

SENATE BILL No. 141

January 31, 2007, Introduced by Senators VAN WOERKOM, BIRKHOLZ and JANSEN and referred to the Committee on Families and Human 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 more

1 adjacent circuit court circuits may establish a single CASA program
2 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 chief
5 judge of the circuit court. The memorandum of understanding shall
6 identify a CASA volunteer's role and responsibilities if appointed
7 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 CASA
10 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
19 volunteers 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,
27 selection, training, supervision, and evaluation of program staff

1 and CASA volunteers.

2 (2) The program director shall serve as a professional liaison
3 between the court and community agencies serving 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 CASA
17 associations' guidelines governing qualifications and selection of
18 CASA volunteers. Each CASA program's regulations shall include
19 provisions that qualified adults shall not be discriminated against
20 based on gender, socioeconomic, religious, racial, ethnic, or age
21 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 year
27 of service to a child.

1 (d) Completion of an application that includes the information
2 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 in
18 an action brought in the family division of circuit court when, in
19 the opinion of the judge or referee, a child who may be affected by
20 the action requires services that a CASA volunteer can provide. At
21 the discretion of the judge or referee, a CASA volunteer may be a
22 party to the action if provided for in the memorandum of
23 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 interview
27 parties involved in the case, including parents, other parties in

1 interest, and other persons having significant information relating
2 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 request
7 of the CASA volunteer's program director.

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

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

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

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

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

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

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

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

1 records and reports.

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

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

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

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

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

24 Sec. 10. (1) A guardian ad litem, and a state or local agency,
25 department, authority, or institution shall cooperate and share
26 information with a CASA volunteer appointed to serve on a case and
27 with each local CASA program to facilitate the implementation of

1 its program.

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

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

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

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

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