

# HOUSE BILL No. 4175

February 11, 2003, Introduced by Reps. Vander Veen, Ruth Johnson, Hager, Voorhees, Brandenburg, Sheen, Hoogendyk and Tabor and referred to the Committee on Judiciary.

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  
12 more adjacent circuit court circuits may establish a single CASA

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1 program for all of those circuits.

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

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

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

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

15 (c) Appoint a program director.

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

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

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

24 Sec. 4. (1) A CASA program director is responsible for the  
25 administration of the CASA program, including recruitment,  
26 selection, training, supervision, and evaluation of program staff  
27 and CASA volunteers.

1           (2) The program director shall serve as a professional  
2 liaison between the court and community agencies serving  
3 children.

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

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

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

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

22           (2) The minimum qualifications for a prospective CASA  
23 volunteer are all of the following:

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

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

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

1 (d) Completion of an application that includes the  
2 information required by subsection (3).

3 (e) Participation in a screening interview.

4 (f) Participation in the required training.

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

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

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

11 (b) At least 3 references who can address his or her  
12 character, judgment, and suitability for the position.

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

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

24 (2) The court shall appoint a CASA volunteer at the earliest  
25 stages of an action under a court order that gives the CASA  
26 volunteer the authority to review relevant documents and  
27 interview parties involved in the case, including parents, other

1 parties in interest, and other persons having significant  
2 information relating to the child.

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

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

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

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

10 (a) Accept compensation for performance of the  
11 responsibilities of an appointment.

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

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

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

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

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

24 (a) Conduct an independent investigation regarding the  
25 child's best interest that provides factual information to the  
26 court regarding the child and the child's family. The  
27 investigation shall include interviews with and observations of

1 the child, interviews with other appropriate individuals, and the  
2 review of relevant records and reports.

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

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

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

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

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

26 Sec. 10. (1) A guardian ad litem, and a state or local  
27 agency, department, authority, or institution shall cooperate and

1 share information with a CASA volunteer appointed to serve on a  
2 case and with each local CASA program to facilitate the  
3 implementation of its program.

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

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

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

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

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

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