreters who retain their certified or registered status may maintain trial court employee status. For independent contractors, the consequence of suspension is that the interpreter is considered non-certified or non-registered by the courts, and thus the interpreter loses assignment priority under the Trial Court Interpreter Employment and Labor Relations Act (Gov. Code, § 71800 et seq.).

interpreter will be removed from the Judicial Council's Master List, and the trial courts will be notified.

An interpreter whose credential has been suspended no longer retains active status. Interpreters who are facing economic or other hardship are encouraged to contact CIP as soon as possible in November before the deadline to avoid suspension and being assessed the reinstatement fee. After suspension, interpreters are encouraged to contact CIP to be reinstated and placed back on the Master List.

#### 5.3 Reinstatement to the Master List

For a suspended interpreter to be reinstated to the Master List in good standing, the interpreter must complete each of the following requirements:

- 1. Pay the past-due annual renewal fee.
- 2. Pay the reinstatement fee.
- 3. Pay the returned-check fee, if applicable.
- 4. Provide updated contact information, place of employment (if applicable), employment status (court-employed or independent contractor), and any other information needed by CIP.

After being reinstated, the interpreter must comply with the continuing education and professional interpreting assignment requirements and pay future annual renewal fees to remain in good standing.

#### 6.0 Inactive Status

An interpreter may request to be put on inactive status at any time after the completion of a two-year compliance cycle. The following conditions apply:

- 1. A request for inactive status must be submitted in writing, in advance, to CIP and include the effective start and end dates.
- 2. The period of inactivity is limited to two years.
- 3. Requests must be made at least 30 days before the end of the current compliance year.
- 4. CIP will respond within 10 business days of receipt of the request with all pertinent information, including the prorated continuing education requirements, professional interpreting assignments required, and annual renewal fee based on the requested dates of inactive status.
- 5. Only interpreters in good standing are eligible for inactive status.

- 6. Interpreters on inactive status are prohibited from interpreting in the courts.
- 7. The annual renewal fee for interpreters on inactive status is one-half of the published annual renewal fee.
- 8. An interpreter on inactive status is exempt from CIMCE requirements but is awarded credit if the interpreter chooses to complete CIMCE courses during the period of inactivity.
- 9. To return to active status, an interpreter must submit a written request to CIP before the end of the period of inactive status.
- 10. Once an interpreter returns to active status, the interpreter must complete the requirements for continuing education and court-related professional interpreting assignments for the months during which the interpreter is active by the end of their regular compliance cycle.

For questions or more information regarding any of the requirements or procedures provided, please visit the "Annual Renewal, Compliance, and Continuing Education" webpage<sup>16</sup> or contact CIP at <u>courtinterpreters@jud.ca.gov</u> or by mail at:

Judicial Council of California Court Interpreters Program 455 Golden Gate Avenue San Francisco, California 94102

<sup>&</sup>lt;sup>16</sup> Available at <a href="https://languageaccess.courts.ca.gov/court-interpreters-resources/current-court-interpreters/annual-renewal-compliance-and-continuing">https://languageaccess.courts.ca.gov/court-interpreters-resources/current-court-interpreters/annual-renewal-compliance-and-continuing.</a>

# Part 2: Requirements and Procedures for Education Providers

#### 7.0 Education Defined

*Education*, for the purposes of these requirements, is an educational activity relevant to court-related interpreting that offers development of existing skills; bridges identified knowledge gaps; addresses the knowledge, skills, and abilities (KSAs) essential for interpretation in the courts; <sup>17</sup> enhances the interpreter participant's ability to perform interpreting work for the courts or other justice partners and interpreter settings; and that is offered by a Judicial Council–approved provider. CIP may also deny approval of courses deemed not to meet the educational criteria or definition of education. (See <u>Introduction</u>, *Education Defined*.) It is recommended providers read this entire manual.

#### 8.0 Instructor Qualifications

Applications for CIP approval of a continuing education activity must be accompanied by a curriculum vitae (CV) or statement of instructor qualifications. For a course to be eligible for CIMCE credit, instructors must meet the following minimum requirements:

- 1. An instructor of an *interpreting skills* course must possess:
  - a. A bachelor's or postgraduate degree from a U.S. university or an equivalent degree from a foreign university; and
  - b. At least five years' demonstrated experience in courtroom, medical, or conference interpreting; and
  - c. California court interpreter certified or registered status or valid court interpreter certification from another state; <sup>18</sup> or
  - d. United States District Court federal court interpreter certification or valid court interpreter certification from another country.
- 2. An instructor of a *translation skills* course must possess:
  - a. A bachelor's or postgraduate degree from a U.S. university or an equivalent degree from a foreign university; and
  - b. At least five years' experience as a professional translator; and
  - c. Credentials from a recognized U.S. professional translators' association or a university degree in translation.

<sup>&</sup>lt;sup>17</sup> The KSAs are available at https://www.courts.ca.gov/documents/KSAs.pdf.

<sup>&</sup>lt;sup>18</sup> Interpreter instructors from other states must have passed the National Center for State Courts certification exams currently used in California or equivalent certification exams recognized by California.

- 3. An instructor of *any other course* must possess:
  - a. Required and valid credentials to practice their profession or trade (an academic degree, license, certificate, etc.); and
  - b. At least five years' experience in the profession or trade; and
  - c. Experience delivering professional education.

The Judicial Council may waive the academic degree requirement for uniquely qualified individuals who do not possess a formal academic degree but who meet all other requirements. Requests for waivers will be reviewed on a case-by-case basis. Requests must be made in writing.

#### 9.0 Application Procedures

All education providers must adhere to the following requirements for requesting CIP approval for Court Interpreter Minimum Continuing Education:

- 1. The provider must submit a completed and signed application form in English for the course to be considered.
- 2. If applying for multiple courses, the provider may list each course on a single application; all required information for each course must be attached on a separate document.
- 3. The term *approved continuing education activity* or any phrase indicating approval by CIP may not be used in any promotional materials unless approval has been granted.
- 4. If approval is pending, promotional materials should include this statement: "Application has been submitted to the Judicial Council of California's Court Interpreters Program for Court Interpreter Minimum Continuing Education credit."<sup>19</sup>
- 5. The application and all supporting documents must be in **English** and include:
  - a. A description of the continuing education activity or program that establishes instructional goals, objectives, and learning outcomes and demonstrates relevancy to court interpreting;<sup>20</sup>
  - b. The course agenda or syllabus, in English, that states the delivery method (see <u>section 12.0</u>) and a clear, concise description (a current course catalog is acceptable);

<sup>19</sup> The use of the Judicial Council of California or Court Interpreter Program logo or indication of sponsorship is strictly forbidden unless prior authorization or sponsorship has been approved.

<sup>&</sup>lt;sup>20</sup> A *goal* is an overarching principle that guides decision-making. *Objectives* are specific, measurable steps or an activity taken to meet the stated goal.

- c. The date and number of hours (lunch breaks must be provided for courses exceeding five hours; homework is not counted for CIMCE); and
- d. An instructor statement of qualifications or a current CV demonstrating ability and education that qualifies one to teach the course, except for fee-exempt providers.
- 6. A fee of \$50 per course for which a CIMCE number is requested; payment must accompany the application or, if the application is electronically submitted, mailed separately (see section 9.2, *Application Fees and Submission*).
- 7. Applications will not be processed until payment is received.
- 8. Illegible, hard-to-read, or incomplete applications will not be considered and will be returned to the provider with a request for missing information or clarification. This complication will delay approval of the application.

**Note:** Approval is usually granted for one calendar year only; providers who will offer the same educational activity without change to content, hours, or instructors may apply for approval for up to a three-calendar-year period.

#### 9.1 Interpreters Teaching a CIP-Approved CIMCE Activity

1. CIMCE credit for teaching a CIP-approved activity is granted as non-instructor-led CIMCE credit and is computed at the rate of 3 hours' preparation time for each hour of instruction, plus instruction time.

Example: The first time you teach a 1-hour class, you will receive 3 hours of non-instructor-led CIMCE credit for preparation plus 1 hour of non-instructor-led CIMCE credit for the presentation, for a total of 4 hours of non-instructor-led CIMCE credit. The second time you teach the course in the two-year compliance period, you will not receive CIMCE credit.

- 2. The maximum amount of CIMCE credit granted for teaching a CIP-approved activity is 20 non-instructor-led hours. Credit is granted only once for the activity within a two-year compliance cycle.
- 3. A CIMCE number for teaching a CIP-approved activity in an accredited college, university, state court, or approved educational or governmental institution will be assigned to the instructor upon application and submission of proof of having taught the course.<sup>21</sup>
- 4. There is no fee for teaching at fee-exempt institutions (see section 3.3).

<sup>&</sup>lt;sup>21</sup> Teaching interpreter training courses is approved for instructors of those courses, if all requirements are met.

#### 9.2 Application Fees and Submission

- 1. The nonrefundable application fee for education activities is \$50 per activity or course, not to exceed \$300 per year, provided the applications are submitted at the same time.<sup>22</sup>
- 2. The nonrefundable application fee for conferences, interpreter vacations, and some multiday activities is \$300.
- 3. Approval is granted for one calendar year only.
- 5. Providers that offer the same educational activity without change to content, hours, or instructors may apply for approval for up to three calendar years. Application fees of \$50 per activity and a maximum of \$300 per year remain the same.
- 6. The following information must be submitted for each course application:
  - a. Goals and objectives;
  - b. Course outline and agenda, including breaks and lunch (CIMCE credit not given for meal breaks), with clear times indicated;
  - c. Statement of instructor qualifications (not required for fee-exempt providers);
  - d. Promotional materials, if available;
  - e. Method of delivery; and
  - f. Name of provider or institution.
- 7. Applications may be submitted via email to <u>cimce@jud.ca.gov</u>. The name of the course or provider should be indicated in the subject line of the email.

Materials and/or application fees in the form of a check, cashier's check, or money order may be mailed to:

Judicial Council of California Court Interpreters Program 455 Golden Gate Avenue San Francisco, California 94102

**Note:** Please allow up to 30 business days to process your application, and be aware of the following:

 Providers who submit applications for approval of continuing education activities that have concluded will not necessarily be approved retroactively; retroactive approval is at

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<sup>&</sup>lt;sup>22</sup> Interpreters may submit a single application for multiple courses provided that each course is listed on the application and an attached document for each course contains all the required information. CIP recommends submitting the application via email as a PDF to <a href="mailto:cimce@jud.ca.gov">cimce@jud.ca.gov</a>. Allow up to 30 days for review and approval.

- the discretion of CIP for providers of an educational activity. An exception is made for interpreters who have taught a course and are applying for CIMCE approval.
- Within the same calendar year, an approved educational activity may be offered on more than one occasion, or at more than one location, without submission of a new application for approval, provided that no substantive changes are made to the activity content, hours, or faculty.
- Incomplete or illegible applications—or applications lacking payment, required information, or documents—will not be considered. The applicant will be notified and will need to submit the required documentation as requested in order for the application to be processed.
- Incomplete applications will be returned or held.

#### 10.0 Maintenance of Records

- 1. The provider of an approved continuing education activity must keep the following records for five years after the activity concludes and furnish them on request at no cost to the Judicial Council:
  - a. The letter or notice of course approval issued by CIP;
  - b. A roster of attendance with the participants' full names, signatures, or initials; and
  - c. A copy of the certificate or letter of completion issued to the participants.
- 2. All providers of a continuing education activity must notify CIP of any changes to organizational structure or personnel responsible for the continuing education activities, including name and address changes, within 30 days after the change.
- 3. Within 60 days of completion of an approved continuing education activity, the provider must issue a document to each participant to certify attendance. The document may be a letter, grade slip, transcript, or certificate of completion. A certificate of completion must not contain any language that could be construed as constituting interpreter certification.
- 4. All documents (except for university or college transcripts) must contain the following:
  - a. Name of the interpreter attendee and, optionally, their certification or registration number or other identification number;
  - b. Course title, course date or dates, and CIMCE number;
  - c. Provider's name and address;
  - d. Number of continuing education hours; and
  - e. Signature or seal of the instructor or the provider.

- 5. The provider of an approved continuing education activity must distribute an evaluation form that allows the interpreter to assess the course and submit comments. The provider must retain the evaluation forms for at least five years and submit them to the Court Interpreters Program upon request and at no cost.
- 6. The letter or notice received from CIP approving a course for CIMCE **must** not be distributed to attendees as verification of course attendance.

## 11.0 Professional Conferences or Educational Activities Outside of the United States

In the case of a conference at which multiple continuing education activities will take place, including those held outside of the United States, or for educational activities that are advertised as being part of interpreter vacations, the sponsoring entity or attendee must submit the following:

- 1. A single application for all workshops, with an Excel file or Word chart that lists all required information, to allow CIP to evaluate course content; or
- 2. A single application for all workshops occurring on the same day; and
- 4. A conference fee of \$50 per presentation (maximum of \$300), or a fee of \$300 for an interpreter vacation.

**Note:** If you are an attendee, approval of your application is *not* guaranteed. Approval is guaranteed if the application was submitted by the provider and approved by CIP for CIMCE.

#### 12.0 Education Delivery Methods

There are several ways to offer educational activities. Regardless of method, the activity must meet all the requirements of an educational activity as stated in these requirements to ensure that professional court interpreter education meets the demands of the profession.

- 1. Live, instructor-led distance learning: Student and instructor are not in the same location but a forum is provided for instruction that allows for live interaction between participants and faculty during the course. The instructor is present during the entire activity and can interact with the students and answer questions. Distance education includes courses offered over the internet, through webinars, via videoconferencing, on interactive satellite broadcasts, and via electronic device applications.
- 2. *Non-instructor-led distance learning*: Most of the learning is not led by an instructor but has a specific structure and outcomes. Examples of courses that may be considered for non-instructor-led CIMCE credit include online courses with no live instructor or public lectures on relevant topics by subject-matter experts.

- 3. In addition to the requirements stated in <u>section 9.0</u>, *Application Procedures*, providers of a distance learning course or workshop must comply with the following:
  - a. Inform students of the specific technology required for participation;
  - b. For live, instructor-led distance learning, have instructors available to students in person or by phone or email during the course or workshop; and
  - c. For live, instructor-led activities, establish a system that provides proof of full attendance and completion within the parameters of the medium.

#### 13.0 Judicial Council Course Audits

CIP may request the records of a provider at any time or send a representative to attend any approved continuing education activity. If CIP staff or a designated representative attends a course, the following will apply:

- 1. If a course will be attended by CIP staff or a representative, CIP will notify the provider no less than two weeks before the course with the name of the attendee.
- 2. Representatives for CIP will not be required to pay the course fee.
- 3. The provider may request feedback from CIP following the completion of the course.

## Appendix A: Suggested Educational Topics for Continuing Education

**Note:** This list of possible topics for study is not a comprehensive list or an inventory of all approved subject matter with guaranteed approval. All educational activities are subject to approval by the Judicial Council's Court Interpreters Program.

#### **Skill Areas**

- Consecutive interpreting skills techniques and skills practice
- Developing memory skills
- Interpreting skills for conference, immigration, medical; test preparation courses do not qualify
- Note taking
- Sight translation skills
- Simultaneous interpreting skills: beginning and advanced techniques and skills practice

#### Language Skills

- Contrastive analysis and grammar (language pairs)
- Advanced vocabulary/grammar (should include instruction in the target language)
- Correct pronunciation
- Dialects/regionalisms
- Etymology, linguistics
- Translation courses
- False cognates
- Syntax
- Diction (accent reduction)
- Voice protection

#### **Knowledge Areas**

- Arraignments, hearings, motions
- Civil law
- Civil rights history
- Conference interpreting and procedures
- Constitutional law
- Contracts
- Courses in law
- Courtroom protocols and procedures
- Criminal or civil investigation
- Cultural competency
- Cybersecurity and the law
- Diversity
- Domestic violence
- Drug and alcohol testing
- Drug terminology

- Elder abuse
- Ethics
- Family law
- Fingerprints
- Forensic pathology
- History of law
- Supreme Court rulings and history
- Role of government
- Immigration court interpreting and procedures
- Implicit bias
- International law/contracts
- Investigative procedures
- Juvenile proceedings (dependency, delinquency, child support, Indian Child Welfare Act)
- Law enforcement terms and procedures
- Legal advice versus legal information
- Legal precedents
- Legal procedure in other countries
- Legal terminology
- Maritime law
- Medical interpreting and procedures
- Mental health proceedings
- Changes in the law and statutes
- Sentencing procedures
- Sex offenses
- Street slang and idioms
- Unlawful detainer
- Vicarious trauma
- Weapons and ballistics

# Appendix B: Qualifying Professional Interpreting Assignments

Government Code section 68562(d) provides, in part, that "[t]he Judicial Council shall adopt standards and requirements for interpreter proficiency, continuing education, certification renewal, and discipline."

To maintain proficiency in the duties required of a court interpreter, and to meet compliance requirements, California certified court and registered interpreters must complete 40 professional interpreting assignments every two years. (See <u>section 4.1</u>, *Waiver of Professional Interpreting Assignments Requirement.*)

A *professional interpreting assignment* is an interpreting event that involves a legal case or other structured interaction between a limited-English-proficient (LEP) individual and a third party and that requires professional or technical interpretation in person, by video, or telephonically. Professional interpreting assignments may also include translation of written documents. Pro bono (nonpaid) assignments count toward the 40-assignment total requirement.

Examples of interpreting events include:<sup>23</sup>

- 1. Any federal, state, tribal, or administrative court proceedings, within or outside California, <sup>24</sup> in which:
  - a. Interpreters seeking approval of professional interpreting assignments performed outside the United States must retain and submit appropriate documentation, if requested, reflecting that they interpreted into (or from) English; and
  - b. Administrative court proceedings include immigration court proceedings, Social Security Administration and similar federal agency hearings, and California administrative agency proceedings such as those involving workers' compensation, Office of Administrative Hearings, Department of Industrial Relations, Unemployment Insurance Appeals Board, and Department of Motor Vehicles;
- 2. Court-ordered or court-operated services in which LEP court users ordered to participate require interpreter assistance to access the service, including family court services orientation, rehabilitation services (anger management, substance abuse), and court-ordered traffic school;
- 3. Interactions between counsel and LEP clients/defendants to litigate a legal case, including:

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<sup>&</sup>lt;sup>23</sup> For any questions regarding professional interpreting assignments, please contact the Court Interpreters Program at <u>courtinterpreters@jud.ca.gov</u>.

<sup>&</sup>lt;sup>24</sup> Each day of a multiday trial counts as one professional assignment.

- a. Depositions and deposition preparation sessions in which the LEP client is present;
- b. Case preparation sessions with attorneys (with the LEP client present);
- c. In-custody interviews (also known as "jailhouse" interviews);
- d. Mediation sessions or arbitration hearings;
- e. Settlement conferences;
- f. Probation department interviews;
- g. Witness conferences; and
- h. Psychiatric or other medical evaluations.
- 4. Self-help center services and training; and
- 5. Professional conferences (interpreting services for speaker presentations, workshops, or panels).

All interpreters must retain documentation verifying the completion of 40 professional interpreting assignments for five years and submit it to the Court Interpreters Program, if requested.

# Changes to Compliance Requirements for California Certified Court and Registered Interpreters, effective January 1, 2025

| Current Process  | Proposed Change   | Reason for Change   | Page<br>Citations    |
|--|---|---|----------------------|
| The compliance cycle runs from September 15 to June 30 of the following year (9.5 months). The first deadline is December 31.  | Starting in 2025, shorten the compliance cycle to 5 months in the same calendar year (July 1 to last business day in November).   | Cycle ends in same calendar year to avoid confusion among interpreters.  Avoids rush of interpreters trying to meet deadline during December holidays.  | Pages 4,<br>5, 6, 11 |
| There is a late fee of \$50 assessed for nonpayment of annual renewal fee, due January 1 thru last working day in February.  Interpreters who still haven't paid by February are suspended as of March 1 and must pay \$400 by June 30 to come back into compliance. | Starting in 2025, remove all late periods for payment or attestation.  There will be no late periods and interpreters who are late will be suspended on a long-term basis.  | Remove late fees and make the reinstatement process clearer and easier for interpreters.  | Pages 4,<br>5        |
| Interpreters who fail to comply by June 30 of the compliance cycle have their credential permanently revoked and must retake all examinations to re-enroll and be reinstated.  | Starting in 2025, replace permanent revocation with a long-term suspension policy that enables the interpreter to come back into compliance at any time without having to retake all the required interpreter examinations.  A suspended interpreter would have to pay a reinstatement fee of \$250 plus the \$100 annual renewal fee to be reinstated. | Would remove revocation/requirement to retake all examinations and replace with long-term suspension status for interpreters.  Makes it easier for interpreters to come back into compliance. | Pages 5,<br>11, 12   |

| Current Process   | Proposed Change  | Reason for Change  | Page<br>Citations  |
|---|--|--|--------------------|
| Payment of annual renewal fees may be made by check, money order, or cashier's check; or as otherwise instructed by CIP.  Interpreters needed to attest to completion of compliance requirements on a paper form. | Interpreters may make their annual renewal payments and attest to completion of their continuing education and professional assignment requirements online through the Court Interpreter Data Collection System (CIDCS) Interpreter Portal.  | Informs interpreters of their options to pay for compliance through CIDCS or they may send a check to JCC.  Use of CIDCS for payments is more convenient and saves staff time with processing paper forms or checks. | Pages 4, 5, 6      |
| Interpreters must complete the Judicial Council ethics workshop during their first compliance period.   | Starting in 2025, interpreters who have been credentialed for more than two years must take a newly developed online ethics refresher training for interpreters every two years along with other ethics courses that the council develops and determines should be required in the future. | Maintains interpreter familiarity with ethics and professional standards. Ethics courses provided by the Judicial Council will be periodically updated to adapt to new or evolving issues.                           | Pages 2,<br>7      |
| Interpreters must complete a minimum amount of instructor-led, approved CIMCE educational activities  | Replace "instructor-led instruction" with "live, instructor-led instruction," which can be either led in person or online with faculty   | Clarifies CIMCE qualifications, particularly for remote courses that are live and led by an instructor.  | Pages 7,<br>16, 19 |
| Interpreters can receive credit for a minimum of 15 hours of instructor-led, approved CIMCE educational activities.   | Change to a minimum of 10 hours of live, instructor-led, approved CIMCE educational activities.  | Allows interpreters to complete their requirements with more affordable and flexible options.  | Page. 7            |
| Interpreters can receive credit for a maximum of 15 hours of non-instructor-led, approved CIMCE education activities.   | Change to a maximum of 20 hours of non-instructor-led, approved CIMCE educational activities.  | Allows interpreters to complete their requirements with more affordable and flexible options.  | Pages 7,<br>8, 16  |

| Current Process                                      | Proposed Change  | Reason for Change   | Page<br>Citations |
|--|--|---|-------------------|
| Educational activities must be one hour in duration. | Change to educational activity must be at least 30 minutes.  | Allows interpreters to complete their requirements with more affordable and flexible options.               | Pages 3,<br>10    |
|  | Allow for CIP's approval of<br>"finish at your own pace"<br>types of training.   | Allows interpreters to complete their requirements with more affordable and flexible options.               | Page 8            |
|  | Add language in Appendix B to explicitly state that professional interpreting assignments do not require payment and can include translations. | Clarifies reported confusion from interpreters regarding the credit that they may report toward compliance. | Page 23           |