

**SUBSTITUTE FOR
HOUSE BILL NO. 5429**

A bill to create the court-appointed special advocate program; and to prescribe the duties and responsibilities of the court-appointed special advocate program and volunteers.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "court-appointed special
2 advocate act".

3 Sec. 2. As used in this act:

4 (a) "Child" means an individual under 18 years of age.

5 (b) "Court-appointed special advocate child" or "CASA child"
6 means a child under the jurisdiction of the court.

7 (c) "Court-appointed special advocate program" or "CASA
8 program" means a program established under section 3.

9 (d) "Court-appointed special advocate volunteer", "CASA

1 volunteer", or "volunteer" means an individual appointed by a court
2 under section 7.

3 (e) "Program director" means the director of a CASA program.

4 Sec. 3. (1) Each court in this state may establish a court-
5 appointed special advocate program. The court-appointed special
6 advocate program must be administered under this act.

7 (2) A court-appointed special advocate program must do all of
8 the following:

9 (a) Screen, train, and supervise court-appointed special
10 advocate volunteers to advocate for the best interests of a child
11 when appointed by a court as provided in section 7. Each court may
12 be served by a CASA program. One CASA program may serve more than 1
13 court.

14 (b) Hold regular case conferences with volunteers to review
15 case progress and conduct annual performance reviews for all
16 volunteers.

17 (c) Provide CASA program staff and volunteers with written
18 program policies, practices, and procedures.

19 (d) Provide the training required under section 5.

20 Sec. 4. The program director is responsible for administration
21 of the CASA program, including, but not limited to, program
22 operations, recruitment, selection, training, supervision, and
23 evaluation of CASA program staff and volunteers.

24 Sec. 5. (1) All CASA volunteers must be screened, trained, and
25 supervised in accordance with National CASA/GAL Association
26 standards. CASA volunteers must participate in observing court
27 proceedings before appointment as allowed by the court.

28 (2) Each court-appointed special advocate program must provide
29 a minimum of 12 hours of in-service training per year to its

1 volunteers.

2 Sec. 6. (1) A prospective CASA volunteer must meet all of the
3 following minimum requirements:

4 (a) Be at least 21 years of age.

5 (b) Complete an application.

6 (c) Sign a release of information form or submit the required
7 information necessary for the background check under subsection
8 (2).

9 (d) Participate in required screening interviews.

10 (e) Be willing to commit to the court for the duration of the
11 CASA case until permanency has been established for the CASA child.

12 (f) Participate in the training required under section 5.

13 (2) The program director must conduct a background check on
14 each prospective CASA volunteer before the prospective CASA
15 volunteer is assigned an initial CASA case and every 2 years after
16 the initial background check under this subsection. A background
17 check conducted under this subsection includes all of the
18 following:

19 (a) A criminal history background check using the department
20 of state police's internet criminal history access tool (ICHAT) or
21 equivalent check on that individual from the state or province of
22 residence.

23 (b) Criminal background check through the Federal Bureau of
24 Investigation.

25 (c) A national and state offender registry check.

26 (d) A child abuse and neglect central registry check, where
27 permissible by law.

28 (e) A Social Security number trace that shows aliases,
29 additional names, and former addresses.

1 (3) A prospective CASA volunteer who refuses to comply with
2 subsection (1)(c) will be ineligible to be a CASA volunteer.

3 (4) If a background check conducted under subsection (2) shows
4 that a CASA volunteer or prospective CASA volunteer has been
5 convicted of or has charges pending for a misdemeanor or felony
6 involving a sex offense, child abuse or neglect, or related crimes
7 that pose or would pose a risk to a child or affect the credibility
8 of the CASA program, any of the following apply:

9 (a) The CASA volunteer will be dismissed.

10 (b) The application of the prospective CASA volunteer will not
11 be accepted, and the CASA volunteer will be considered ineligible
12 to participate in the program.

13 Sec. 7. (1) A court may appoint a CASA volunteer in a
14 proceeding brought under section 2 or 19b of chapter XIIIA of the
15 probate code of 1939, 1939 PA 288, MCL 712A.2 and 712A.19b, when,
16 in the court's opinion, a child who may be affected by the
17 proceeding requires services that a CASA volunteer can provide and
18 the court finds that appointing a CASA volunteer is in the best
19 interests of the child.

20 (2) A CASA volunteer must be appointed according to a court
21 order. The court order must specify the CASA volunteer as a friend
22 of the court acting on the court's authority. The CASA volunteer
23 acting as a friend of the court shall offer as evidence a written
24 report with recommendations consistent with the best interests of
25 the child, subject to all pertinent objections.

26 (3) A memorandum of understanding between a court and a CASA
27 program is required in a county in which a CASA program is
28 established. The memorandum of understanding must set forth the
29 roles and responsibilities of the CASA volunteer.

1 (4) The CASA volunteer's appointment ends when 1 of the
2 following occurs:

3 (a) When the court's jurisdiction over the CASA child ends.

4 (b) Upon discharge by the court on its own or another party's
5 motion.

6 (c) With the approval of the court, at the request of the
7 program director.

8 Sec. 8. It is against the National CASA/GAL standards and the
9 Michigan CASA Association standards for a CASA volunteer to do any
10 of the following:

11 (a) Accept compensation for the duties and responsibilities of
12 the volunteer's appointment.

13 (b) Have an association that creates a conflict of interest
14 with the volunteer's duties.

15 (c) Be related to a party or attorney involved in the case.

16 (d) Be employed in a position that may result in a conflict of
17 interest or give rise to the appearance of a conflict.

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

20 Sec. 9. (1) Upon appointment in a proceeding, a CASA volunteer
21 must do both of the following:

22 (a) Conduct an independent investigation regarding the best
23 interests of the CASA child that will provide factual information
24 to the court regarding the CASA child and the CASA child's family.
25 The investigation may include interviews with and observations of
26 the CASA child and the CASA child's family, interviews with other
27 appropriate individuals, and review of relevant records and
28 reports.

29 (b) Make recommendations to the court for services for the

1 CASA child and the CASA child's family and report to the court on
2 the participation in, benefits of, and outcomes of the services.

3 (2) The CASA volunteer, with the support and supervision of
4 CASA program staff, shall make recommendations consistent with the
5 best interests of the CASA child regarding placement, visitation,
6 and appropriate services for the CASA child and the CASA child's
7 family. The CASA volunteer with CASA program staff must prepare a
8 written report to be distributed to the court and the parties to
9 the proceeding.

10 (3) The CASA volunteer must monitor the case to which the CASA
11 volunteer has been appointed to ensure that the CASA child's
12 essential needs are being met.

13 (4) The CASA volunteer must make every effort to attend all
14 hearings, meetings, and other proceedings concerning the CASA child
15 to which the CASA volunteer has been appointed.

16 (5) The CASA volunteer may be called as a witness in a
17 proceeding by a party or the court.

18 Sec. 10. (1) A CASA volunteer has access to all documents,
19 records, or information that are accessible to the court that
20 appoints the CASA volunteer and related to a case to which the CASA
21 volunteer is assigned. A CASA volunteer must cooperate with all
22 government agencies, service providers, professionals, school
23 districts, school personnel, parents, families, and other involved
24 individuals and entities. The CASA volunteer must engage in regular
25 visits with the CASA child.

26 (2) The CASA volunteer must be notified in a timely manner of
27 all hearings, meetings, and other proceedings concerning the case
28 to which the CASA volunteer has been appointed.

29 Sec. 11. The contents of a document, record, or other

1 information relating to a case to which the CASA volunteer has
2 access are confidential. The CASA volunteer must not disclose that
3 information to a person other than the court, a party to the
4 action, or another person authorized by the court.

5 Sec. 12. A CASA volunteer is immune from civil liability as
6 provided in the volunteer protection act of 1997, 42 USC 14501 to
7 14505.