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December 14, 1992

Ms. Donna Snider
City Recorder
Town of Adamsville
P.O. Box 301
Adamsville, TN 38310

Dear Donna,

As we discussed, I have continued to research your question about whether the Americans With Disabilities Act (ADA) requires the city to use "certified" signers/interpreters?

As I indicated, the ADA does not require the use of "certified" signers/interpreters. The ADA, however, does require that interpreters be "qualified". A *qualified* interpreter is someone who is able to sign to the individual who is deaf those things that are being said by the hearing person and who can voice to the hearing person what is being signed by the individual who is deaf. ADA requires that the communication be conveyed "...effectively, accurately, and impartially, through the use of any necessary specialized vocabulary".

Certification is not required in order for an interpreter to be considered qualified. According to the US Department of Justice, Civil Rights Division, Technical Assistance Manual for Title II, there are a number of sign language systems in use. An individual may not be comfortable or possess the proper vocabulary necessary for interpreting. Another equally skilled, but non-certified interpreter might have the necessary vocabulary, thus making the non-certified person the qualified interpreter for that particular situation.

While ADA does not require certified interpreters, however, TCA 24-1-103 provides stricter guidelines for the use of interpreter services in administrative and judicial proceedings. Under the law, a "qualified interpreter" is an individual who is

"... certified by the National Registry of Interpreters for the Deaf, the Tennessee Registry of Interpreters for the Deaf, or, in the event an interpreter so certified is not available, an interpreter whose qualifications are otherwise determined."

The law suggest that efforts to obtain the services of a qualified interpreter certified with a Legal Skills Certificate or a Comprehensive Skills Certificate must be made prior to accepting services of an interpreter with lesser certification. Accordingly, no "qualified interpreter" shall be appointed unless the appointing authority and the deaf person make a preliminary determination that the interpreter is able to readily communicate with the deaf person and is able to accurately interpret the statements of the deaf person and interpret the proceedings in which a deaf person may be involved.

The law indicates that qualified interpreters must be used:

- (1) In any case in law or equity before any court or the grand jury, wherein any deaf person is a party to such action, either as a complainant, defendant, or witness;
- (2) In any proceeding before any department, board, commission, agency, or licensing authority of the state, in any political subdivision or municipality, wherein any deaf person is a principal party of interest, either as a complainant, defendant, witness or supplicant;
- (3) In the event a person who is deaf is arrested and taken into custody for any alleged violation of a criminal law or this state. (No statement taken from such a deaf person before an interpreter is present may be admissible in court;

The law recommends that any appointing authority needing an interpreter shall channel the request through:

- (1) The Tennessee Registry of Interpreters for the Deaf;
- (2) The Department of Education, Division of Vocational Rehabilitation, or
- (3) Any community resource wherein the appointing authority or the deaf person is knowledgeable that such qualified interpreters can be found.

The Tennessee Registry of Interpreters for the Deaf is an affiliate of the National Registry of Interpreters for the Deaf. The National organization is responsible for the actual certification of interpreters. The Tennessee Registry is responsible for compiling a list of interpreters and referring people to centers across the state. The Tennessee Registry is staffed by Ms. Elizabeth Senter of Alcoa, Tn at (615) 984-7517. Interpreters may also be located through the Tn Council for the Hearing Impaired or through the Tennessee Department of Human Services, Division of Rehabilitation.

Interpreters may also be found through any of the following organizations:

- (1) Nashville - League for the Hearing Impaired
Ms. Annie Lord (contact)
(615) 320-7347
- (2) Jackson - Interpreting Center for the Deaf
Ms. Pam Ford (contact)
(901) 664-3986
- (3) Memphis - Interpreting Service for the Deaf
Mr. Tom Webb (contact)
(901) 577-3783
- (4) Knoxville - Knox Area Community Center for the Deaf
Mr. Allen Hughes or Ms. Janice Cheney
(615) 577-3559 or
(615) 579-0832
- (5) Johnson City - Regional Center for the Hearing Impaired
Ms. Paula Bennett (contact)
(615) 928-6581 or
(615) 434-0447
- (6) Chattanooga - Services for the Deaf
Ms. Linda Lawson (contact)
(615) 755-2850

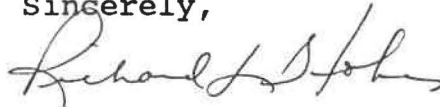
Any interpreter appointed per TCA 24-1-103 is required to take an oath that the interpreter will make a true interpretation in an understandable manner to the deaf person. Any information gathered from the deaf person pertaining to the proceedings shall "at all times" remain confidential and privileged.

Fees for the use of an interpreter per this section shall be in accordance with standards established by the Tennessee Registry in addition to actual expenses for travel and transportation. When the interpreter is appointed by a court, the fee shall be paid out of general county funds. When the interpreter is otherwise appointed, the fee shall be paid out of funds available to the appointing authority.

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I hope this information has been helpful. I have enclosed a copy of the ADA Technical Assistance Manual on "qualified signers" and the TCA section. If I can be of any further assistance, feel free to contact me at (615)256-8141 or (615)741-6661.

Sincerely,



Richard L. Stokes
Municipal Personnel Consultant

fw/RLS
enclosure
cc: HYungmeyer
LShechter