

# A Guide for Iowa Court Interpreters

## A. Overview

Language interpreters play a critical role in the legal process by facilitating accurate communication between the court and persons who lack – or have limited – English proficiency. Under Iowa law, anyone who cannot speak or understand the English language and who is a litigant (party to a legal proceeding) or a witness in a case is entitled to the services of an interpreter at the court proceeding. Anyone who is deaf or hard-of-hearing and who is a party to, witness at, or a participant in a case is entitled to an interpreter without expense, unless the deaf or hard-of-hearing person waives the right to an interpreter.

A court interpreter should be able to interpret everything said in court *completely and accurately*, without adding or omitting words or phrases. This is a very high standard. The stakes can be high. Inaccurate interpretation could lead to wrongful convictions – resulting in unwarranted prison time and/or deportation, wrongful decisions regarding child custody or parental rights, and other injustices. To interpret completely and accurately in court, an interpreter should have the following knowledge, skills, and abilities:

- A college-level vocabulary in both languages
- Knowledge of legal terminology, slang terms and phrases, and technical terms
- Exceptional memory skills and verbal agility
- Training on court interpreter ethics and professional conduct
- Experience interpreting in court

This Guide explains Chapter 47 of the Iowa Court Rules, which regulate qualifications and appointment of court interpreters. The guide also explains the steps interpreters must follow to be compensated for their services. If you have other questions after reading this Guide, you may contact the:

**Office of Professional Regulation (OPR)**  
1111 East Court Avenue  
Des Moines, IA 50319  
Phone: 515.348-4670  
Email: [court.interpreter@iowacourts.gov](mailto:court.interpreter@iowacourts.gov)

Interpreters can also find almost all of the information in this Guide on the Iowa courts' website by clicking on the links below:

### **How to Become a Qualified Court Interpreter in Iowa:**

<https://www.iowacourts.gov/opr/court-interpreters/how-to-become-an-interpreter/>

### **Information for Current Court Interpreters:**

<https://www.iowacourts.gov/opr/court-interpreters/how-to-become-an-interpreter/>

## B. Minimum Qualifications for Court Interpreters in Iowa

Iowa Court Rule 47.2 lists the minimum qualifications for all court interpreters:

1. Have the equivalent of two years or 48 credit hours of college courses or have completed the requirements to qualify for the Iowa Roster of Court Interpreters (see below).
2. Be at least 21 years old.
3. Complete an official Application to be an Oral (or Sign) Language Court Interpreter and pay the application fee (\$25).

4. Sign an oath to abide by the Code of Professional Conduct for Judicial Branch Interpreters (Chapter 48 of the Iowa Court Rules).

5. Pass a criminal history check. Interpreters must complete a "release/waiver" form to authorize the Office of Professional Regulation staff to conduct the criminal history search. NOTE: Persons convicted of a felony, or convicted of any less serious crime that involves dishonesty or moral turpitude, are prohibited from interpreting in Iowa's courts unless the Office of Professional Regulation (OPR) determines otherwise.

Note: Forms for the Application, Release/Waiver, and Registration are available at:

<https://www.iowacourts.gov/opr/court-interpreters/how-to-become-an-interpreter/>

### C. Iowa's Roster of Court Interpreters

Under Chapter 47 of the Iowa Court Rules, an interpreter who is on the statewide Roster of Court Interpreters – and who is reasonably available – will be appointed before a non-roster interpreter.

#### Requirements for being on the Roster of Court Interpreters

In addition to meeting the basic qualifications for court interpreters listed in section B. (above), an interpreter must complete the following requirements to be listed on the Roster:

##### 1. Attend a two-day court interpreter orientation program

Interpreters must attend a two-day orientation program before they can take the written tests for court interpreters (see below). The Iowa Interpreters and Translators Association (IITA) coordinates the orientation program. For further information, go to the IITA website at:

<https://iitanet.org/events/court-interpreters-workshop/>

The registration fee is \$155.

##### 2. Pass two written exams for court interpreters (Registration fee = \$50 for Iowa residents)

a. **Written exam 1** is the standard written exam for court interpreters developed by the NCSC's Language Access Services Section (hereafter NCSC). With a total of 135 multiple-choice questions (in English), it tests an interpreter's knowledge of:

(1) General English vocabulary (50 questions) and slang (25 questions);

(2) Legal terms (36 questions), court-related issues (14 questions), and ethics (10 questions).

To pass this exam, interpreters must correctly answer 80% of the 135 questions.

b. **Written exam 2** is a multiple-choice exam (25 questions in English) on Iowa's Code of Professional Conduct for Court Interpreters and Translators (Chapter 48 of the Iowa Court Rules). To pass this exam, interpreters must correctly answer 75% of the questions.

In addition to the requirements in C.1 and C.2 above, **oral** language interpreters must:

##### Pass the ALTA Speaking and Listening Test (Registration fee = \$65 for Iowa residents)

ALTA is a nationally recognized language services and testing company. Interpreters seeking placement on the official roster must pass ALTA's Speaking and Listening Test with a score of at least 11 on a scale of 12. The ALTA tests are given at the Office of Professional Regulation and in each of the

judicial districts. The test is a language fluency test conducted by telephone in the interpreter's non-English language.

In addition to the requirements in C.1 and C.2 above, ***sign*** language interpreters must:

- (1) Meet the minimum requirements to be a court interpreter (in Rule 47.2),
- (2) Be licensed by the Iowa Board of Sign Language Interpreters and Translators pursuant to Iowa Code chapter 154E (except as allowed under Iowa Code section 154E.4), and
- (3) Meet the criteria to be at least a class B sign language interpreter under Iowa Court Rule 47.5(2).

#### *Schedule for the written exams*

The written exams are conducted on at least two dates each year. The schedule is available at:

<https://www.iowacourts.gov/opr/court-interpreters/how-to-become-an-interpreter/>

#### *Registration forms for the court interpreter exams*

Registration forms are also available at the link above.

#### *Waiver of Roster requirements*

The OPR may waive the NCSC's multiple choice exam or Iowa's ethics exam for interpreters who have passed the same exam within the last five years in another state that administers the NCSC's court interpreter exams. The OPR may also waive the requirement of the court interpreter orientation program if the interpreter has taken a comparable program within the last three years in another state.

## **D. Court Interpreter Certification in Iowa**

Pursuant to Chapter 47 of the Iowa Court Rules, Iowa's courts will appoint a certified court interpreter, if one is reasonably available, before they will appoint a noncertified interpreter. Certified court interpreters also receive a higher hourly fee than noncertified interpreters. To become a certified court interpreter in Iowa, an interpreter must meet the requirements to be on the Roster of Court Interpreters (see above) – AND – complete the following additional steps:

### **1. Certification for sign language interpreters**

To be classified as a certified court interpreter for sign language, interpreters must hold a permanent license from the Iowa Board of Sign Language Interpreters and Translators and obtain a Specialist Certificate: Legal (SC:L) or a conditional legal interpreting permit—relay (CLIP-R) from the National Testing System of the Registry of Interpreters for the Deaf (NTRID). For more information on the requirements for sign language interpreters in Iowa, see the Iowa Department of Human Rights website at:

<https://idph.iowa.gov/Licensure/Iowa-Board-of-Sign-Language-Interpreters-and-Translators>

### **2. Certification exams for oral language interpreters** (Registration fee = \$250 for Iowa residents)

To achieve certification in Iowa, an oral language court interpreter must pass the certification exams offered by one of the following organizations:

- The Federal Court Interpreter Certification Program  
– See: <http://www.ncsc.org/fcice/>
- The National Association of Judiciary Interpreters and Translators

– See: <https://najit.org/>

- The National Center for State Courts (NCSC) Language Access Services Section  
– See: <http://www.ncsc.org/Education-and-Careers/State-Interpreter-Certification.aspx>

Iowa's Office of Professional Regulation (OPR) offers the NCSC's certification exams at least twice each year. For a list of languages for which certification exams are currently offered by NCSC, go to: <http://www.ncsc.org/Services-and-Experts/Areas-of-expertise/Language-access/Written-and-Oral-Exam-Resources.aspx>

### **3. Contents of the certification exam for oral language interpreters**

The certification exam includes three components to assess an interpreter's ability to completely and accurately interpret in three different modes used in court and other legal proceedings:

- Oral interpretation of written two documents (one in English and one in the other language)
- Consecutive interpretation (primarily done during witness testimony)
- Simultaneous interpretation (continuous interpreting; e.g., during an attorney's closing argument)

In Iowa, a trained OPR staff member administers the oral interpretation certification exam. The exam requires an interpreter (examinee) to interpret digitally recorded court testimony, other recorded in-court statements, and two one-page documents from English to their other language – and vice-versa – as needed. The interpreter's spoken interpretation is continuously recorded by the examiner using a high quality digital recording system. The digital audio recording of the interpreter's exam is sent to a certified court interpreter who has been trained by the NCSC as a certification exam rater.

Overall, the national pass rate for the NCSC's certification exams is about 10 to 20 percent, so interpreters must be well-prepared to take these exams.

### **4. Requirements for taking the NCSC's oral interpretation certification exams in Iowa**

To qualify to take the NCSC's certification exams in Iowa, interpreters must fulfill all the requirements to be on the Roster of Court Interpreters (above).

### **5. Requirements for passing the NCSC's certification (oral) exam in Iowa**

To become certified in Iowa, interpreters must score at least 70 percent correct on each of the three parts of the certification exam in a *single test session*. This is a high standard among the NCSC states. For more information on the certification exams, go to:

### **6. Reciprocity of certifications awarded by states that use or recognize the NCSC exams**

Most state court systems offer and administer the NCSC's certification exams. States that do not administer the NCSC's exams typically recognize an interpreter as "certified" if the interpreter took the NCSC's exam in another state and passed the exam by meeting the NCSC's high standards for passing it. Iowa maintains a high standard for certification (i.e., an interpreter must all three parts of the exam in a single test session), so an interpreter who becomes certified in Iowa will be recognized as certified in almost all other states. However, many states allow interpreters to pass all three parts of the exam over multiple test sessions, by allowing interpreters to re-take just the parts of the exam that they failed in previous test session(s). If an interpreter passes the NCSC's certification exam in another state by passing the three parts of the exam in multiple test sessions, the interpreter will be considered a Class B interpreter in Iowa.

### **7. Schedule for oral language certification exams in Iowa**

The Office of Professional Regulation will offer the NCSC's certification exams each year, usually in May and September. For more information go to:

<https://www.iowacourts.gov/opr/court-interpreters/how-to-become-an-interpreter/>

## 8. Preparing for the oral language certification exams

For information on preparing for the oral certification exams, go to:

<http://www.ncsc.org/Education-and-Careers/State-Interpreter-Certification/Self-Assessment-Tools.aspx>

## E. Policies on Re-taking the Exams for Court Interpreters

### 1. Written exams

There are two written exams for court interpreters: (1) the standard NCSC exam, with 135 multiple-choice questions; and (2) a multiple-choice exam on the Code of Professional Conduct for Court Interpreters and Translators, with 25 questions. Interpreters who pass only one of the two written exams must re-take just the exam(s) they did not pass in the first test session. According to the NCSC's guidelines, an interpreter can take the same version of a written exam only one time in a 12-month period and should never be allowed to take the same version more than twice. There are only two versions of the NCSC's multiple-choice test (135 multi-choice questions).

### 2. Oral interpretation certification exams

The NCSC enforces the standard that no applicant can take the same version of an exam within six months. OPR regularly rotates the versions of the exams for which there are multiple versions.

## F. Priorities in the Appointment of Court Interpreters

Pursuant to Iowa Court Rule 47.3(4), when a court needs a language interpreter, the court will appoint the highest-ranking interpreter who is reasonably available; and within each classification the courts will give preference to interpreters who are on the statewide Roster. Court interpreters are ranked in the following order of preference:

- ❑ **Class A** – Certified oral & sign language court interpreters: meet Iowa's standards for certification
- ❑ **Class B** – Noncertified oral & sign language court interpreters: exceed basic Roster requirements\*
- ❑ **Class C** – Noncertified oral language court interpreters on the **Roster**: have met basic Roster requirements. NOTE: There are no Class C sign language interpreters.
- ❑ **Unclassified** – Noncertified oral language court interpreters **not on the Roster**:

\***Class B** noncertified **oral** language interpreters include those who have met Roster requirements and at least one of the following requirements:

- Took a court interpreter certification exam and failed to achieve scores in a single test session that meet Iowa's standards for certification, but obtained an average of at least 65 percent on the three parts of the exam.
- Became certified in a state that uses the NCSC certification exams, but the interpreter's scores did not meet Iowa's standards for passing.
- Completed a college-level court interpreter training program approved by the state court administrator (e.g., at the Des Moines Area Community College) and obtained a 3.0 GPA or higher.

## G. Process for Appointment of a Court Interpreter

Rule 47.3(2) requires a party in a court case needs an interpreter, that person - or that person's attorney - should file an Application for Appointment of a Court Interpreter. When a court learns that it will need an interpreter, Court Rule 47.3(8) requires *court personnel* to locate and schedule the highest classified interpreter who is reasonably available. The court will then issue an Order Appointing a Court Interpreter to officially designate that interpreter to interpret for the limited English proficient (LEP) party or witness. (Note: The interpreter will need a copy of this order to submit with the interpreter's fee claim after completion of the agreed upon interpreting services.)

When a hearing or trial is expected to require more than four hours, or if it is expected to be complex, a second interpreter must be employed to provide sufficient breaks for the interpreters without regularly disrupting the trial or hearing (see Rule 47.3(12)).

## H. Cancellation of Services by a Court Interpreter

If an interpreter has agreed to provide services at a court proceeding, but subsequently learns that she or he cannot fulfill that obligation (e.g., due to illness, family matter, or a conflict), the interpreter must follow the steps outlined in Rule 47.3(13) – *Interpreter cancellation and substitution*. In this situation, the interpreter must promptly attempt to find a substitute interpreter with a classification equal to or greater than the interpreter originally appointed for the scheduled event and who resides in the county where the proceeding is scheduled – or – in a county contiguous to that county.

1. If successful in finding a qualified substitute, the originally appointed interpreter *must promptly* contact the clerk of district court in the county where the proceeding is scheduled and inform that office regarding the substitution (date and time of the hearing, case number, name of the substitute interpreter, and the substitute interpreter's classification and phone number).
2. If unsuccessful in finding a qualified substitute, the originally appointed interpreter *must promptly* contact the district court administrator's office (see Table 2, below) or the clerk of district court in the county where the proceeding is scheduled and inform them that you will be *unable* to interpret for the proceeding for which you had been appointed to interpret and that they will need to find a substitute interpreter.

## I. Compensation of Court Interpreters

### 1. Fees paid to court interpreters

On September 14, 2017, the Iowa State Court Administrator issued a new Administrative Directive on Court Interpreter and Translator Compensation, which can be found at:

<https://www.iowacourts.gov/opr/court-interpreters/how-to-become-an-interpreter/>

The Administrative Directive governs a variety of issues involved in the compensation of court interpreters, so interpreters should become familiar with the terms in the Directive. Section A. of the Directive establishes the hourly fees for court interpreters:

*Sign language interpreters:*

- Class A (certified): \$70
- Class B (noncertified): \$45

*Oral language interpreters:*

- Class A (certified): \$55
- Class B (noncertified): \$45

- Class C (noncertified), but on the statewide Roster of Court Interpreters: \$40
- Unclassified (noncertified) not on the statewide Roster of Court Interpreters: \$25

## 2. Determining who pays court interpreters

The Order Appointing a Court Interpreter should indicate which office will be responsible for paying the court interpreter. In Iowa, court interpreters are typically paid by one of the following four offices:

- State public defenders' office (if a party received a court-appointed attorney who is not a local public defender),
- Local public defender office (if a public defender has been appointed to represent the party),
- State court administration (pays interpreters in all civil cases), or
- County Auditor's Office (pays sign language interpreters)

A helpful chart showing who pays interpreters under various circumstances, go to:

<https://www.iowacourts.gov/opr/court-interpreters/how-to-become-an-interpreter/>

If there is *any doubt* about which office will pay for a court interpreter appointed by the court, state court administration will pay the interpreter – even if the person needing the interpreter is not indigent.

Note: Pursuant to Iowa Code section 622A.3, the Iowa courts are required to charge the cost of oral language interpreters to the parties in the same manner as court costs at the end of a case. In addition, the courts are typically required to charge at least some portion of interpreter fees to criminal defendants who are paid by the SPD, depending on the person's ability to pay. Sign language interpreter fees are never charged back to a deaf or hard-of-hearing person.

Law enforcement agencies and prosecuting attorneys also use interpreters when interviewing LEP defendants or witnesses while investigating a crime or performing other law enforcement functions. These functions are not part of the court process, so a court order is not required to appoint an interpreter. This also means that the city, county, or state agency utilizing the interpreter in these situations is responsible for paying the interpreter. Thus, interpreters employed by the Department of Corrections or Correctional Services, State Highway Patrol, city police, county sheriff, county attorney, or city attorney must file payment claims with the appropriate governmental agency. Any questions about payment procedures should be directed to the city, county, or state agency that originally contacted the interpreter for interpreting services.

## 3. Steps for filing a claim for compensation

➤ **Note: There is a helpful set of instructions on which documents an interpreter must submit to get paid on the Iowa courts' website at:**

<https://www.iowacourts.gov/opr/court-interpreters/how-to-become-an-interpreter/>

The instructions are summarized here:

- a. After completion of court interpreter services, **complete and sign a "Fee Itemization Form and Court Order Approving Claim for Court Interpreter Services."**

The form is available on the Iowa courts' website at:

[http://www.iowacourts.gov/Administration/Court\\_Interpreters/Forms/](http://www.iowacourts.gov/Administration/Court_Interpreters/Forms/)

- b. **Submit to the court: (1) the Fee Itemization Form with your signature and (2) a copy of the court order appointing you to be the interpreter for the case or proceeding -- to obtain the judge's signature approving your fee claim.** You can obtain a judge's signature on your Fee Itemization Form in one of two ways:
  - Complete and sign the Fee Itemization Form and submit it to the judge before you leave the courtroom – **or** –

- After the proceeding, complete and sign the Fee Itemization Form, then submit the Fee Itemization Form and a copy of the court order appointing you to interpret in the case to the clerk of district court office. A clerk will obtain the judge's signature on the bottom of the Fee Itemization Form and return a copy of the documents to you.

**c. Deliver the required documents to the office that will pay the interpreter**

After receiving a judge's signature on your Fee Itemization Form, deliver the required documents to the office that will pay the interpreter, which should be indicated in the Order Appointing a Court Interpreter.

**d. Deadline for submitting interpreter/translator fee claims**

Section P in the State Court Administrator's *Directive on Court Interpreter and Translator Compensation* (September 2016) requires interpreters and translators to file their fee claims to the office that will pay the interpreter within 45 days after completion of court interpretation or translation services.

To meet this deadline, it is ***strongly recommended*** that interpreters submit their fee claim documents to the court *within 40 days* (preferably less) after completion of interpreting services. That will give the interpreter five days to:

- a. Obtain the a judge's signature approving the interpreter's fee claim and
- b. Deliver the required documents to the office that will be paying the interpreter's fee claim within 45 days after completion of interpreting services. You and a judge must sign the form.

Note: Court interpreters are generally responsible for submitting fee claim documents to the appropriate office. However, for *less experienced interpreters* and interpreters from *out-of-state*, clerk's office staff – or the district court administrator's office (see Table 1, below) -- will assist interpreters in getting copies of the court documents necessary to include with their claim forms and helping to ensure that the fee claim form and supporting documents are delivered to the appropriate office.

**Table 1  
District Court Administration Offices**

**District 1 (Northeast)**

Black Hawk County Courthouse  
316 East 5th Street, PO Box 9500  
Waterloo, IA 50704-9500  
**(319) 833-3332**

**District 5 (South central)**

Polk County Courthouse  
500 Mulberry Street,  
Des Moines, IA 50309  
**(515) 286-3198**

**District 2 (North central)**

220 N. Washington Ave.  
Mason City, IA 50401  
**(641) 494-3611**

**District 6 (East central)**

Linn County Courthouse  
P.O. Box 1468  
Cedar Rapids, IA 52406-1468  
**(319) 398-3920**

**District 3 (Northwest)**

Woodbury County Courthouse  
7th and Douglas  
Sioux City, IA 51101  
**(712) 279-6035**

**District 7 (East)**

Scott County Courthouse  
400 West 4th Street  
Davenport, IA 52801  
**(563) 326-8783**

**District 4 (Southwest)**

227 S. 6th St., 4th Floor  
Pottawattamie County Courthouse  
Council Bluffs, IA 51503  
**(712) 328-5733**

**District 8 (Southeast)**

333 North Court Street  
Ottumwa, IA 52501  
**(641) 684-6502**

