



# ILLINOIS JUDICIAL BRANCH

## Bench Card: Access for Deaf, DeafBlind, and Hard-of-Hearing (DDBHH) People at Court

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### DDBHH People & Sign Language Interpreters

According to the Illinois Deaf and Hard of Hearing Commission (IDHHC), 14% of Illinois residents are deaf or hard of hearing, affecting court communication. DDBHH litigants use sign language interpreters, assistive technology, and services like Communication Access Realtime Translation (CART) captioning to ensure effective court communication as required by Title II of the Americans with Disabilities Act (ADA) and:

- **State law:** Illinois courts must provide a *qualified* sign language interpreter for DDBHH persons who are involved in any legal proceeding as a party, witness, victim, juror, advocate, or court observer. See Code of Civil Procedure, [735 ILCS 5/8-1402](#)
- **Federal law:** a sign language interpreter must be *qualified*, which is “an interpreter who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary.” See [28 C.F.R. § 36.303\(b\)\(1\)](#).
- **IL Supreme Court Policy on Access for People with Disabilities:** DDBHH participants *cannot* be required to arrange or pay for their own interpreters **AND** do not waive their right to an interpreter simply because they do not request an interpreter.

### Appointing Sign Language Interpreters

- Any court personnel, including the judge or Court Disability Coordinator (CDC), may receive a request for a sign language interpreter.
- **When in doubt, appoint an interpreter.**
- **Finding a sign language interpreter:** Interpreters must be licensed by the IDHHC at the **Advanced** or **Master level** to interpret in court.
  - The [AOIC Interpreter Registry](#) includes Advanced and Master level sign language interpreters. Interpreters can be contacted via phone or email directly from the Registry, and courts may be reimbursed for using interpreters from the Registry.
- If an interpreter is *not* available, consider rescheduling or continuing proceedings to when an interpreter can be provided.

### The ability to sign *does not equal* the ability to interpret.

Legal terms are not standardized in sign language. To effectively communicate, the interpreter must possess the necessary skills to process specialized spoken language into equivalent sign language and to process sign language into equivalent spoken language.

Family members (especially children) or friends of DDBHH participants should never be called upon to interpret court proceedings. Court personnel should not function as interpreters unless they are certified, employed as staff interpreters, and licensed at the appropriate level. *It is a misdemeanor to provide sign language in court without proper licensure.*

### Sign Language Interpreters and the Court Record

- The court should state the accommodation on the record **but limit** information about the nature of the person’s disability as much as possible.
- **Consider asking the interpreter the following questions on the record:**
  - Do you hold certification from the Registry of Interpreters for the Deaf (RID) or the Illinois Board for Evaluation of Interpreters (BEI)?
  - Do you hold a license to interpret in the State of Illinois from the IDHHC? What level of credential do you hold from the IDHHC?
- **Before the interpreter assumes their duties, administer an oath on the record:**  
**Sample Oath:** “Do you swear or affirm that you will make a true and impartial interpretation using your best skill and judgment in accordance with the standards prescribed by law and the Illinois Interpreter Code of Ethics and that you will repeat the statements of such person to the Court and all statements made from English to the party’s native language fully and accurately?”
- For sign language interpreters appointed for a **DDBHH juror**, see [Illinois Pattern Jury Instructions \(IPI\) 2.05: Testimony through Interpreter](#)

## Communication and DDBHH Communities

- DDBHH people have varied sign language proficiency, may experience different levels of hearing and/or vision loss, and prefer varied modes of communication. Per the ADA, the court must give primary consideration to the mode of communication chosen by the person. Ask the DDBHH person what they need.
- Speechreading or lipreading accuracy and comprehension is estimated at around 30%.
- Written English may not meet the communication needs of DDBHH people. American Sign Language (ASL) is a distinct language with its own syntax and structure. It is not just signed English. The average DDBHH person has a third grade English literacy level and may struggle to understand written materials in English.

## Frequently Asked Questions

### 1. Why might a DDBHH litigant need more than one interpreter?

There are multiple interpreter functions at court:

- **Proceedings (Court) Interpreters:**
  - Are officers of the court and are interpreters of record.
  - Work in teams for hearings/trials to mitigate effects of interpreter error caused by exhaustion.
- **Counsel Table Interpreters:**
  - Monitor proceedings interpreters for accuracy and assists counsel with objections.
  - Interpret confidential attorney-client communications and prepare witnesses.

Team interpreting may be necessary for proceedings (court) interpreters.

Many sign language interpreters work in teams of two or more. *For more information, see [Bench Card: Team Interpreting for Spoken and Sign Language](#).* If the proceeding will last an hour or longer, has multiple DDBHH people involved, or involves multiple parties or matters complex for interpretation, utilizing a team of at least two (2) interpreters is prudent to mitigate interpreter fatigue.

### 2. What is a Certified Deaf Interpreter (CDI)?

A CDI is a specialist interpreter who is Deaf, and who bridges comprehension or linguistic gaps between the DDBHH person and an ASL interpreter. A CDI may be required for DDBHH people experiencing language deprivation, those with mental or cognitive issues, minors, or foreign-born parties. A CDI may use non-standard ASL, visual mime/gesture, drawings, and space and/or props to enhance communication.

### 3. What should I do if an interpreter is not available?

*Video Remote Interpreting (VRI)* provides alternative access when an appropriately licensed sign language interpreter is not available on-site, particularly in remote or rural areas. The same Illinois licensing requirements listed above apply to interpreters located in Illinois appearing remotely. However, out-of-state video interpreters may not be certified or licensed at any level or be qualified to work in court settings and legal language and jargon may vary state-by-state. Voir dire of out-of-state video interpreters is prudent.

***VRI may be reasonable when:***

- There is an immediate need, and no licensed and qualified on-site interpreter is available,
- *Effective communication* can be provided to all parties,
- Ideally, the hearing is brief and may address uncontested matters,
- The DDBHH party uses standard ASL, **and**,
- Where real-time, full-motion video and audio are available over a stable, high-quality feed providing clear audio and sharp images of the party using ASL and the interpreter.

Exercise caution and discretion in using VRI if the hearing is extended (longer than 30 minutes), is contested, or if there is a need for a CDI; VRI should be considered an option of near last resort when providing communication access.

When using VRI, consider providing a separate device to help the DDBHH person access proceedings, such as a tablet equipped with Zoom, and solicit feedback from the DDBHH person regarding the effectiveness of the set-up being used.

ILLINOIS SUPREME COURT COMMISSION



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Access to Justice Division at [AccessToJustice@illinoiscourts.gov](mailto:AccessToJustice@illinoiscourts.gov)

