

HOUSE BILL NO. 5429

February 07, 2024, Introduced by Reps. Morse, Rheingans, Skaggs, Brabec, Martus, Tyrone Carter, Jenda Carter, Brixie, Hill, Hood, Rogers, MacDonell, Glanville, Weiss, Haadsma, Coffia, Wilson and Churches and referred to the Committee on Judiciary.

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:

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

Sec. 2. As used in this act:

- (a) "Child" means an individual under 18 years of age.
- (b) "Court-appointed special advocate child" or "CASA child" means a child under the jurisdiction of the court.
- (c) "Court-appointed special advocate program" or "CASA program" means a program established under section 3.
- (d) "Court-appointed special advocate volunteer", "CASA volunteer", or "volunteer" means an individual appointed by a court under section 7.

(e) "Permanency plan" means a plan ordered by the court at a permanency hearing conducted under section 19a of chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.19a.

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

(g) "Treatment plan" means a case service plan as that term is defined in section 13a of chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.13a.

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

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

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

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

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

(d) Provide the training required under section 5.

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

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

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

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

(a) Be at least 21 years of age.

(b) Complete an application, including providing background information required under subsection (2).

(c) Participate in required screening interviews.

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

(e) Participate in the training required under section 5.

(2) The program director must obtain written authorization and secure a background check on each prospective volunteer before any contact with a CASA child according to National CASA/GAL standards, Michigan CASA Association standards.

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

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

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

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

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

(b) Upon discharge by the court on its own motion.

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

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

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

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

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

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

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

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

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

(b) Determine whether appropriate services are being provided to the child and the child's family, and whether the treatment plan and permanency plan are progressing in a timely manner.

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

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

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

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

Sec. 10. (1) All government agencies, service providers, professionals, school districts, school personnel, and parents must cooperate with all reasonable requests of a CASA volunteer. A CASA volunteer must cooperate with all government agencies, service providers, professionals, school districts, school

personnel, parents, families, and other involved individuals and entities. The CASA volunteer must engage in regular visits with the child.

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

Sec. 11. The contents of a document, record, or other information relating to a case to which the CASA volunteer has access are confidential. The CASA volunteer must not disclose that information to a person other than the court, a party to the action, or another person authorized by the court.

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