

A SUMMARY OF HOUSE BILL 5965 AS INTRODUCED 4-25-02

The bill would create the Court-Appointed Special Advocate Act. Specifically, the bill would allow a circuit court to establish a court-appointed special advocate program. Under the bill, a “court-appointed special advocate” or “CASA volunteer” would be a volunteer who is appointed by the circuit court to assist in advocating for a child.

A prospective CASA volunteer would have to be at least 21 years of age, have a demonstrated interest in children and their welfare, have a willingness to serve as a CASA volunteer for at least a year, complete an application, participate in an interview, participate in the required training, and any other qualifications as determined by the director. The application would include a copy of any criminal history record, central registry record, and a motor vehicle record; at least three letters of recommendation; and, records from any other jurisdiction within the past year (if the person had resided in Michigan for less than a year). A CASA volunteer would be required to undergo training in recognizing child abuse and neglect, cultural awareness, child development, court procedures, permanency planning, advocacy, information gathering, and documentation. In addition, the CASA volunteer would be required to observe court proceedings prior to the appointment.

A judge or referee would appoint a CASA volunteer in an action in the family division of the circuit court when “a child who may be affected by the action requires services that a CASA volunteer can could provide”. The CASA volunteer could also be a party to the action. The duties of the CASA volunteer include one or more of the following:

- Conducting an investigation regarding the child’s best interests, and providing factual information to the court.
- Determining if an appropriate case service plan, as required in the Probate Code of 1939, has been developed, whether appropriate services are being provided to the child and the family, and whether the case service plan is progressing in a timely manner.

In addition, the CASA volunteer would make recommendations on the child’s best interests regarding placement, parenting time, and appropriate services available to the child and the family. The CASA volunteer would assure that the child’s best interests are being advocated for, the child’s essential needs are being met, and that the terms of any court orders are being met. In a proceeding, the CASA volunteer could appear as a witness at his or her own request, or at the request of the court or a party to the action. Once a CASA volunteer is appointed, the

court would issue an order that authorizes the volunteer access to records and other information pertaining to the child, parent, legal guardian, or other interested parties as deemed necessary. The bill states that the CASA volunteer would be prohibited from disclosing the contents of a document, record, or other information relating to a case (all of which is considered confidential), except to disclose such information to the court or a party to the action. The CASA volunteer would have the same immunity from civil liability as provided to a guardian ad litem under the Governmental Immunity Act (MCL 691.1407).

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.