

HOUSE BILL No. 5965

April 25, 2002, Introduced by Reps. Vander Veen, Newell, Voorhees, Tabor, Kuipers, Toy, Drolet, Faunce and Hager and referred to the Committee on Family and Children Services.

A bill to establish and regulate the court-appointed special advocate program.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) This act shall be known and may be cited as the
2 "court-appointed special advocate act".

3 (2) As used in this act:

4 (a) "Court" means the circuit court.

5 (b) "Court-appointed special advocate" or "CASA volunteer"
6 means an individual who is a volunteer whom the court appoints to
7 assist in advocating for a child as provided in this act.

8 (c) "Court-appointed special advocate program" or "CASA
9 program" means a program established under section 2.

10 Sec. 2. (1) A court may establish a court-appointed special
11 advocate program for the circuit court circuit. Courts in 2 or

1 more adjacent circuit court circuits may establish a single CASA
2 program for all of those circuits.

3 (2) A court shall establish a CASA program by execution of a
4 memorandum of understanding between the CASA program and the
5 chief judge of the circuit court. The memorandum of understand-
6 ing shall identify a CASA volunteer's role and responsibilities
7 if appointed in that circuit.

8 Sec. 3. A CASA program shall do all of the following:

9 (a) Screen, train as required by section 5, and supervise
10 CASA volunteers.

11 (b) Maintain a membership in good standing with the Michigan
12 association of court-appointed special advocates and the national
13 court-appointed special advocates association, and adhere to the
14 guidelines established by those associations and approved by the
15 supreme court.

16 (c) Appoint a program director.

17 (d) Maintain adequate supervisory and support staff who are
18 easily accessible, hold regular case conferences with CASA volun-
19 teers to review case progress, and conduct annual performance
20 reviews for all CASA volunteers.

21 (e) Provide staff and CASA volunteers with written program
22 policies, practices, and procedures.

23 (f) Attempt to maintain a CASA volunteer-to-supervisor ratio
24 of not more than 30-to-1.

25 Sec. 4. (1) A CASA program director is responsible for the
26 administration of the CASA program, including recruitment,

1 selection, training, supervision, and evaluation of program staff
2 and CASA volunteers.

3 (2) The program director shall serve as a professional liai-
4 son between the court and community agencies serving children.

5 Sec. 5. (1) Each CASA volunteer shall participate fully in
6 preservice training, including instruction on recognizing child
7 abuse and neglect, cultural awareness, child development, court
8 procedures, permanency planning, the volunteer role and its
9 responsibilities, advocacy, information gathering, and
10 documentation. A CASA volunteer is required to observe court
11 proceedings before accepting an appointment.

12 (2) Each CASA volunteer shall receive a training manual that
13 includes guidelines for his or her role and responsibilities.

14 (3) Each CASA program shall provide a minimum of 10 hours of
15 in-service training per year to each CASA volunteer.

16 Sec. 6. (1) Each CASA program shall adopt regulations con-
17 sistent with subsection (2) and with the state and national CASA
18 associations' guidelines governing qualifications and selection
19 of CASA volunteers. Each CASA program's regulations shall
20 include provisions that qualified adults shall not be discrimi-
21 nated against based on gender, socioeconomic, religious, racial,
22 ethnic, or age factors.

23 (2) The minimum qualifications for a prospective CASA volun-
24 teer are all of the following:

25 (a) Twenty-one years of age or older.

26 (b) A demonstrated interest in children and their welfare.

1 (c) Willingness to commit to the court for a minimum of 1
2 year of service to a child.

3 (d) Completion of an application that includes the informa-
4 tion required by subsection (3).

5 (e) Participation in a screening interview.

6 (f) Participation in the required training.

7 (g) Other qualifications as determined by the CASA program
8 director and the chief judge of the circuit.

9 (3) A prospective CASA volunteer's application shall include
10 at least all of the following:

11 (a) A copy of any criminal history record, central registry
12 record, and motor vehicle record.

13 (b) At least 3 references who can address his or her charac-
14 ter, judgment, and suitability for the position.

15 (c) Records from any other jurisdictions in which he or she
16 resided during the 1-year time period before the date of the
17 application if the prospective CASA volunteer has resided in this
18 state for less than 12 months.

19 Sec. 7. (1) A judge or referee may appoint a CASA volunteer
20 in an action brought in the family division of circuit court
21 when, in the opinion of the judge or referee, a child who may be
22 affected by the action requires services that a CASA volunteer
23 can provide. At the discretion of the judge or referee, a CASA
24 volunteer may be a party to the action if provided for in the
25 memorandum of understanding.

26 (2) The court shall appoint a CASA volunteer at the earliest
27 stages of an action under a court order that gives the CASA

1 volunteer the authority to review relevant documents and
2 interview parties involved in the case, including parents, other
3 parties in interest, and other persons having significant infor-
4 mation relating to the child.

5 (3) A CASA volunteer's appointment ends when either of the
6 following occurs:

7 (a) The court's jurisdiction over the child terminates.

8 (b) Discharge by the court on its own motion or at the
9 request of the CASA volunteer's program director.

10 Sec. 8. A CASA volunteer shall not do any of the
11 following:

12 (a) Accept compensation for performance of the responsibili-
13 ties of an appointment.

14 (b) Have an association that creates a conflict of interest
15 with his or her responsibilities.

16 (c) Accept an appointment if he or she is related to a party
17 or attorney involved in the case.

18 (d) Accept or continue an appointment if he or she is or
19 becomes employed in a position that could result in a conflict of
20 interest or the appearance of a conflict of interest.

21 (e) Use the CASA volunteer position to seek or accept gifts
22 or special privileges.

23 Sec. 9. (1) A memorandum of understanding executed under
24 section 2 may require that, upon appointment in an action, a CASA
25 volunteer shall do 1 or more of the following:

26 (a) Conduct an independent investigation regarding the
27 child's best interest that provides factual information to the

1 court regarding the child and the child's family. The
2 investigation shall include interviews with and observations of
3 the child, interviews with other appropriate individuals, and the
4 review of relevant records and reports.

5 (b) Determine if an appropriate case service plan, as
6 defined in section 13a of chapter XIIA of the probate code of
7 1939, 1939 PA 288, MCL 712A.13a, has been developed for the
8 child, whether appropriate services are being provided to the
9 child and family, and whether the case service plan is progress-
10 ing in a timely manner.

11 (2) Unless otherwise ordered by the court, a CASA volunteer,
12 with the support and supervision of the CASA program staff, shall
13 make recommendations consistent with the child's best interest
14 regarding placement, parenting time, and appropriate services for
15 the child and family and shall prepare a written report to be
16 distributed to each party to the action.

17 (3) A CASA volunteer shall assure that the child's best
18 interest is being advocated at every stage of the case and pre-
19 pare written reports to be distributed to each party to the
20 action.

21 (4) A CASA volunteer shall monitor the case to which he or
22 she has been appointed to assure that the child's essential needs
23 are being met and that the terms of the court's orders have been
24 fulfilled in an appropriate and timely manner.

25 (5) The court or a party to the action may call as a witness
26 the CASA volunteer appointed in that action. A CASA volunteer
27 appointed in an action may request to appear as a witness.

1 Sec. 10. (1) A guardian ad litem, and a state or local
2 agency, department, authority, or institution shall cooperate and
3 share information with a CASA volunteer appointed to serve on a
4 case and with each local CASA program to facilitate the implemen-
5 tation of its program.

6 (2) A CASA program shall help facilitate the cooperation and
7 sharing of information among CASA volunteers, attorneys, the
8 county family independence agency, and other community agencies.

9 (3) In a case in which the court appoints both a CASA volun-
10 teer and a guardian ad litem, the CASA volunteer and the guardian
11 ad litem shall cooperate to represent the child's best interest.

12 (4) A CASA volunteer shall be notified of a hearing, meet-
13 ing, or another proceeding concerning the case to which he or she
14 has been appointed.

15 Sec. 11. Upon appointment of a CASA volunteer, the court
16 shall issue an order authorizing access to records and other
17 information relating to the child, parent, legal guardian, or
18 other parties in interest as the court considers necessary.

19 Sec. 12. A CASA volunteer shall not disclose the contents
20 of a document, record, or other information relating to a case to
21 which the CASA volunteer has access in the course of an
22 investigation. All such information is confidential and shall
23 not be disclosed to a person other than the court or a party to
24 the action.

25 Sec. 13. A CASA program director or CASA volunteer has the
26 same immunity from civil liability as that provided for a
27 guardian ad litem under section 7 of 1964 PA 170, MCL 691.1407.