

# Resource Guide

## MCDHH SCREENING FOR SIGN LANGUAGE INTERPRETERS & TRANSLITERATORS

Department of Communication Access Services



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## Introduction

This Resource Guide has been prepared to explain and assist you, the potential Sign Language Interpreter or Transliterators Candidate, in becoming familiar with the Massachusetts system for screening sign language interpreters/transliterators. The Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH) screens sign language interpreters/transliterators on a monthly basis (excluding July and August).

Candidates are chosen for this screening based on their training, experience, and references. This guide is intended provide an overview of our screening process as well as providing resources to help you prepare for the screening. For your convenience, we have also included several websites and suggested readings on page 23.

The MCDHH Communication Access Training and Technology Services (CATTS) department also has brochures/information sheets related to our Interpreter/CART Services. CATTS Information Specialists can be reached by calling the Massachusetts Commission for the Deaf and Hard of Hearing at (617) 740-1600 Voice, (617) 326-7546 VP or (617) 740-1700 TTY.

We hope you find this information helpful and easy to use but do not hesitate to contact us at [MCDHHScreening@mass.gov](mailto:MCDHHScreening@mass.gov) if you have any questions.

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## Sign Language Screening Application

### **What is the Sign Language Interpreter/Transliterating Screening Program?**

The MCDHH Interpreter Screening Program was initially developed in 1978 by long-time interpreter Gail Sallop while she worked for the Massachusetts Rehabilitation Commission's (MRC) Deaf Services Office. When the Massachusetts Office on Deafness (MOD) was established under MRC, the Screening Program was established and then functioned there. In 1986, MCDHH was established and it took over the Screening Program. MCDHH has been conducting the Interpreter Screenings ever since. In 2005, MCDHH developed the Deaf Interpreter Screening Program, currently the only state to have such a quality assurance program for aspiring Deaf Interpreters.

MCDHH conducts various interpreter quality assurance screenings to evaluate freelance interpreters who are not yet certified by the Registry of Interpreters for the Deaf, Inc. (RID) or other nationally recognized organizations, but who may be qualified to interpret in certain settings in Massachusetts. MCDHH-approved interpreters are considered entry-level practitioners and are referred to interpret in settings appropriate to their skill level.

The MCDHH Interpreter Screening Approval originally lasted for 4 years, but now all Screening credentials will continue in a good standing until the Screening is fully redesigned and a new, updated quality assurance system is in place. Interpreters are encouraged to continue to upgrade their skills in order to become certified by the RID or other nationally recognized organizations. MCDHH conducts Sign Language Interpreter/Transliterating screenings on a monthly basis (excluding July and August).

Candidates who successfully complete both the Interview and Performance portions of the screening are called MCDHH-approved.

### **What is the difference between interpreting and transliterating?**

Interpreting is the cultural and linguistic transmission of a message from ASL to spoken English, and vice versa. Transliterating is the transmission of a message from spoken English to a visual, manually coded version of English in conjunction with mouthing the English words, and vice versa.

The Screening application requires information evidencing the completion of an Interpreter Training Program (ITP) or other training/experience deemed equivalent, (such as The COMPASS Program for Heritage Language Interpreters or other alternative pathway), employment history, and interpreting experience.

Applicants who have not completed an ITP must demonstrate knowledge/competence in the following areas:

- ❖ ASL (advanced level)
- ❖ Deaf culture
- ❖ Interpreter role and ethics
- ❖ The interpreting process

It is preferred for applicants to also have knowledge/competence in linguistics (ASL and English), Deaf history, and ASL literature and to have had practice and/or mentor-guided interpreting experience. This can be demonstrated by attending workshops focused on those topics or college courses.

## **References**

The applicant must have three references:

- ❖ Two Deaf/Hard of Hearing consumers
- ❖ A certified ASL/spoken English Interpreter or Transliterater or Educator

All of the candidate's references must be knowledgeable about the applicant's interpreting skills and have seen the applicant interpret outside interpreting practice in the classroom. Applicants should choose references who are either nationally certified interpreters, educators of sign language/interpreting or professionals in the field of interpreting. You can find the reference form on [MCDHH website](#).

The applicant is responsible to check in with MCDHH on the status of their paperwork, and to make sure all references have been received. To check on the status of paperwork, contact the Screening and Evaluation Coordinator at [MCDHHScreening@mass.gov](mailto:MCDHHScreening@mass.gov).

Once the application is completed and approved, the applicant will be contacted to schedule an interview.

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### Fees (All fees are non-refundable)

Application	\$25
Interview	\$50
	\$75
<b>Performance Examination Fees</b>	
Interpretation	\$60
Transliteration	\$60
	\$120
<b>Re-take Fees</b>	
Re-Take Interview	\$50
Re-take the Performance Examination	\$60

The payment for the application fees can be a money order or a personal check written to MCDHH.

The payment should be mailed to:

600 Washington St  
Boston, MA 02111

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## Screening Process

The MCDHH Interpreter Screening process consists of two components: Interview and Performance. Both parts must be passed in order to be considered MCDHH-Approved. Interpreters and CART will be provided for both the Interview and Performance portions to interpret the spoken English parts for the Deaf evaluators. The interpreters and CART will not be seen during the Screening. This set up is to not interfere and distract the candidate.

All Screenings will be recorded.

When taking the Screening, you, the candidate, should wear business attire appropriate for interpreting a high-level assignment.

The Evaluation Team consists of:

- a Deaf Community member
- a Deaf Interpreter
- ASL/Spoken English Interpreter

### **The Interview**

During the interview, the Evaluation Team will ask you seven questions. Within those questions, there are follow up questions. Some of the questions will be in the form of role-play situations, and you will be asked to take on the roles assigned by the Evaluation Team. The interview will take about an hour.

The Evaluation Team will assess your knowledge of and ability to apply information regarding the NAD-RID Code of Professional Conduct (CPC), professional presentation, interpreter business practices, resources for interpreters and deaf and non-deaf consumers. It is crucial that you know several laws such as Americans with Disabilities Act and Massachusetts laws (please see the laws in the recommended reading materials section and Appendix F&G). The Evaluation Team will also evaluate the candidate's communication skills (spoken and signed) as pertains to matching consumer knowledge and experience. The interpersonal skills with consumers and allyship will be assessed. You should think of real-life examples how to apply the CPC. This resource guide, as well as other resources (see page 26) should be helpful in preparing for this part of the test.

The Evaluation Team will ask questions in sign language. Generally, candidates may respond to each question in the mode of communication most comfortable for them, so this is something you should keep in mind. Also, you or any candidate can request to see any of question/s in print. However, there are some questions where you will be specifically asked to respond in ASL or in spoken English as identified by the Evaluation Team.

### **Interview Criteria**

The criteria will explain what the Evaluation Team will assess and evaluate during the interview. Please see page 13 for the Interview Criteria.



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## **Interview Results**

**The interview is pass/do not pass. A score of 75% or higher is required to pass.**

Candidates have the option of receiving feedback from the Evaluation Team immediately following the screening, so please feel free to ask for this if you would like it.

All candidates will receive written results and a report that includes Evaluation Team's comments, where applicable. You have up to 2 years after passing the Interview in order to take and pass the Performance portion. If it has been more than 2 years, you must retake the Interview.

## **The Performance Exam**

Once you pass the Interview, you are eligible to take the Performance portion of the Screening. You have **two years** to take the Performance. You can select Interpretation, Transliteration, or both. MCDHH prefers that the candidate who selects both exams, take them on separate occasions as opposed to taking them on the same day. Performance exams may be taken on the same day if space permits, however, not back-to-back. The performance will take about an hour and half.

## **Warm-up**

Before the actual Performance examination, you will be given a 30-minute warm-up period. During the warm-up period, you will have an opportunity to watch/listen to introduction videos of the four presenters (2 deaf and 2 non-deaf) who will be shown in the actual screening. These introductions are short (up to two minutes each) to allow candidates time to review the introductions of each presenter multiple times if necessary. We suggest using the warm-up time to become comfortable with the presenters' communication styles and to become familiar with the topics on which they will be presenting. It may be helpful to practice interpreting these introductions. As for audience, you will be interpreting for a general audience who doesn't know anything about Deaf people. This should help you prepare to interpret.

## **Interpretation**

The performance examination for transliteration will include selections of approximately five minutes each:

- A. Transliterating spoken English into signed English - 2 selections
- B. Transliterating signed English into spoken English - 2 selections

## **Transliteration**

The performance examination for transliteration will include selections of approximately five minutes each:

- A. Transliterating spoken English into signed English - 2 selections
- B. Transliterating signed English into spoken English - 2 selections

## **Performance Criteria**

The criteria will explain what the Evaluation Team will assess and evaluate during the Performance exams. Please see the Interpretation (pg 14) and Transliteration Criteria (pg 17).

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Note: the criteria for the Transliteration exam are similar to the Interpretation exam. Note the asterisks in the Transliteration that indicate those criteria that are different from the Interpretation exam.

## **Performance Results**

**The performance exam is pass/do not pass. An average score of 70% or higher is required to pass.**

Candidates have the option of receiving feedback from the Evaluation Team immediately following the exam. All candidates will receive written results, including evaluator comments, where applicable. Candidates who pass the performance exam will be awarded the designation of MCDHH-Approved: Interpretation or Transliteration, or MCDHH-Approved: DI (SDI). An official letter will be sent to the candidate. A MCDHH ID card will be issued upon completion of the Statewide Contract process. The MCDHH ID card will be updated as interpreters upgrade their credential status.

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## Remote Screening

We use Zoom platform for our Screenings. You need to have a good internet speed (at least 25 MBPS but higher is recommended) preferably hardwired and not Wi-Fi. Also, you should have a private room with closed doors with good lighting. The camera's auto-focus should be disabled. This will be assessed during the Remote Screening. You will be given a Letter of Agreement discussing about privacy and use of Remote Screening. The week of your Screening, you will be meeting with the Coordinator to check the internet connection and the privacy of the room where you will be doing your Screening. During the Screening, please refrain from using your phone or any other electronic device.

All Screenings on Zoom are recorded.

As explained in the Screening process, there are interpreters and CART providers, on Zoom, their cameras will be off duration of the Screening. You can't have the closed captions on when taking the Screening.

### **Interview**

During the interview, you will see the Evaluation Team on the screen. The evaluators will ask you questions. As explained in the Interview section, you have the option of seeing the questions in written English. They will be posted in the chat.

During the role-play situations, depending on the scenario, there may be more than one character and if so, each new character will turn on their camera as they enter the room/situation.

### **Performance**

When you arrive for your warm-up, you will see the Coordinator first who will explain about the introduction videos. Then the Coordinator will turn off their camera, at which point you will see the introduction videos show up on Zoom.

During the actual Performance exam, you will only see the videos of the presenters and themselves depending on how you set up your view on Zoom. The Coordinator and Evaluation Team will have their cameras off. After the first selection, the Coordinator will turn on their camera to check on the candidate and to give time to the Evaluation Team write their notes. The process is same with other three videos.

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## Retaking Screening

### **Re-taking the Initial Screening**

If you do not pass the interview or performance portions of the Screening, you must follow through with the recommendations stated by the Evaluation Team prior to applying to re-take either portion of the screening. Prior to applying for a re-take, verification of completion of the recommended steps must be provided. Verification can be in the form of a letter from a mentor discussing what you have focused on and what progress you have made, or a certificate of completion for a workshop you attended. When you have them all, you can proceed to apply for retake and attach the verification to your application. After such verification has been reviewed by MCDHH and the recommendations have been met, the Coordinator will reach out to schedule a Screening.

### **Re-taking the Performance Screening After Not Passing**

If you have not passed the Performance portion of the screening within two (2) years of passing the Interview portion, you must repeat the entire screening process (application, references, fees, and Interview) prior to being approved to re-take the Performance portion. Prior to applying for a re-take, verification of completion of the recommended steps must be provided. When you have them all, you can proceed to apply for retake and attach the verifications to their application. After such verification has been reviewed by MCDHH and the recommendations have been met, the Coordinator will reach out to schedule a Screening.

### **Re-screening**

The MCDHH Sign Language Screening Approval credentials will continue in full force and effect until the newly redesigned Screening Program is operational. To maintain the Approved credentials, the MCDHH-Approved interpreter needs to obtain 1.2 (12 hours) of CEUs under the RID Associate Continuing Education Tracking (ACET) program each year by their anniversary date. This is the date the candidate took the Performance portion of the Screening.

MCDHH-Approved Interpreters are strongly encouraged to pursue further educational opportunities following the general guidelines of RID, Inc. for continuing education credits to upgrade their skills and ultimately obtain RID, Inc. national certification.

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# Interview Criteria

## CODE OF PROFESSIONAL CONDUCT

**Knowledge:** Candidate shows that they have a working knowledge of the NAD-RID Code of Professional Conduct.

**Practical Use:** Candidate shows the ability to apply knowledge of the CPC to particular interpreting situations.

## ROLE AND RESPONSIBILITY

**Resourcefulness:** Candidate knows and makes appropriate use of available resources.

**Role:** Candidate is able to convey the interpreter role to both Deaf & non-deaf consumers, being culturally sensitive.

## PROFESSIONAL BUSINESS PRACTICES

**Judgment:** Candidate's practices reflect their knowledge, abilities & limitations.

**Diplomacy:** Candidate demonstrates ability to negotiate in diplomatic way, open & flexible with sensitivity to both Deaf and non-deaf cultures.

## COMMUNICATION SKILLS

**Expressive Ability:** Candidate is able to answer the interview questions, signing/speaking clearly, being aware of the communication needs of consumers.

**Sign/Cultural Skills:** Candidate demonstrates ease in communication, seeking clarification as needed, demonstrating sensitivity to deaf consumers.

## PROFESSIONAL PRESENTATION

**Professional Presentation:** Candidate demonstrates applied knowledge of the role and function of the interpreter during role play(s), maintaining cultural competencies required for setting(s) with evaluators, eg: eye contact, composure, presence and pleasant demeanor.

**Attitude:** Candidate's answers demonstrate maturity, a sense of priorities, strong interpersonal skills and a willingness to grow, respecting both deaf and non-deaf cultures.

**Remote Interpreting:** Candidate's video background and lighting are appropriate, and their video quality is clear. *(only for remote Screening)*

**Attire:** Candidate is dressed appropriately for an interpreting assignment.

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# Interpretation Criteria

## ENGLISH TO ASL

### GRAMMAR

**Phrasing:** Does the candidate use grammatically correct ASL, moving comfortably from one sign to the next at an appropriate pace while incorporating natural pauses?

**Non-manual Markers:** Does the candidate show grammar on the mouth and face including adjectives, adverbs, body shift, and eye gaze indicating and agreement?

**Sign Components:** Does the candidate correctly use palm orientation, handshape, location and movement?

**Grammatical/Syntactical Features:** Does the candidate correctly manipulate signs to show inflection, size, plurality, intensity, frequency, referent, indexing, sequencing and duration of time (when present in source text)? Use correct ASL grammatical order.

**Classifiers (depicting verbs):** Does the candidate demonstrate an introductory knowledge and use of classifiers and size and shape specifiers?

**Use of Space:** Does the candidate make correct use of pictorial outlining relating to things in the environment, timeline, sequencing and spatial agreement?

**Vocabulary:** Does the candidate have adequate ASL vocabulary without excessive use of fingerspelling?

### PROCESS

**Message Accuracy:** Can you understand the candidate; does the candidate convey a message that is equivalent to the source text?

**Fingerspelling:** Does the candidate fingerspell clearly, with appropriate rhythm and grouping of letters?

**Interpretation:** Is the candidate interpreting (not transliterating)?

**Speaker Affect (tone):** Does the candidate use appropriate facial expressions to accurately convey the emotion, intonation and spirit of the speaker?

**Composure:** Does the candidate appear to be in control of the interpreting process and maintain concentration under stress; regrouping well after errors?

**Objectivity:** Does the candidate refrain from reflecting their own moods, attitude and opinions while interpreting?

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## ASL TO ENGLISH

### GRAMMAR

**Phrasing:** Does the candidate demonstrate effective and consistent grouping techniques for thoughts/concepts at an appropriate pace while incorporating natural pauses?

**Grammar:** Does the candidate deliver the message using grammatically correct, colloquial English?

**Spatial Referents:** Does the candidate correctly interpret spatial information, classifiers and embedded dialogue?

**Non-manual Markers:** Does the candidate correctly incorporate facial grammar into correct spoken English, including negation, affirmation and common ASL question types (Rh, wh and y/n questions)?

**Vocabulary:** Does the candidate make appropriate word choices equivalent to the speaker's style and message?

**Composition:** Does the candidate avoid using fillers (umm, uh, ya know, like), hedging, false starts and miscues?

### PROCESS

**Message Accuracy:** Can you understand the candidate; does the candidate convey a message that is equivalent to the source text?

**Amount of Information:** Does the candidate convey adequate information without excessive additions and/or deletions of phrases or concepts?

**Interpretation:** Is the candidate interpreting (not glossing)? Does the candidate incorporate ASL nuances of the speaker?

**Clarity:** Does the candidate use appropriate volume and enunciation? Are there any unusual speech patterns that make it difficult to understand them?

**Speaker Affect:** Does the candidate accurately convey the emotion, intonation, inflection and spirit of the speaker?

**Composure:** Does the candidate appear to be in control of the interpreting process and maintain concentration under stress; regrouping well after errors?

**Objectivity:** Does the candidate refrain from reflecting their own moods, attitude and opinions while interpreting?

### PROFESSIONALISM

**Remote Interpreting:** Candidate's video background and lighting are appropriate, and their video quality is clear. *(only for remote Screening)*

**Attire:** Candidate is dressed appropriately for an interpreting assignment.

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# Transliteration Criteria

## SPOKEN ENGLISH TO SIGNED ENGLISH

### GRAMMAR

**Phrasing:** Does the candidate use grammatically correct ASL, moving comfortably from one sign to the next at an appropriate pace while incorporating natural pauses?

**Non-manual Markers:** Does the candidate show grammar on the mouth and face including adjectives, adverbs, body shift, and eye gaze indicating and agreement?

**Sign Components:** Does the candidate correctly use palm orientation, handshape, location and movement?

**Grammatical/Syntactical Features\*:** Does the candidate correctly manipulate signs to show inflection, size, plurality, intensity, frequency, referent, indexing, sequencing and duration of time while maintaining English word order?

**Classifiers (depicting verb):** Does the candidate demonstrate an introductory knowledge and use of classifiers and size and shape specifiers?

**Use of Space:** Does the candidate make correct use of pictorial outlining relating to things in the environment, timeline, sequencing, and spatial agreement?

**Vocabulary:** Does the candidate have adequate ASL vocabulary without excessive use of fingerspelling?

**Articulation\*:** Does the candidate enunciate/mouth English word clearly and avoid ASL intrusions (tongue thrust, puffed cheeks, etc.)?

### PROCESS

**Message Accuracy:** Can you understand the candidate; does the candidate convey a message that is equivalent to the source text?

**Fingerspelling:** Does the candidate fingerspell clearly, with appropriate rhythm and grouping of letters?

**Transliteration\*:** Is the candidate transliterating (not interpreting)?

**Speaker Affect:** Does the candidate use appropriate facial expressions to accurately convey the emotion, intonation and spirit of the speaker?

**Composure:** Does the candidate appear to be in control of the transliterating process and maintain concentration under stress; regroup well after errors?



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**Objectivity:** Does the candidate refrain from reflecting their own moods, attitude and opinions while interpreting?

## **SIGNED ENGLISH TO SPOKEN ENGLISH**

### **GRAMMAR**

**Phrasing:** Does the candidate demonstrate effective and consistent grouping techniques for thoughts/concepts at an appropriate pace while incorporating natural pauses?

**Grammar:** Does the candidate deliver the message using grammatically correct, colloquial English?

**Spatial Referents:** Does the candidate correctly interpret spatial information, classifiers and embedded dialogue?

**Non-manual Markers:** Does the candidate correctly incorporate facial grammar into correct spoken English, including negation, affirmation and common ASL question types (Rh, wh and y/n questions)?

**Vocabulary:** Does the candidate make appropriate word choices equivalent to the speaker's style and message?

**Composition:** Does the candidate avoid using fillers (umm, uh, ya know, like), hedging, false starts and miscues?

### **PROCESS**

**Message Accuracy:** Can you understand the candidate; does the candidate convey a message that is equivalent to the source text?

**Amount of Information:** Does the candidate convey adequate information without excessive additions and/or deletions of phrases or concepts?

**Transliteration\*:** Is the candidate transliterating and using appropriate spoken English?

**Clarity:** Does the candidate use appropriate volume and enunciation? Are there any unusual speech patterns that make it difficult to understand them?

**Speaker Affect:** Does the candidate accurately convey the emotion, intonation, inflection and spirit of the speaker?

**Composure:** Does the candidate appear to be in control of the transliterating process and maintain concentration under stress; regrouping well after errors?

**Objectivity:** Does the candidate refrain from reflecting their own moods, attitude and opinions while interpreting?

### **PROFESSIONALISM**

**Remote Interpreting:** Candidate's video background and lighting are appropriate, and their video quality is clear. *(only for remote Screening)*

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**Attire:** Candidate is dressed appropriately for an interpreting assignment.

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# The Department of Communication Access Services

## What is the MCDHH Department of Communication Access Services?

The Communication Access Services Division (CAS) provides numerous services within MCDHH on behalf of the Commonwealth of Massachusetts, some of which are:

- ❖ Managing the Statewide Interpreter/Transliterators & CART Referral Services.
- ❖ Providing interpreter services to consumers through use of staff and contract interpreters.
- ❖ Purchasing Interpreter and CART services when no other entity is legally mandated to do so.
- ❖ Providing Interpreter, Transliterators, and Deaf Interpreter Screening services to approved qualified interpreters/transliterators as appropriate.
- ❖ Establishing the standard for fees to be charged by freelance interpreters for state paid assignments.
- ❖ Providing CART training periodically in cooperation with the Massachusetts Court Reporters Association and approve qualified applicants as CART Providers to receive referrals from MCDHH and to be paid for MCDHH-paid assignments.
- ❖ Providing advocacy to agencies, businesses and consumers regarding interpreter and CART services and related policies.
- ❖ Providing consultation and training to agencies, businesses and consumers regarding interpreter and CART services and related policies via the telephone or referral to the CATTS department for 'on-site' trainings.
- ❖ Providing consultation, technical assistance, and recommended standards of qualification for working Interpreters/Transliterators.
- ❖ Providing consultation on interpreting or CART arrangements in educational settings, and at conferences, hearings, and similar events.
- ❖ Providing advocacy on behalf of consumers and interpreters on communication access and billing issues.
- ❖ Through Workforce Development Programming, engaging in activities to increase the numbers and diversity in the available pool of qualified interpreters and CART Providers in-state.

The Communication Access Services Division is located at the administrative office of the Commission in Boston and serves as the central point of contact for the entire Commonwealth of Massachusetts.

The Division also provides communication access for MCDHH employees in accordance with the Americans with Disabilities Act (ADA).

## What is the MCDHH Statewide Referral Service?

One of the most important functions of MCDHH is the statewide Interpreter/ Transliterators and CART Referral Service. MCDHH provides referral services to meet the diverse communication needs of Deaf, Oral Deaf, Late-deafened, DeafBlind, and hard of hearing people in a variety of settings including

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medical, mental health, legal, education, employment, recreation, and social services. Although MCDHH employs staff interpreters, the majority of requests are filled by freelance Interpreters/Transliterators on statewide contract. All CART requests are filled by freelance CART Providers.

The Interpreters/Transliterators referred by MCDHH are either certified by the Registry of Interpreters for the Deaf, Inc. (RID), a nationally based professional organization, Board for Evaluation of Interpreters (BEI), or MCDHH approved. All Interpreters/Transliterators are required to adhere to a strict code of professional conduct established by RID in conjunction with the National Association of the Deaf (NAD). CART Providers are certified and approved by MCDHH to work as CART Providers. All CART Providers are required to adhere to strict standards of professional conduct.

Who uses the Interpreter/CART Referral Services?

- ❖ Requestors (persons or entities who are paying for the service)
- ❖ Consumers (Deaf, Hearing, Hard of Hearing, Late-deafened, DeafBlind, etc.)
- ❖ Providers of services (Interpreters/Transliterators and CART Providers)

### **Staffing of the Interpreter/CART Referral Services**

The Referral Services Supervisor oversees the referral service and reports directly to the Director of the Department of Interpreter/CART Services. The department has both Intake Specialists and regional Referral Specialists.

Intake Specialists handle all incoming requests and once the needed information has been compiled, they assign each request to a Referral Specialist.

Interpreter/Transliterators and CART requests are divided into geographical areas of the state and specialties with a Referral Specialist assigned to each area or specialty. The areas/specialties are:

- ❖ Boston General
- ❖ Boston Medical
- ❖ Central Mass
- ❖ Northeastern Mass
- ❖ Southeastern Mass
- ❖ Western Mass
- ❖ Statewide CART
- ❖ Statewide Court/Legal
- ❖ Statewide SUD

### **Who should make a request for an Interpreter/Transliterators or CART Provider?**

Deaf, Hard of Hearing, DeafBlind, Late-deafened, and hearing individuals representing a group or agency such as a non-profit organization, school, employer, and business are all consumers of Interpreter/Transliterators or CART Provider services. **The request for this service must come from the court, private doctor, individual or agency responsible for paying for the service.**

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## How and where can the requester make a request?

Contact: Massachusetts Commission for the Deaf and Hard of Hearing Department of Interpreter/  
CART Services

600 Washington Street

Boston, MA 02111-1704

<http://www.mass.gov/eohhs/gov/departments/mcdhh/request-an-interpreter.html>

For medical, mental health, and legal emergencies *through June 30, 2023* 24 hours/7 days

800-249-9949 TTY/Voice

Request should be made online at <http://www.mass.gov/eohhs/gov/departments/mcdhh/request-an-interpreter.html> and should include the following information

1. Name, telephone number and organization (if applicable) of the requester.
2. Date and time an interpreter/transliterators or CART Provider are needed and length of assignment.
3. Address of the assignment including specifics: the name of the building, court or clinic, which floor, room number, etc.
4. The nature and format of the meeting (e.g., medical appointment, platform lecture, staff meeting, civil or criminal court case, docket number, etc.)
5. Number and names of **all** participants.
6. Special equipment to be used (e.g., microphone, overhead projectors, video, etc.); for CART requests, specify if projection service will be required and what equipment, if any you will provide (e.g., monitor, overhead projector, LCD plate, projection screen, etc.)
7. Names of Deaf participants and their preferred mode of communication (e.g., American Sign Language, oral, signed English, etc.), if known, and names of participants who will be using CART services.
8. Names of preferred interpreters/transliterators/CART Providers. Often Deaf, hard of hearing and late deafened people have a specific service provider they prefer. A requested interpreter/transliterators/CART Provider will be contacted first in an attempt to honor these preferences. If there is an interpreter/ transliterators/CART Provider the consumer would prefer not to work with, please inform the Intake Specialist.
9. Name and telephone number of the contact person at the assignment.
10. Payment information: the name, address and telephone number of the person who is responsible for paying for the interpreter. Requests cannot be processed without confirmed billing.

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Except for emergency mental health, medical and legal requests, no assignments are accepted with less than 48 hours advance notice. Requestors are advised that requests need to be called in as early as possible, because freelance interpreters/transliterators/CART Providers often fill their schedule 3 weeks to 3 months in advance. Every attempt will be made to fill requests; however, all requests are subject to the availability of the service providers.

MCDHH makes referrals only to nationally certified or MCDHH-approved Interpreters/Transliterators in an effort to provide maximum quality interpreter services.

Priority will be given to those requests involving urgent mental health, medical and legal matters. Generally, MCDHH will notify the contact person as soon as an interpreter has been booked. A one-week notification period will be used for requests for conferences, certain meetings, and other events in which rescheduling are difficult or impossible. MCDHH will continue looking for interpreters/CART Providers until 2 business days prior to the assignment, giving the requester a 2-day notification if the job is unfilled unless otherwise stated.

### **Is there an emergency interpreter service?**

MCDHH is currently running an After House Emergency Services Pilot Program through June 30, 2023 to handle medical, mental health, and legal emergencies requiring communication access during evenings from 5:00 PM to 8:45 AM, weekends and holidays. At (800) 249-9949 TTY/Voice.

During regular daytime business hours, MCDHH will handle all emergency mental health, medical and legal request through the same phone number, (800) 249-9949.

### **Can consumers give feedback about the interpreters, transliterators, or CART Provider?**

Yes. Consumers, both Deaf and hearing can share feedback, compliments, and complaints with the Director of Communication Access Services at the Commission. The complaints will be investigated to verify accuracy and share with interpreters when appropriate. Names will not be used without the consumer's permission (see page16) but complaints filed anonymously will not be placed in the contractor's file. Consumers can also provide feedback by videophone; to do this call, contact (617) 326-7546.

The MCDHH Compliment and complaint form can be found on <http://www.mass.gov/mcdhh> and can also be used by contractors, requesters, and other participants to provide feedback about MCDHH staff, including intake and referral specialists.

## Resources to Help Prepare for the Screening

<b>The Registry of the Interpreters for the Deaf, Inc. (RID)</b> 333 Commerce Street Alexandria, VA 22314 703-838-0030 Voice 703-38-0459 TTY 703-838-0454 Fax <a href="http://www.rid.org">http://www.rid.org</a>	<b>American Sign Language Program</b> Northeastern University 405 Meserve Hall Boston, MA 02115 617-373-2463 voice 617-373-3067 tty <a href="https://www.northeastern.edu/asl">https://www.northeastern.edu/asl</a>
<b>Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH)</b> 600 Washington Street Boston, MA 02111-1704 617-740-1600 Voice 617-740-1700 TTY 617-326-7546 617-740-1880 Fax <a href="http://www.mass.gov/mcdhh">http://www.mass.gov/mcdhh</a>	<b>American Sign Language Studies</b> Northern Essex Community College 100 Elliott Way Haverhill, MA 01830 978-556-3658 Voice 978-556-3673 TTY <a href="https://www.necc.mass.edu/learn/credit-programs/american-sign-language-studies/">https://www.necc.mass.edu/learn/credit-programs/american-sign-language-studies/</a>
<b>Massachusetts RID (MassRID)</b> <a href="http://www.massrid.org">http://www.massrid.org</a>	Peer Mentorship Program Southeast Mentorship Program Wendy Watson, Director <a href="mailto:thewendys@comcast.net">thewendys@comcast.net</a>
<b>ASL/English Interpreting Bachelor Degree Program</b> Framingham State University 100 State St. P.O. Box 9101 Framingham MA 01701-9101 <a href="https://www.framingham.edu/academics/colleges/arts-and-humanities/world-languages/academics/majors/american-sign-language-major">https://www.framingham.edu/academics/colleges/arts-and-humanities/world-languages/academics/majors/american-sign-language-major</a>	<b>Mano a Mano, Inc.</b> 3700 Commerce Blvd Ste 216 Kissimmee, Florida 34741-4656 Phone number ~ Número telefónico +1-321-348-TRILINGUAL (+1-321-348-8745) voice/text <a href="https://manoamanoinc.org/about-us/">https://manoamanoinc.org/about-us/</a>
<b>Council de Manos</b> P.O. Box 27597 Washington, DC 20038 <a href="https://www.councildemanos.org/">https://www.councildemanos.org/</a>	<b>National Black Deaf Advocates, Inc.</b> P.O. Box 564 Secane, PA 19018 <a href="mailto:info@nbda.org">info@nbda.org</a> <a href="https://www.nbda.org/">https://www.nbda.org/</a>
<b>Street Leverage</b> <a href="https://streetleverage.com/">https://streetleverage.com/</a>	<b>The Compass Program</b> (For Heritage Signers < CODA>) Salt Lake City, Utah <a href="https://www.compassinterpretingprogram.com">https://www.compassinterpretingprogram.com</a>

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## Recommended Reading Materials

### **Code of Professional Conduct**

Available from RID, Inc. Publishing

<https://rid.org/ethics/code-of-professional-conduct/>

### **Communication with People who are Deaf or Hard of Hearing: ADA Guide for Law Enforcement Officers**

[https://www.ada.gov/](https://www.ada.gov/lawencomm.htm#:~:text=Under%20the%20Americans%20with%20Disabilities,treated%20differently%20than%20other%20people)

[lawencomm.htm#:~:text=Under%20the%20Americans%20with%20Disabilities,treated%20differently%20than%20other%20people](https://www.ada.gov/lawencomm.htm#:~:text=Under%20the%20Americans%20with%20Disabilities,treated%20differently%20than%20other%20people)

### **Employment Rights of People with Disabilities (Massachusetts Law)**

[https://www.mass.gov/service-details/employment-rights-of-people-with-](https://www.mass.gov/service-details/employment-rights-of-people-with-disabilities#:~:text=The%20%20Massachusetts%20%20employment%20%20discrimination%20law,no)

[disabilities#:~:text=The%20%20Massachusetts%20%20employment%20%20discrimination%20law,no](https://www.mass.gov/service-details/employment-rights-of-people-with-disabilities#:~:text=The%20%20Massachusetts%20%20employment%20%20discrimination%20law,no)  
[t%20covered%20by%20the%20ADA](https://www.mass.gov/service-details/employment-rights-of-people-with-disabilities#:~:text=The%20%20Massachusetts%20%20employment%20%20discrimination%20law,no)

### **Encounters with Reality 1001 Interpreter Scenarios**

Author: Brenda E. Cartwright

Available from RID, Inc. Publishing

[www.rid.org](http://www.rid.org)

### **Discrimination in Admission to, or Treatment in Place of Public Accommodation; Punishment; Forfeiture; Civil Right (Massachusetts Law)**

<https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter272/Section98>

### **Guidelines; Practical Tips for Working and Socializing with Deaf-blind People**

Theresa B. Smith. 1994. Sign Media.

### **Interpreting: An Introduction**

Section to read: "Role, Ethics and Etiquette of Interpreting"

Author: Nancy Frishburg

Available from: RID, Inc. Publishing

[www.rid.org](http://www.rid.org)

### **Journal of Interpretation 2000**

Section to read: "Exploring Ethics: A Case for Revising the Code of Ethics" by Dennis Cokely

Authors: various

Available from: RID, Inc. Publishing

[www.rid.org](http://www.rid.org)



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**Sign Language Interpreting Deconstructing the Myth of Neutrality**

Author: Melanie Metzger

Available on Gallaudet University Press <http://gupress.gallaudet.edu>

**So, You Want to be an Interpreter?**

Humphrey and Alcorn. 1995. H and H Publishers.

**Sign Language Interpreters: Recognizing and Analyzing Our Power and Privilege**

Available on Street Leverage

<https://streetleverage.com/2012/08/sign-language-interpreters-recognizing-analyzing-our-power-privilege/>

**Standard Practice Papers (SPP)**

Available from RID, Inc. Publishing

*Topics:*

- An Overview of K-12 Educational Interpreting
- Interpreting in Legal Settings
- Interpreting in Mental Health Settings
- Interpreting in Religious Settings
- Interpreting in Health Care Settings
- Team Interpreting
- Interpreting for Individuals who are Deaf-Blind
- Professional Sign Language Interpreting

<https://rid.org/about-rid/about-interpreting/setting-standards/standard-practice-papers/>

**The Demand Control Schema: Interpreting as a Practice Profession**

Authors: Robyn K. Dean, Robert Q Pollard, Jr

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## Appendix A: Professional Sign Language Interpreting

In Massachusetts, MCDHH makes referrals only to nationally certified or MCDHH Approved interpreters/transliterators in an effort to provide maximum quality interpreter services.

### **What is the role of an Interpreter?**

It is virtually impossible to be both an active participant and a neutral communication bridge between Deaf and hearing persons. For this reason, it is not within the realm of the Interpreter's role to advise, edit, advocate, teach or participate while in the interpreting situation. The Interpreter must faithfully transmit the spirit and content of the speakers. Deaf and hearing persons using interpreter services have the right to control the communication interaction and make their own decisions and mistakes.

### **Are there job opportunities for Interpreters?**

There are many job opportunities in Massachusetts for Interpreters seeking freelance work as well as full and part-time employment. Freelance Interpreters are self-employed and contract their work through the MCDHH Interpreter Referral Services or directly with agencies or organizations. Interpreters also work as full or part-time employees in such place as colleges, public schools, insurance companies, state agencies, mental health programs, human service agencies and computer companies.

### **Do Interpreters specialize in certain areas?**

Interpreters may have expertise and special training in some areas and not others. For example, some Interpreters work primarily in medical settings, while others work mainly in court/legal settings. Familiarity with the subject and vocabulary is crucial for effective interpreting.

### **Can any Interpreter work in courts or for police situations?**

According to the Massachusetts General Laws, Chapter 221, section 92A, only Interpreters deemed qualified and referred by MCDHH may interpret in court or police situations.

### **Can Deaf people become Interpreters?**

Yes. The professional term is "State Screened Deaf Interpreter" (SDI) or "Certified Deaf Interpreter" or CDI. The SDI/CDI works in conjunction with the hearing Interpreters. There is a growing need for SDI/CDIs in Massachusetts.

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## Appendix B: Team Interpreting: Deaf/spoken English Interpreter Teams

There are two types of interpreter team settings: Deaf/ASL/spoken English interpreter teams (using 1 CDI/SDI and one ASL/spoken English interpreter) and hearing/hearing teams of (two ASL/spoken English interpreters working together on the same assignment). These guidelines apply to team interpreting in all settings.

### Deaf/Hearing Teams

The determination to assign a CDI or SDI may be made

- ❖ At the interpreter's request, or
- ❖ At the request of a consumer, or
- ❖ By a case manager/advocate, or
- ❖ By referral staff based on the consumer's history, or
- ❖ When uncertain, to err on the side of most accessible communication

If an interpreter finds themselves in a situation where a CDI/SDI is needed or is advisable to ensure communication access for a Deaf client, contact referral, or the emergency number if this happens on a night or weekend assignment.

MCDHH assigns Deaf Interpreters for a variety of reasons and in myriad settings, working with children, Deaf people from other countries, for Press Conferences and other platform work, for DeafBlind people, in medical, legal, and mental health settings and the list goes on.

When an ASL/spoken English interpreter works with a DI, effective team interpreting requires the input and cooperation of both interpreters. For teaming assignments interpreters should plan to arrive at least 15 minutes early in order to coordinate their roles and to clarify to consumers any team interpreting protocol.

Together, the interpreters need to make the following decisions:

- ❖ The appropriate set-up for interpreters, Deaf client, and other consumers involved.
- ❖ Should the hearing interpreter take a position out of the Deaf client's field of vision?
- ❖ Should the hearing interpreter be with the Deaf Interpreter to provide a second opinion/backup?
- ❖ Does one of the interpreters have experience to share because s/he has worked in that setting or with that client before?
- ❖ Is a consecutive approach the best communication strategy?

### Who will educate the consumers about the need for/use of a team?

The interpreter should take some time at the end of the assignment to debrief, giving and seeking feedback about what worked well and what needs improvement. Remember that the goal of any

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interpreting is ensuring communication access for all consumers involved. ASL/spoken English interpreters should not view the assignment of a DI as a criticism of their own skills but rather as a strategy for full communication access.

Both interpreters should keep in mind that team interpreting is **NOT**:

- ❖ An opportunity to show how much better their skills are.
- ❖ A competition to see which interpreter the Deaf client prefers.
- ❖ An open forum for criticizing a teammate.

Some situations (for instance, college classes, business meetings, treatment programs) require the use of 2 interpreters because of the length, setting, or technical language used. MCDHH's general policy is to assign 2 interpreters to any assignment over 1 hour long, and to any platform situation which will include audience participation (i.e., question-and-answer sessions after a speaker's presentation, in-service training, etc.)

Effective team interpreting requires the input and cooperation of both interpreters. Since we all have individual strategies to meeting the demands of this work, it is important to find out what supports do or don't work for your teammate.

Current professional standards require each interpreter to view themselves as "active" or "on duty" for the full time. In those periods when you are not the primary interpreter, you should be prepared to provide support.

Support may include:

- ❖ Giving visual cues (i.e., head nodding) to let your team member know they are on target
- ❖ Indicating visual cues provided by the speaker (i.e., "this side")
- ❖ Following along on a document provided as a visual aid
- ❖ Providing backup on names/dates, etc.
- ❖ Supplying a correction for something misheard/misread by your teammate, using the method previously agreed upon

It is important to find out what method of "feeding" or providing support will be most effective for your team member. Don't assume that what works for you will necessarily work for them – we're all different! As with Deaf/ASL/spoken English interpreting teams, a few minutes after the assignment to "debrief" will help both of you to become more effective on future teaming assignments.

Again, both interpreters should keep in mind that team interpreting is **NOT**:

- ❖ An opportunity to show how much better their skills are.
- ❖ A competition to see which interpreter the Deaf client prefers.
- ❖ An open forum for criticizing a teammate.

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MCDHH expects all contract interpreters to demonstrate respect for colleagues. MCDHH also expects interpreters to use any team interpreting assignment to develop and maintain good working relationships with all our requesters, consumers and colleagues.

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## Appendix C: Educational Interpreting for Deaf and Hard of Hearing Children in Massachusetts

### **Improvements in our Educational System for Deaf and Hard of Hearing Schoolchildren**

The Commission for the Deaf and Hard of Hearing has participated in an important collaboration with the Department of Elementary and Secondary Education for many years to provide resources and expertise to improve services for deaf children in the educational system. MCDHH has a Memorandum of Understanding with DESE that focuses on several quality assurance initiatives, including professional development for teachers, educational interpreters and resources for families with deaf or hard of hearing students. DESE provides the educational expertise and in-depth knowledge of the public and private educational opportunities available to students in the Commonwealth, and MCDHH contributes a wide range of expertise regarding communication needs, technology resources, and issues important to families. The current MOU addresses the sign language communication skills needed by teachers and interpreters, and the educational expertise needed by families in order to have their children be successful in school.

### **Registration of Sign Language Interpreters who work in K-12 Schools**

In 2007, DESE established a policy requiring that individuals who provide interpreting or communication support in the classroom register with MCDHH so that those individuals could receive the professional development, peer networking, and training available from DESE and other local institutions. In 2011, the policy was incorporated into regulation at section 28.02(18) of the Massachusetts Special Education Regulations, 603 CMR 28. Further, an administrative advisory was issued in March, 2014. <http://www.doe.mass.edu/sped/advisories/2014-1.html>

### **Training and professional development of K-12 Sign Language Interpreters**

Professional development opportunities are jointly funded by DESE and other community organizations, and include workshops, preparation for proficiency testing, training for content-specific vocabulary and grammar, and mentoring for those with less interpreting experience. Presently close to 200 interpreters are registered with MCDHH and participate in a variety of workshops and programs. **For inquiries regarding training, EIPA testing and other professional development activities, please contact Diane Stains at [edu.terp@MassMail.State.MA.US](mailto:edu.terp@MassMail.State.MA.US).**

For more information about timelines and related logistics, please contact Diane Stains.

### **Assessing the performance of Sign Language Interpreters**

The **Educational Interpreters Performance Assessment (EIPA)** was developed in 1991 by the Boys Town National Research Hospital in Omaha, Nebraska and is nationally recognized as a reliable, comprehensive assessment of the interpreting skills needed by interpreters who work in educational settings. There is both a performance assessment and a written exam. Interpreters who work in Massachusetts are encouraged to take both exams to demonstrate their expertise and receive

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workshops and other resources in order to prepare for the assessment. [https://  
www.classroominterpreting.org/](https://www.classroominterpreting.org/)

Registration, training, and assessment of K-12 sign language interpreters is a three-step approach to improving communication accessibility for deaf and hard of hearing children who use sign language interpreters in school. And, supporting consistent quality in classroom communication is an important part of the work we are doing to ensure that deaf and hard of hearing schoolchildren have the best opportunities to learn that Massachusetts can provide.

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## Appendix D: EIPA Frequently Asked Questions

### Why was the EIPA selected?

- ❖ Consistent with national standards and best practices, the DESE/MCD Steering Committee identified the EIPA as the best measure of educational interpreter performance.
- ❖ Currently throughout the United States, approximately 23 states require some form of minimum performance standards. Some are using RID certification, others are using the NAD test. States which use the EIPA for certification: Alaska, Alabama, Arizona, Arkansas, California, Colorado, Iowa, Kansas, Louisiana, Michigan, Missouri, Nebraska, New Mexico, New Jersey, Nevada, North Carolina, Pennsylvania, Utah, Wisconsin, Wyoming.
- ❖ Pending 'certification:' Idaho, Iowa, Maine, New York, New Jersey.
- ❖ Used in states without 'certification:' Illinois, Montana, North Dakota, South Dakota, South Carolina, Tennessee, West Virginia.
- ❖ Reliability: Both inter-rater and intra-rater reliability are high. "The test is highly reliable, both in terms of agreement among teams of raters and in internal consistency of skills comprising each domain." Source: Haggai Kupermintz, Statistical Consultant School of Education, University of Haifa. Ph.D., Educational Psychology, Stanford University, 1999.

### Why was 3.5 selected as the minimum score in Massachusetts?\*

- ❖ Most of the states that have adopted the EIPA to establish minimum performance standards have set a minimal level at 3.5 (13 of 17 states); two states require an overall EIPA rating of 4.0 and only one state requires at least a 3.0.
- ❖ Both statewide and nationally, approximately 50% of interpreters have achieved a score of 3.5 or higher. Setting the minimum score at 4.0 without allowing time for professional development opportunities creates a potential personnel shortage and places students further at risk for receiving services.

### Is the EIPA easier than the RID test?\*

It may be more challenging.

### Is the EIPA a valid reflection of classroom performance?\*

Actual performance may be better than the EIPA score indicates.

### What is the EIPA Written Test?

The written test measures knowledge about working in educational settings. DESE/MCD recommends that all educational interpreters take the test; it is not a requirement at this time. <https://www.classroominterpreting.org/assessments/written>



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**What is in place to ensure that schools and individuals follow the registration requirements?**

DESE's Program Quality Assurance Services monitors compliance and offers technical assistance as needed.

Contact Program Quality Assurance Services at:

Program Quality Assurance Services

Massachusetts Department of Elementary and Secondary Education

75 Pleasant Street, Malden, MA 02148-4906

Telephone: 781-338-3700

TTY: N.E.T. Relay: 1-800-439-2370 FAX: 781-338-3710

Email: [compliance@doe.mass.edu](mailto:compliance@doe.mass.edu) Web: <http://www.doe.mass.edu/>

**From the Boys Town website:**

<https://www.classroominterpreting.org/>

\*Source: Dr. Brenda Schick, University of Colorado-Boulder. Funded by Office of Education: OSEP Grant # H325N010013, Programs of National Significance to Dr. Brenda Schick

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## Appendix E: RID Code of Professional Conduct

ASL Translation of the RID Code of Professional Conduct:

### **1.0 CONFIDENTIALITY** **GUIDING PRINCIPLE**

Exceptions to confidentiality include, for example, federal and state laws requiring mandatory reporting of abuse or threats of suicide, or responding to subpoenas.



Link: <https://rid.org/ethics/code-of-professional-conduct/>

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## Appendix F: M.G.L Chapter 221, Section 92

### GENERAL LAWS OF MASSACHUSETTS

#### PART III COURTS, JUDICIAL OFFICERS AND PROCEEDING IN CIVIL CASES

##### TITLE I COURTS AND JUDICIAL OFFICERS

###### CHAPTER 221. CLERKS, ATTORNEYS AND OTHER OFFICERS OF JUDICIAL COURTS.

CHAPTER 221: Section 92. Interpreters; appointment; tenure; compensation.

Section 92. The justices of the superior court may appoint such official interpreters as they may deem necessary for the sessions of the court. Such interpreters shall hold their positions at the pleasure of the court, shall be paid by the commonwealth, and shall render such additional service as any justice of the court requires. No official interpreter shall request or receive, directly or indirectly, any gratuity, bonus or fee, in connection with any case pending, or in course of preparation for presentation to said court; provided, that upon request of the district attorney such interpreter may, in the discretion of the court, receive additional compensation from the county for his services as an interpreter at such hours or times as the courts are not in session, which shall be paid under section twenty-four of chapter twelve.

This section shall not prevent the justices from employing other interpreters when the services of the official interpreters are not available. Such expenses incurred shall be paid by the commonwealth.

#### **What is a Qualified Legal Interpreter/Transliterater in the Commonwealth of Massachusetts?**

A Qualified Legal Interpreter/Transliterater is a service provider who has been specifically qualified by MCDHH. Such individuals demonstrate specialized knowledge, training and expertise in legal interpreting/transliterating and knowledge of the Massachusetts legal system. Specialized training and mentorship are available through the Massachusetts Commission for the Deaf and Hard of Hearing in conjunction with the Administrative Office of the Trial Court (AOTC). Possession of Registry of Interpreters for the Deaf (RID) Specialist Certificate: Legal (SC:L) or Certified Legal Interpreter Provisional—Relay (CLIP-R) does not *automatically* qualify the Interpreter/Transliterater in Massachusetts.

“Unless MCDHH designates the Interpreter as appropriate for the performance of a particular assignment involving a legal proceeding, the Interpreter’s performance of any interpreter services whatsoever in any portion of any legal proceeding may constitute a failure to fulfill obligations under this contract and may give rise to MCDHH’s right to terminate without a corresponding right of cure. For purposes of this paragraph, ‘legal proceeding’ shall include all phases of any civil or criminal proceeding in any court or executive or legislative board, commission, agency, bureau, committee or other body or political subdivision of the state.”

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# Appendix P: M.G.L Chapter 221, Section 92A

## GENERAL LAWS OF MASSACHUSETTS

### PART III

### COURTS, JUDICIAL OFFICERS AND PROCEEDING IN CIVIL CASES

#### TITLE I

#### COURTS AND JUDICIAL OFFICERS

#### **CHAPTER 221. CLERKS, ATTORNEYS AND OTHER OFFICERS OF JUDICIAL COURTS.**

Chapter 221: Section 92A. Interpreters for the deaf or hearing-impaired; court proceeding; arrests; admissibility of evidence; fees and expenses; privileged communications.

Section 92A. In any proceeding in any court in which a deaf or hearing-impaired person is a party or a witness, or proceeding involves a juvenile whose parent, or parents, is deaf or hearing-impaired, or in any proceeding before an executive or legislative board, commission, agency, bureau committee or other body of the state or political subdivisions involving a hearing-impaired person, such court or body shall appoint a qualified interpreter to interpret the proceedings, unless such deaf or hearing-impaired person knowingly, voluntarily, and intelligently waives in writing, the appointment of such interpreter. Such waiver is subject to the written approval of counsel where such deaf or hearing-impaired person is being represented by counsel. In no event shall the failure of the deaf or hearing-impaired person to request an interpreter be deemed a waiver of such appointment.

Whenever a deaf or hearing-impaired person is arrested for an alleged violation of a criminal law, including a local ordinance, the arresting officer shall procure and arrange payment for a qualified interpreter to assist such person regarding any interrogation, warning, notification of rights, or taking of a statement. No answer, statement, or admission, written or oral, made by a deaf or hearing-impaired person in response to any question by a law enforcement officer or any prosecutor, in his official capacity, in any criminal proceeding may be used against such deaf or hearing-impaired person unless such statement was made or elicited through a qualified interpreter and was made knowingly, voluntarily and intelligently or, in the case of waiver of interpreter, unless the court makes a special finding that any statement made by such deaf or hearing-impaired person was made knowingly, voluntarily and intelligently. In any criminal proceeding wherein counsel has been appointed to represent an indigent defendant, the court shall also appoint a qualified interpreter for such defendant, whenever such defendant is deaf or hearing-impaired to assist in communication with counsel in all phases of the preparation and presentation of the case.

In all proceedings involving an interpreter under this section, no testimony shall be admitted as evidence until:

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1. the interpreter is so situated as to assure effective communication between all persons having a substantial interest in the outcome of such proceedings,
  2. the interpreter swears under oath, that he will provide a true and accurate interpretation of the proceedings to the best of his skill and judgment, and
  3. the person conducting such proceedings determines, on the basis of testimony of the interpreter and the deaf or hearing-impaired person, that such interpreter is able in that particular proceeding, to communicate accurately with and translate information to and from such deaf or hearing-impaired person involved.

If, at any time during the proceeding, it is determined that the interpreter is no longer able to provide effective communication between the parties, the person conducting such proceeding shall appoint another qualified interpreter or an intermediary interpreter in accordance with the provisions of this section.

For the purposes of this section, the following words shall have the following meanings:

“Intermediary interpreter,” a person who, because of an intimate acquaintance with deaf or hearing-impaired persons who use mainly natural or unusual gestures for communicating, can act as a mediator between the hearing-impaired person and the qualified interpreter.

“Qualified interpreter,” a person skilled in sign language or oral interpretation and transliteration, has the ability to communicate accurately with a deaf or hearing-impaired person and is able to translate information to and from such hearing-impaired person, an interpreter shall be deemed qualified or intermediary as determined by the Office of Deafness, based upon the recommendations of the Massachusetts Registry of the Deaf, the Massachusetts State Association of the Deaf and other appropriate agencies. Said office of deafness shall coordinate all requests for qualified interpreters and shall maintain a list of all such interpreters from which is shall fill such requests.

An interpreter appointed pursuant to this section or section sixty-nine of chapter two hundred and thirty-four A, shall be reimbursed a reasonable fee by the commonwealth for his services, pursuant to a fee schedule established and promulgated by the chief administrative judge. Said schedule shall be based upon recommendations of the commission for the deaf and hard of hearing, established pursuant to the provisions of section one hundred and ninety-two of chapter six, the Massachusetts Registry of Interpreters for the Deaf, the Massachusetts State Association of the Deaf, and other appropriate agencies. Reimbursement for actual travel and ordinary living expenses shall be at the rates provided for employees of the commonwealth.

A client has a privilege to prevent a certified sign language interpreter from disclosing a confidential communication between one or more persons where the communication was facilitated by said interpreter. For purposes of this paragraph a client is a person rendered interpreting services by an interpreter; a communication is confidential if a client has a reasonable expectation or intent that it not be disclosed to persons other than those to whom such disclosure is made.

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Nothing in this section shall be construed to prevent any department, board, commission, agency or licensing authority from employing a qualified interpreter, who is recommended by the office of deafness, on a full-time basis or under contract at a mutually agreed upon compensation rate.

Some situations that are defined as legal are:

- ❖ Police arrests, interrogations, reports
- ❖ Client/lawyer meetings
- ❖ Court hearings/trials
- ❖ Psychiatric commitment
- ❖ Department of Children and Families
- ❖ Administrative hearings (Social Security, Office of Transitional Assistance, etc.)
- ❖ Some Medical treatment
- ❖ House closings/final will and testaments
- ❖ Situations in which an *official record* of proceedings is made

An Interpreter/Transliterater must be specifically qualified by the Massachusetts Commission for the Deaf and Hard of Hearing to perform legal interpreting/transliterating services in the state of Massachusetts. If an Interpreter/Transliterater arrives at an assignment and discovers it is legal in nature or if it becomes legal during the course of the assignment; the Interpreter/Transliterater is bound by the Code of Ethics and by state law (M.G.L. 221 §92A) to recuse himself/herself from the assignment. An effective justification for such withdrawal should include references to the law, professional codes of conduct as dictated by the RID Code of Ethics, and the rights of consumers to qualified legal transliterating services. In addition, any information communicated through a Interpreter/Transliterater who has not been qualified by MCDHH to provide legal services could be challenged as “*inadmissible* in court.”