

**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS**

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**Report**

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee  
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DATE: August 16, 2004

SUBJECT: Court Appointed Special Advocates: Program Guidelines (amend Cal. Rules of Court, rule 1424) (Action Required)

Issue Statement

Currently rule 1424 of the California Rules of Court contains both state mandated requirements and general recommendations for the operation of California Court Appointed Special Advocate (CASA) programs. The inclusion of recommendations in the rule causes confusion for CASA programs. Moving the recommendations out of the rule and clarifying the state requirements will help CASA programs meet their obligations and plan their operations.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2005, amend rule 1424 of the California Rules of Court to:

1. Eliminate recommendations for CASA program operations and limit the rule's scope to requirements that California CASA programs must meet to retain Judicial Council funding; and
2. Add a provision authorizing the Administrative Office of the Courts to create a policies and procedures manual containing recommended protocols for CASA programs.

The text of the proposed amended rule is attached at pages 6–23. A chart of the comments received and the committee's responses to them is attached at pages 24–38.

### Rationale for Recommendation

To provide clarity for CASA programs regarding state requirements for funding, a separation of the mandatory and recommended policies is suggested. A previous proposal to modify rule 1424 was circulated for comment in spring 2003. The Family and Juvenile Law Advisory Committee had proposed integrating the national standards into the proposed version of rule 1424 that was circulated for comment in spring 2003. That version attempted to strengthen rule 1424 and to simplify it in response to California CASA programs' assessment of their difficulty to comply with both the rule and National CASA Association standards.

In the spring 2003 cycle two commentators highlighted the negative impact that those proposed amendments would have had on CASA programs. One judicial officer wrote that "[t]he detailed regulations and restrictions may . . . only defeat the ability of each program to respond to unique community needs, given that these are small, nonprofit organizations." Another judicial officer stated that the proposed amendments would create a "heavy burden" for the courts and for CASA programs.

The current proposed amendments to rule 1424 address the problems identified by commentators to the spring 2003 proposed amendments by limiting the rule's requirements to those on which Judicial Council funding hinges. These amendments cover, among other areas:

1. Basic screening procedures;
2. Volunteer recruitment policy for targeted underrepresented populations;
3. Number of hours of initial and continuing education training and mandated topics for the training curriculum;
4. Grievance procedures;
5. Insurance requirements;
6. Prohibited volunteer activities; and
7. Confidentiality.

In addition, after reviewing the spring 2004 comments, the committee revised subdivision (k)(1) regarding the prohibition against CASA programs' receiving funds from probation departments, local child welfare agencies, and the California Department of Social Services. The updated version of proposed rule 1424 allows CASA programs to receive funding from these agencies if (1) the CASA program and the contributing agency develop a memorandum of understanding (MOU) or contract stating that the funds will be used for general operating expenses as determined by the receiving CASA program; (2) the contributing agency will not oversee or monitor the funds; (3) a procedure for resolving any conflict between the CASA program and contributing agency is implemented so that a conflict between the two agencies does not affect funding or the CASA program's ability to retain an independent evaluation separate from that of the contributing agency's; and (4) the MOU or contract is submitted to and approved by AOC staff.

The proposed amended rule would also authorize the AOC to create a statewide policies and procedures manual. The manual would be the receptacle for many of the recommendations that would be removed from rule 1424, as well as for the current standards of the National CASA Association. For example, rule 1424 specifies that a CASA program must provide 30 hours of initial training to volunteer candidates and references Welfare and Institutions (W&I) Code section 102, which lists mandated training topics. The training section in the statewide policies and procedures manual would list recommended training topics.

#### Alternative Actions Considered

An alternative proposal was circulated in the spring of 2003 that would have revised current rule 1424 to include the National CASA Association standards. That proposal was not well received by commentators, as noted above. Therefore, the current proposal creates a mandatory rule and a mechanism for promulgating recommended guidelines via a separate policies and procedures manual.

#### Comments From Interested Parties

The invitation to comment on the proposal was circulated from April 5 through June 4, 2004, to the standard mailing list for family and juvenile law proposals, as well as the regular rules and forms mailing list, which includes judges, court administrators, attorneys, social workers, probation officers, mediators, and other family and juvenile law professionals. The proposal was also sent to the Court Appointed Special Advocates mailing list.

Eight comments were received. Five commentators agreed with the proposed changes. Three agreed with the proposal only if it was modified, and suggested substantive changes. No commentators disagreed with the proposal.

One commentator proposed that rule 1424 include a requirement that CASA programs give notice of the ability to file a grievance to all persons involved with a case. This commentator also requested that the word *relevant* be struck from the sentence “Relevant documentation of any grievance filed by or against a volunteer must be retained in the volunteer’s file.” The committee followed these recommendations.

Two commentators objected to (1) including the topic “rules of evidence and discovery procedures” in the required components of the training curriculum and (2) the deletion of “ethics, confidentiality of information, and mandated reporting” from the required components. Proposed amendments to rule 1424 contain only the training requirements referenced in W&I Code section 102. Rules of evidence and discovery procedures are in the W&I Code. All the training topics that are proposed for deletion in this proposal are identified in the policies and procedures manual.

The same two commentators objected to the prohibition against advocates' taking children to their homes because, they say, it prevents the CASA volunteer from providing the child with "as normal a life experience as possible." The National CASA Association standards prohibit a CASA volunteer from taking the child to the volunteer's home, and the California CASA Association strongly supports that prohibition. CASA is not a Big Brothers/Big Sisters-type mentoring organization. Although a CASA volunteer is supposed to establish a trusting relationship with the child and become the child's friend, the primary functions of the CASA are to advocate for the child, to assist in finding "as normal a life experience as possible" for the child, and to provide the court with information about the child's best interest. The proposed prohibition against advocates taking children to their homes remains.

One commentator expressed concerns about the expense involved with two rule requirements: (1) fingerprinting as a component of volunteer screening and (2) volunteers' annual submission of their individual Department of Motor Vehicles (DMV) reports. CASA programs have traditionally requested criminal record checks, which include fingerprinting, from the Department of Justice (DOJ). The CASA programs, as nonprofit organizations, did not pay a fee for DOJ criminal record checks. As of February 2003, however, the DOJ increased the level of screening required of CASA volunteers and imposed a sizeable fee for that service. The new DOJ policy is a financial burden for the CASA programs. Nevertheless, fingerprinting will continue to be a required element of volunteer screening because it is the most reliable screening method because it provides an efficient and effective way to determine if a prospective volunteer has engaged in any criminal activities that serve as a barrier to becoming a CASA volunteer. Welfare and Institutions Code section 102(e) requires volunteers to provide DMV reports. The cost of an annual DMV report is \$5, and currently nearly all California CASA programs ask the volunteers to pay that fee.

This same commentator questioned "whether rule 1424 or prevailing law" contained anything to prevent a CASA program from rejecting volunteers based on a list of felony and misdemeanor charges and convictions broader than the list in the rule. There is nothing to prevent a CASA program from rejecting volunteers based on a broader list of felonies, misdemeanors, and convictions.

This same commentator requested clarity about the prohibition against "giving money or expensive gifts to the child or family." Because CASA programs exist in vastly different locations in California where the cultures, cost of living, and economic situations are very diverse, no one definition of "giving money or expensive gifts" will serve all CASA programs. CASA program supervisors and management staff must create appropriate guidelines for their individual programs.

The same commentator objected to the requirement that CASA court reports be submitted two court days before the hearing. The committee, however, believes that submitting court reports two days before a hearing is a reasonable requirement. Many judicial

officers request that CASA reports be submitted when the social workers' reports are submitted, which can be 10 days before the hearing. One of the purposes of submitting the report to the court and parties before the hearing is to encourage all parties to communicate so that there are no surprises in court and so that the judge can review the CASA court report with all relevant documents including the social workers report.

Finally, two commentators recommended grammatical corrections, and one commentator clarified a court process. All of these recommendations would be implemented.

#### Implementation Requirements and Costs

Specific new requirements for insurance coverage requires that CASA programs have a standard amount of California insurance coverage for (1) general liability; (2) non-owned automobile; (3) automobile; and (4) worker's compensation. Most programs already meet these requirements, thus, no rule amendments will result in additional program costs.

Attachments

Rule 1424 of the California Rules of Court is amended, effective January 1, 2005, to read:

1 **Rule 1424. Program guidelines requirements for Court Appointed Special Advocate**  
2 **programs**

3  
4 **(a) [General provisions]** A Court Appointed Special Advocate (CASA) program  
5 must comply with this rule to be eligible to receive Judicial Council funding.  
6 The Judicial Council may consider compliance with the guidelines delineated  
7 in the *CASA Program Policies and Procedures Manual* when determining  
8 eligibility for and amount of program funding.

9  
10 **(a) (b) [Definitions]**

11  
12 (1) A “Court Appointed Special Advocate (CASA) program” is the local  
13 court appointed special child advocate program, or variation thereof,  
14 which that has adopted and adheres to these guidelines this rule; and  
15 which that has been designated by the local presiding juvenile court judge  
16 to recruit, screen, select, train, supervise, and support lay volunteers to be  
17 appointed by the court to help define the best interests of children in  
18 juvenile court dependency and wardship proceedings; ~~CASA programs~~  
19 are defined as those that have and has completed one development grant  
20 year and one “start-up” year.

21  
22 (2) The Judicial Council’s Administrative Office of the Courts (AOC) may  
23 create a *CASA Program Policies and Procedures Manual* containing  
24 recommended program policies and procedures. If the AOC creates a  
25 manual, it will be developed in collaboration with the California CASA  
26 Association and California CASA program directors. The protocols will  
27 address program and fiscal management, and the recruitment, screening,  
28 selection, training, and supervision of lay volunteers.

29  
30 ~~(2)~~ (3) A “CASA volunteer” is a person who has been recruited, screened,  
31 selected, and trained, who is being supervised and supported by a local  
32 CASA program, and who has been appointed by the juvenile court as  
33 a sworn officer of the court to help define the best interests of a child  
34 or children in juvenile court dependency and wardship proceedings.

35  
36 ~~(3)~~ (4) \*\*\*

1  
2 (4) (5) A “wardship proceeding” is a legal action involving a child under the  
3 age of 18 years who is alleged to be;

4  
5 (i) (A) A person described under section 601 (who is beyond parental  
6 control or habitually disobedient or truant); or

7  
8 (ii) (B) A person described under Welfare and Institutions code section  
9 602 (who has violated any state or federal law or any city or  
10 county ordinance).

11  
12 (b) (c) [Recruiting, screening, and selecting CASA volunteers]

13  
14 (1) A CASA program shall must adopt and adhere to a written plan for the  
15 recruitment of potential CASA volunteers. ~~The following considerations~~  
16 ~~are essential to the effective recruitment of qualified CASA volunteers:~~  
17 The program staff, in its recruitment effort, must address the  
18 demographics of the jurisdiction by making all reasonable efforts to  
19 ensure that individuals representing all racial, ethnic, linguistic, and  
20 economic sectors of the community are recruited and made available for  
21 appointment as CASA volunteers.

22  
23 (A) ~~The recruitment effort shall clearly explain the purposes of the~~  
24 ~~CASA program and its role on behalf of children in juvenile court~~  
25 ~~proceedings;~~

26  
27 (B) ~~The recruitment effort shall define the role and responsibilities of the~~  
28 ~~CASA volunteer in such proceedings;~~

29  
30 (C) ~~The recruitment effort shall emphasize the degree and duration of~~  
31 ~~the commitment expected of the CASA volunteer. The CASA~~  
32 ~~volunteer should be prepared to commit a minimum of one year of~~  
33 ~~service to a child and may be called upon to commit several hours~~  
34 ~~per week of duty;~~

35  
36 (D) ~~The recruitment effort shall address the demographics of the~~  
37 ~~jurisdiction by making all reasonable efforts to ensure that~~  
38 ~~individuals representing all sectors of the community and all racial,~~  
39 ~~ethnic, linguistic, and economic sub-groups within it are recruited~~  
40 ~~and made available for appointment as CASA volunteers; and~~

41  
42 (E) ~~The recruitment effort should include some individuals who are able~~  
43 ~~to work effectively with children who have special needs such as~~

1 those with hearing, sight, or speech impairment; developmental  
2 disability; physical or mental disability; or any other condition  
3 requiring an individual with special skills for communication and  
4 advocacy.  
5

6 (2) A CASA program shall must adopt and adhere to a the following  
7 minimum written screening procedures for screening potential CASA  
8 volunteers under section 102(e). The following considerations are  
9 essential to the effective screening of qualified CASA volunteers:  
10

11 ~~(A)~~ The screening procedure shall be designed and implemented to  
12 ensure that those accepted for training are of good character,  
13 competent to fulfill the role of a CASA volunteer, and willing to  
14 commit the time and energy necessary to effectively present and  
15 advance the best interests of a child or children in juvenile court  
16 proceedings;  
17

18 ~~(B)~~ The screening procedure shall include an information and orientation  
19 mechanism for aspiring CASA volunteers, presenting such topics as  
20 the role of the juvenile court, including its relationship to the child  
21 welfare agency in child abuse and neglect cases, the general CASA  
22 concept, a description of the local CASA program, and the role and  
23 responsibilities of the CASA volunteer;  
24

25 ~~(C)~~ (A) The screening procedure shall include A written application  
26 that generates adequate minimum identifying data; information  
27 regarding the applicant's education, training, and experience;  
28 minimum age requirements; and current and past employment;  
29 demonstrated interest in children and their welfare; personal  
30 experience with child abuse and neglect that bears upon the  
31 applicant's ability to be effective in these types of cases; and a  
32 statement of commitment to the role and responsibilities of a  
33 CASA volunteer;  
34

35 ~~(D)~~ (B) The screening procedure shall include Notice to the applicant  
36 that a formal security check will be made, including inquiries,  
37 through appropriate law enforcement agencies, regarding any  
38 criminal record, driving record, or other record of conduct that  
39 would disqualify the applicant from service as a CASA  
40 volunteer. The security check ~~should~~ must include  
41 fingerprinting and reference to criminal registries in appropriate  
42 states. It should also ensure that the CASA volunteer has  
43 adequate motor vehicle insurance coverage if use of a motor

1 vehicle will be necessary to the performance of duty. Refusal to  
2 consent to a formal security check shall be is grounds for  
3 rejecting an applicant;.

4  
5 ~~(E)~~ (C) ~~The screening procedure shall include~~ A minimum of three  
6 completed references regarding the character, competence, and  
7 reliability of the applicant and his or her suitability for  
8 assuming the role of a CASA volunteer; ~~and~~.

9  
10 ~~(F)~~ (D) ~~The screening procedure shall include~~ A personal interview or  
11 interviews by a person or persons approved by the presiding  
12 juvenile court judge or his or her designee, probing the  
13 essential areas of concern with respect to the qualities of an  
14 effective CASA volunteer. A written, confidential record of the  
15 interview and the interviewer's assessments and observations  
16 should must be made; and ~~kept~~ retained in the advocate's file.

17  
18 (3) If a CASA program allows its volunteers to transport children, the  
19 program must ensure that each volunteer transporting children:

20  
21 (A) Possesses a valid and current driver's license;

22  
23 (B) Possesses personal automobile insurance that meets the minimum  
24 state personal automobile insurance requirements;

25  
26 (C) Obtains permission from the child's guardian or custodial agency;  
27 and

28  
29 (D) Provides the CASA program with a Department of Motor Vehicles  
30 driving record report annually.

31  
32 ~~(3)~~ (4) A CASA program shall must adopt ~~and adhere to~~ a written  
33 preliminary ~~selection~~ procedure for selecting CASA candidates  
34 ~~regarding entry into~~ to enter the CASA training program. ~~The~~  
35 ~~following considerations are essential to the effective selection of~~  
36 ~~CASA volunteer trainees:~~ The selection procedure must state that any  
37 applicant found to have been convicted of or to have current charges  
38 pending for a felony or misdemeanor involving a sex offense, child  
39 abuse, or child neglect must not be accepted as a CASA volunteer.  
40 This policy must be stated on the volunteer application form.  
41

1           (A) ~~The selection procedure should be designed and implemented to~~  
2           ~~ensure that those selected recognize the seriousness of the role to~~  
3           ~~which they aspire and the demands that it will make upon them; and~~  
4

5           (B) ~~The selection procedure should ensure that those not selected are~~  
6           ~~treated with dignity and respect and, if possible, referred to~~  
7           ~~alternative volunteer opportunities more suitable for them.~~  
8

9       (e) **(d)** **[Initial training of CASA volunteers]** A CASA program ~~shall~~ must adopt  
10       and adhere to a written plan for the initial training of CASA volunteers. ~~The~~  
11       ~~following considerations are essential to the initial training and final~~  
12       ~~selection of CASA volunteers:~~  
13

14       (1) ~~The initial training curriculum shall include at least 24 hours of formal~~  
15       ~~instruction covering the following topic areas:~~  
16

17           ~~Child Development and Family Systems~~

18           ~~Dynamics of Child Abuse and Neglect~~

19           ~~The Role of Law Enforcement~~

20           ~~The Role of the Child Welfare Agency~~

21           ~~The Role of the Juvenile Court and Its Key Participants~~

22           ~~Dependency Law and Procedure~~

23           ~~An Introduction to Discovery and Evidence~~

24           ~~Court Appearances and Testimony~~

25           ~~Ethics, Confidentiality of Information, and Mandated Reporting~~

26           ~~Community Resources for Children~~

27           ~~Cross-Cultural Issues~~

28           ~~The CASA Concept~~

29           ~~The Local CASA Program~~

30           ~~The Role and Responsibilities of the CASA Volunteer~~  
31  
32  
33  
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1  
2 Investigation

3  
4 Interviewing

5  
6 Report Writing and Verification

7  
8 Advocacy

9  
10 Any other subject deemed appropriate by the CASA program director or the  
11 juvenile court presiding judge. If volunteers will be assigned to wardship cases,  
12 the initial training shall include instruction on relevant juvenile court law.

13  
14 (1) The initial training curriculum must include at least 30 hours of formal  
15 instruction. This curriculum must include mandatory training topics as  
16 listed in section 102(d). The curriculum may also include additional  
17 appropriate topics.

18  
19 ~~(2) The initial training program shall include an opportunity for each trainee~~  
20 ~~to visit the juvenile court while it is in session and observe proceedings~~  
21 ~~similar to those in which he or she would be involved as a CASA~~  
22 ~~volunteer as well as the opportunity to visit a local child welfare agency~~  
23 ~~and other community agencies and institutions relevant to the work of a~~  
24 ~~CASA volunteer.~~

25  
26 ~~(3) The initial training program shall include written materials covering the~~  
27 ~~topic areas of the training curriculum. These materials should be provided~~  
28 ~~to trainees in a form designed for easy access, reference, and update.~~

29  
30 ~~(4) Trainers and faculty of the initial training program should be persons with~~  
31 ~~substantial knowledge, training, and experience in the subject matter they~~  
32 ~~present and should be competent in the provision of technical training to~~  
33 ~~laypersons aspiring to be CASA volunteers.~~

34  
35 ~~(5) CASA program staff and others responsible for the initial training~~  
36 ~~program should be attentive to the participation and progress of each~~  
37 ~~trainee and be able to objectively evaluate his or her abilities according to~~  
38 ~~criteria developed by the CASA program for that purpose.~~

39  
40 (2) The final selection process is contingent on the successful completion of  
41 the initial training program, as determined by the presiding judge of the  
42 juvenile court or his or her designee.  
43

1           ~~(d)~~ **(e)** **[Oath]** At the completion of training, and before assignment to any child's  
2 case, the CASA volunteer shall must take a court-~~approved~~administered  
3 oath describing the duties and responsibilities of the advocate under section  
4 103(f). The CASA volunteer shall must also sign a written affirmation of  
5 that oath. The signed affirmation shall must be retained in the volunteer's  
6 file.

7  
8           ~~(e)~~ **(f)** **[Duties and responsibilities]** ~~(1)~~ CASA volunteers serve at the discretion  
9 of the court having jurisdiction over the proceeding in which the volunteer  
10 has been appointed. A CASA volunteer is an officer of the court and is  
11 bound by all court rules under section 103(e). ~~(2)~~ A CASA program shall  
12 must develop and adopt a written description of duties and responsibilities,  
13 consistent with local court rules, ~~which shall address at least the following:~~

14  
15           ~~(A)~~ Supporting the child throughout the court proceedings;

16  
17           ~~(B)~~ Explaining the court proceedings to the child;

18  
19           ~~(C)~~ Establishing a relationship with the child to better understand the  
20 child's needs and desires;

21  
22           ~~(D)~~ Reviewing available records regarding the child's family history,  
23 school behavior, medical or mental health history, etc.;

24  
25           ~~(E)~~ Identifying and exploring potential resources that will facilitate  
26 family preservation, early family reunification, or alternative  
27 permanency planning;

28  
29           ~~(F)~~ Explaining the CASA volunteer's role, duties, and responsibilities to  
30 all parties associated with a case;

31  
32           ~~(G)~~ Communicating the child's needs to the court in written reports and  
33 recommendations;

34  
35           ~~(H)~~ Ensuring that the court approved plans for the child are being  
36 implemented;

37  
38           ~~(I)~~ Investigating the interests of the child in judicial or administrative  
39 proceedings outside of juvenile court;

40  
41           ~~(J)~~ Communicating and coordinating efforts with the child's social  
42 worker, probation officer, and attorney; and  
43

1                   ~~(K) Other duties and responsibilities as determined by the presiding~~  
2                   ~~juvenile court judge or a designee.~~

3  
4     **(g) [Prohibited activities]** A CASA program must develop and adopt a written  
5     description of activities that are prohibited for CASA volunteers. The specified  
6     prohibited activities must include:

7  
8             (1) Taking a child to the CASA volunteer’s home;

9  
10            (2) Giving legal advice or therapeutic counseling;

11  
12            (3) Giving money or expensive gifts to the child or family;

13  
14            (4) Being related to any parties involved in a case or being employed in a  
15            position and/or agency that might result in a conflict of interest; and

16  
17            (5) Any other activities prohibited by the local juvenile court.

18  
19     **(f) (h) [The appointment of CASA volunteers]** ~~(1) The presiding juvenile court~~  
20     ~~judge and The CASA program director shall must develop, with the~~  
21     ~~approval of the presiding juvenile court judge, a written procedure for the~~  
22     ~~selection of cases and the appointment of CASA volunteers for children in~~  
23     ~~juvenile court proceedings. The procedure should recognize the fact that~~  
24     ~~volunteers will not be available for all children, and should include criteria~~  
25     ~~for determining those types of cases and children most likely to benefit~~  
26     ~~from the appointment of an advocate. If volunteer resources are limited,~~  
27     ~~preference in assignment should be given to children in dependency~~  
28     ~~proceedings.~~

29  
30            ~~(2) The court may appoint a CASA volunteer at any time during dependency~~  
31            ~~proceedings. In the event that appointment is made prior to the~~  
32            ~~establishment of jurisdiction, the court order shall specify that the duties~~  
33            ~~of the child’s advocate are limited to supporting the child and advocating~~  
34            ~~for needed services. The court shall admonish the child’s advocate not to~~  
35            ~~investigate jurisdictional issues. In making prejurisdictional~~  
36            ~~appointments, the courts and CASA programs are encouraged to follow~~  
37            ~~the early assignment protocol developed by the California CASA~~  
38            ~~Association.~~

39  
40            ~~(3) The court may appoint a CASA volunteer at any time following a~~  
41            ~~declaration of wardship at a disposition hearing in wardship proceedings.~~

- 1           (4) ~~In developing the criteria for selection of cases and assignment of a~~  
2           ~~volunteer, the CASA program shall consider the complexity of the case;~~  
3           ~~the availability of alternative support persons in the child's life; the age~~  
4           ~~and sex of the child or children; the cultural, ethnic, linguistic, religious,~~  
5           ~~and other background characteristics (including any disabilities) of the~~  
6           ~~child and family; the potential assistance a volunteer could provide; the~~  
7           ~~availability of a particular volunteer to meet the specific needs of the~~  
8           ~~child; and such other factors as the CASA program may deem relevant to~~  
9           ~~the assignment of the most effective CASA volunteer for the case.~~  
10  
11          (5) ~~The procedure shall ensure that a qualified volunteer is assigned to a case~~  
12          ~~as early as possible after a court referral is made.~~  
13  
14          (6) ~~The procedure shall ensure that no conflict of interest exists with respect~~  
15          ~~to the CASA volunteer and any other party or interest associated with the~~  
16          ~~case.~~  
17  
18          (7) ~~The procedure shall ensure that all appointments and assignments are~~  
19          ~~made by an appropriate order of the court, and that, whenever possible,~~  
20          ~~the order for appointment shall contain specific duties of the volunteer~~  
21          ~~and the reasons for the appointment; that all appointments and~~  
22          ~~assignments are acknowledged in writing; and that all persons entitled to~~  
23          ~~notice of the hearings are notified of the appointment of the CASA~~  
24          ~~program and of their opportunity to petition the court for a hearing on the~~  
25          ~~matter. The advocate may request the court at any time for a clarification~~  
26          ~~of CASA duties on a specific case.~~  
27  
28          (8) ~~The procedure shall ensure that as soon as feasible after the appointment~~  
29          ~~or assignment of a CASA volunteer, he or she obtains access to~~  
30          ~~appropriate case materials, including the court file, the appointment order,~~  
31          ~~the assignment letter, and such other documents as may be necessary to~~  
32          ~~effectively present and promote the child's or children's best interests.~~  
33          ~~Likewise, the CASA volunteer shall receive immediate guidance from~~  
34          ~~CASA program staff in developing a plan of action for undertaking the~~  
35          ~~duties and responsibilities of a CASA volunteer.~~

36  
37          **(g) (i)** **[Oversight, support, and supervision of CASA volunteers]** ~~(4)~~ A CASA  
38          program shall must adopt and adhere to a written plan, approved by the  
39          presiding juvenile court judge, for the oversight, support, and supervision  
40          of CASA volunteers in the performance of their duties. ~~The following~~  
41          ~~considerations are essential to the effective oversight and supervision of~~  
42          ~~CASA volunteers: The plan must:~~  
43

- 1                   ~~(A) Case supervisors and other CASA program staff shall be persons~~  
2                   ~~with substantial knowledge, training, and experience regarding the~~  
3                   ~~CASA concept and the curriculum the volunteers have been trained~~  
4                   ~~in, and be competent to provide the necessary supervision, support,~~  
5                   ~~and evaluation services to CASA volunteers in the exercise of their~~  
6                   ~~duties;~~  
7  
8                   ~~(B) The written oversight, support, and supervision plan shall be~~  
9                   ~~designed and implemented to ensure that the CASA program staff~~  
10                  ~~can readily determine the status of a case assigned to a CASA~~  
11                  ~~volunteer; assess the needs of the volunteer for support with respect~~  
12                  ~~to any aspect of the case; evaluate the performance of the volunteer~~  
13                  ~~in presenting and promoting the best interests of the child; and~~  
14                  ~~provide whatever support or other intervention as may be~~  
15                  ~~appropriate to the circumstances of the particular case;~~  
16  
17                  ~~(C) The written oversight, support, and supervision plan shall include an~~  
18                  ~~accurate case assignment record; an up to date calendar; a monthly~~  
19                  ~~case log system; and regularly scheduled case conferences during~~  
20                  ~~which the CASA volunteer meets personally with a CASA program~~  
21                  ~~staff person to review the progress, status, and prospective activities~~  
22                  ~~of the case(s) to which the volunteer is assigned. Case conferences~~  
23                  ~~should occur at least every 60 days and should be conducted with~~  
24                  ~~reference to the case file and a checklist or protocol adopted by the~~  
25                  ~~CASA program for this purpose. The checklist and a brief written~~  
26                  ~~record of the case review should be preserved in the case file;~~  
27  
28                  ~~(D) The plan shall ensure that CASA volunteers have ready access to~~  
29                  ~~CASA program staff for support, assistance, and direction. For~~  
30                  ~~emergency situations, the written plan should contain some~~  
31                  ~~provision for 24 hour coverage whether by the CASA program itself~~  
32                  ~~or through a local crisis hot line or other mechanism;~~  
33  
34                  ~~(E) The plan should ensure that CASA volunteers have ready access to~~  
35                  ~~an attorney knowledgeable in juvenile court law provided by the~~  
36                  ~~CASA program, whether retained or pro bono, for advice and~~  
37                  ~~direction on nonroutine legal issues that may arise in the course of~~  
38                  ~~duty. Access to such counsel should be regulated by CASA program~~  
39                  ~~staff;~~  
40  
41                  ~~(F) The plan shall include an annual evaluation procedure to confirm the~~  
42                  ~~continuing qualification of the CASA volunteer. This procedure~~  
43                  ~~should include analysis of case files and the case review records; the~~

1 volunteer's record with respect to ongoing training and continuing  
2 education; inquiries to the juvenile court officers in whose courts the  
3 volunteer has received assignments; follow up security checks if  
4 warranted; and such other information as may have come to the  
5 attention of CASA program staff. A written record of the evaluation  
6 shall be maintained in the volunteer's file;

7  
8 (G) ~~The plan shall include a procedure for reviewing grievances by the~~  
9 ~~volunteer or by any party brought against the volunteer; and~~

10  
11 (H) ~~The plan shall ensure that the presiding juvenile court judge, and~~  
12 ~~other juvenile court judges and referees, have open and regular~~  
13 ~~channels of communication to the CASA program director and ready~~  
14 ~~access to information regarding the status of CASA cases and~~  
15 ~~activities.~~

16  
17 (1) Include a grievance procedure that covers grievances by any person  
18 against a volunteer or CASA program staff and grievances by a volunteer  
19 against a CASA program or program staff. The grievance procedure must:

20  
21 (A) Be incorporated into a document that contains a description of the  
22 roles and responsibilities of CASA volunteers. This document must  
23 be provided:

24  
25 (i) When a copy of the court order that appointed the CASA  
26 volunteer is provided to any adult involved with the child's  
27 case, including, but not limited to teachers, foster parents,  
28 therapists, and healthcare workers, and

29  
30 (ii) To any person, including a volunteer, who has a grievance  
31 against a volunteer or a CASA program employee.

32  
33 (B) Include a provision that documentation of any grievance filed by or  
34 against a volunteer must be retained in the volunteer's personnel file.

35  
36 (2) ~~A CASA program shall must adopt and adhere to a written plan~~ Include a  
37 provision for the ongoing training and continuing education of CASA  
38 volunteers. The following considerations are essential to the effective  
39 ongoing training and continuing education of CASA volunteers: Ongoing  
40 training opportunities must be provided at least monthly under W&I Code  
41 section 103(a). CASA volunteers must participate in a minimum of 12  
42 hours of continuing education in each year of service.  
43

1 ~~(A) Ongoing training shall be designed and presented to maintain and~~  
2 ~~improve the level of CASA volunteer knowledge and skill and to~~  
3 ~~keep volunteers up to date on changes in law, local court procedure,~~  
4 ~~the practices of other involved agencies including the local child~~  
5 ~~welfare agency, CASA program policies, and developments in the~~  
6 ~~fields of child development, child abuse, and child advocacy;~~  
7

8 ~~(B) Ongoing training opportunities should be provided at least monthly~~  
9 ~~if possible and CASA volunteers shall participate in at least 10 hours~~  
10 ~~of continuing education in each year of service;~~  
11

12 ~~(C) Ongoing training may be provided directly by the CASA program, in~~  
13 ~~cooperation with another agency or agencies, including the local~~  
14 ~~child welfare agency, or through an outside agency if the substance~~  
15 ~~and quality of the training opportunity and its suitability for the~~  
16 ~~continuing education of CASA volunteers has been approved by the~~  
17 ~~CASA program. Site and field visits to agencies and institutions~~  
18 ~~relevant to the work of a CASA volunteer should be included as a~~  
19 ~~part of ongoing training;~~  
20

21 ~~(D) The program should consider having available resource persons in~~  
22 ~~such areas as education, mental health, and medicine for~~  
23 ~~consultation on an as needed basis; and~~  
24

25 ~~(E) Trainers, consultants, and faculty of ongoing training and continuing~~  
26 ~~education should be persons with substantial knowledge, training,~~  
27 ~~and experience in the subject matter they present and should be~~  
28 ~~competent in the provision of technical training to persons serving as~~  
29 ~~CASA volunteers.~~  
30

31 ~~(h)~~ **(j)** **[Removal, resignation, and termination of a CASA volunteer]** The  
32 CASA program shall must adopt a written plan for the removal,  
33 resignation, or involuntary termination of a CASA volunteer, including the  
34 following provisions:  
35

36 (1) A volunteer may resign or be removed from an individual case at any  
37 time by the order of the juvenile court presiding judge or a his or her  
38 designee.  
39

40 ~~(2) A volunteer may resign from the program by submitting a written notice~~  
41 ~~to the director of the program.~~  
42

1           ~~(3) (2)~~ A volunteer may be involuntarily terminated from the program by the  
2           ~~court upon written application to the court by the program director.~~  
3           ~~The court should determine by local court rule the procedure for~~  
4           ~~acting on the application, including the procedure for filing a~~  
5           ~~grievance.~~

6  
7           (3) The volunteer has the right to appeal termination by the program director  
8           under the program's grievance procedure.

9  
10        ~~(i) (k)~~ **[CASA program administration and management]** ~~(4)~~ A CASA  
11        program shall must adopt and adhere to a written plan for effective and  
12        efficient program governance and evaluation. ~~The following considerations~~  
13        ~~are essential to the effective governance of a CASA program: that includes~~  
14        ~~the following as applicable:~~

15  
16        ~~(A) (1)~~ The governance plan shall be designed to best serve the underlying  
17        ~~principles of the CASA concept. The plan shall include, if~~  
18        ~~applicable, Articles of incorporation, by-laws, and a board of~~  
19        ~~directors. Any CASA program that functions under the auspices of a~~  
20        ~~public agency or private entity shall must specify in its plan a clear~~  
21        ~~administrative relationship with the parent organization and clearly~~  
22        ~~delineated delegations of authority and accountability. No CASA~~  
23        ~~program may function under the auspices of a probation department~~  
24        ~~or department of social services. Any CASA program that is~~  
25        ~~functioning under the auspices of a probation department or~~  
26        ~~department of social services on the effective date of this rule must~~  
27        ~~comply with this subdivision by July 1, 2001. The CASA program~~  
28        ~~director of a program that functions under the auspices of a public~~  
29        ~~agency or a private entity shall appoint an active advisory council to:~~  
30        CASA programs may receive funds from probation departments,  
31        local child welfare agencies, and the California Department of Social  
32        Services if:

33  
34           ~~(i)~~ Support the CASA program in its relations with the court and  
35           ~~the community;~~

36  
37           ~~(ii)~~ Assist in the development of resources; and

38  
39           ~~(iii)~~ Provide advice and recommendations to the CASA program  
40           ~~with regard to program goals and policies.~~

41  
42        (A) The CASA program and the contributing agency develop a  
43        memorandum of understanding (MOU) or contract stating that the

1 funds will be used only for general operating expenses as  
2 determined by the receiving CASA program, and the contributing  
3 agency will not oversee or monitor the funds;  
4

5 (B) A procedure resolving any conflict between the CASA program and  
6 contributing agency is implemented so that conflict between the two  
7 agencies does not affect funding or the CASA program's ability to  
8 retain an independent evaluation separate from that of the  
9 contributing agency's; and

10  
11 (C) Any MOU or contract between a CASA program and the  
12 contributing agency is submitted to and approved by AOC staff.  
13

14 ~~(B) (2)~~ The governance plan shall include A clear statement of the purpose  
15 or mission of the CASA program and express goals and objectives  
16 ealeulated to further its that purposes;. Where the CASA program is  
17 not an independent non-profit organization, but instead functions  
18 under the auspices of a public agency or a private entity, an active  
19 advisory council must be established. The advisory council for  
20 CASA programs functioning under the auspices of a public agency  
21 or a private entity will not function as the governing body of the  
22 CASA program. The board of directors for the private entity or the  
23 public agency management will function as the governing body for  
24 the CASA program, with guidance from the advisory council.  
25

26 ~~(C) (3)~~ The governance plan shall include A procedure for the recruitment,  
27 selection, and hiring, and evaluation of an highly competent chief  
28 executive officer director for the CASA program. Clear lines of  
29 authority among the presiding judge of the juvenile court, the  
30 governing body, and the chief executive officer should be drawn; the  
31 chief executive officer's duties and responsibilities should be  
32 delineated; and a mechanism for regular evaluation should be  
33 specified in an employment agreement; and  
34

35 ~~(D)~~ The governance plan shall include a mechanism for a regular  
36 evaluation of program effectiveness and reevaluation of its goals and  
37 objectives.  
38

39 ~~(2)~~ A CASA program shall adopt and adhere to a written plan for effective  
40 and efficient program operations.  
41

1           ~~(A) The operations plan shall include an organizational chart with clear~~  
2           ~~lines of authority to a governing body or official and to the presiding~~  
3           ~~juvenile court judge, as applicable; and~~  
4

5           ~~(B) The plan should include preparation and maintenance of a program~~  
6           ~~manual containing the policies and procedures indicated by these~~  
7           ~~guidelines; initial and ongoing training materials; and such~~  
8           ~~additional material as the CASA program may deem appropriate to~~  
9           ~~the effective performance of its program functions. This manual~~  
10           ~~should be made available to the CASA volunteers and serve as their~~  
11           ~~key reference source in undertaking and performing their duties.~~  
12

13           ~~(3) (4) A CASA program shall adopt and adhere to a written plan for~~  
14           ~~effective and efficient program management. The management plan~~  
15           ~~should include An administrative manual containing personnel~~  
16           ~~policies, record-keeping practices, and data collection practices, and~~  
17           ~~other internal systems for ensuring high quality administrative support~~  
18           ~~for staff, CASA volunteers, juvenile court personnel, allied agencies,~~  
19           ~~and others who collaborate in the work of the CASA program.~~  
20

21           ~~(4) A CASA program shall adopt and adhere to a written plan for effective~~  
22           ~~and efficient fiscal control.~~  
23

24           ~~(A) The fiscal plan should include budgetary projections and a strategy~~  
25           ~~for obtaining necessary funding to finance program operations;~~  
26

27           ~~(B) The fiscal plan should include policies and procedures, as applicable,~~  
28           ~~to ensure the integrity and effective and economical use of funds~~  
29           ~~appropriated, allocated, or donated in furtherance of the program's~~  
30           ~~purposes; and~~  
31

32           ~~(C) The fiscal plan should include, if applicable, an annual audit or fiscal~~  
33           ~~review conducted by a qualified professional consistent with~~  
34           ~~generally accepted accounting principles.~~  
35

36           ~~(5) Local juvenile court rules developed in conjunction consultation with the~~  
37           ~~presiding judge of the juvenile court or his or her designee, each CASA~~  
38           ~~program should develop local juvenile court rules pertaining to the CASA~~  
39           ~~program, as specified in section 100. One local rule must specify when~~  
40           ~~CASA reports are to be submitted to the court, who is entitled to receive a~~  
41           ~~copy of the report, and who will copy and distribute the report. This rule~~  
42           ~~must also specify that the CASA court report must be distributed to the~~

1 persons entitled to receive it at least two court days before the hearing for  
2 which the report was prepared. Those rules may include:

3  
4 ~~(A) Definition of the role of a CASA volunteer in juvenile court  
5 proceedings;~~

6  
7 ~~(B) Types of cases on which a CASA volunteer will be appointed;~~

8  
9 ~~(C) Range of activities that can be undertaken by a CASA volunteer;~~

10  
11 ~~(D) Point of time in proceedings when a CASA volunteer will be  
12 appointed;~~

13  
14 ~~(E) Definition of the relationship among operational participants,  
15 including, but not limited to, the court, the child welfare agency,  
16 mental health professionals, attorneys, and CASA volunteers and  
17 staff;~~

18  
19 ~~(F) Provision for open and regular channels of communication between  
20 the CASA program director/staff and the presiding juvenile court  
21 judge, other judges and referees in the juvenile court, child welfare  
22 system officials, and officials from other participating agencies; and~~

23  
24 ~~(G) Access to confidential personnel and CASA case records.~~

25  
26 **(D) [Finance, facility, and risk management]**

27  
28 (1) A CASA program must adopt a written plan for fiscal control. The fiscal  
29 plan must include an annual audit, conducted by a qualified professional,  
30 that is consistent with generally accepted accounting principles and the  
31 audit protocols in the program's contract with the Administrative Office  
32 of the Courts.

33  
34 (2) The fiscal plan must include a written budget with projections that guide  
35 the management of financial resources and a strategy for obtaining  
36 necessary funding for program operations.

37  
38 (3) When the program has accounting oversight, it must adhere to written  
39 operational procedures in regard to accounting control.

40  
41 (4) The CASA program's board of directors must set policies for and exercise  
42 control over fundraising activities carried out by its employees and  
43 volunteers.

1  
2 (5) The CASA program must have the following insurance coverage for its  
3 staff and volunteers:

4  
5 (A) General liability insurance with limits of liability of not less than \$1  
6 million (\$1,000,000) for each person per occurrence/aggregate for  
7 bodily injury and not less than \$1 million (\$1,000,000) per  
8 occurrence/aggregate for property damage;

9  
10 (B) Nonowned automobile liability insurance and hired vehicle coverage  
11 with limits of liability of not less than \$1 million (\$1,000,000)  
12 combined single limit per occurrence and in the aggregate;

13  
14 (C) Automobile liability insurance meeting the minimum state  
15 automobile liability insurance requirements, if the program owns a  
16 vehicle; and

17  
18 (D) Workers' compensation insurance with a minimum limit of  
19 \$500,000.

20  
21 (6) The CASA program must require staff, volunteers, and members of the  
22 governing body, when applicable, to immediately notify the CASA  
23 program of any criminal charges against themselves.

24  
25 (7) The nonprofit CASA program must plan for the disposition of property  
26 and confidential records in the event of its dissolution.

27  
28 **(j) (m) [Confidentiality]** The presiding juvenile court judge and the CASA  
29 program director ~~shall~~ must adopt a written plan governing confidentiality  
30 of case information, case records, and personnel records. The written plan  
31 ~~shall~~ must include the following provisions that:

32  
33 (1) All information concerning children and families in the juvenile court  
34 process is confidential. Volunteers ~~shall~~ must not give case information to  
35 anyone other than the court parties, their attorneys, and CASA staff;

36  
37 (2) CASA volunteers are required by law (Pen. Code, § 11166 et seq.) to  
38 report any reasonable suspicion that a child is a victim of child abuse or  
39 serious neglect as described by Penal Code section 273;

40  
41 (3) The child's original case file ~~shall~~ must be maintained in the CASA office  
42 by a custodian of records and must remain there. Copies of documents  
43 needed by a volunteer must be restricted to those actually needed to

1                    conduct necessary business outside of the office. No one shall ~~may~~ have  
2                    access to ~~that~~ the child's original case file except upon the approval of the  
3                    CASA program director or presiding judge of the juvenile court. Controls  
4                    must be in place to ensure that records can be located at any time. The  
5                    office shall ~~must~~ establish a written procedure for the maintenance ~~and~~  
6                    destruction of case files; ~~and,~~

- 7  
8                    (4) The volunteer's personnel file is confidential. No one shall may have  
9                    access to the personnel file except the volunteer, the CASA program  
10                    director or his or her designee, or the presiding judge of the juvenile  
11                    court. ~~Local court rules should determine standards and procedures for~~  
12                    ~~access by other parties, including the process by which such documents~~  
13                    ~~can be subpoenaed.~~

14  
15                    **(k) — [Reports; service]**

- 16  
17                    (1) ~~Each court that has a CASA program shall adopt a local rule, effective on~~  
18                    ~~or before January 1, 2002, specifying when CASA reports are to be~~  
19                    ~~submitted to the court, who is entitled to receive a copy of the report, and~~  
20                    ~~who shall copy and distribute the report.~~

- 21  
22                    (2) ~~At least two court days before the hearing, the report shall be distributed~~  
23                    ~~to the persons entitled to receive it.~~

**SPR04-30**  
**Court Appointed Special Advocates: Program Guidelines**  
**(amend Cal. Rules of Court, rule 1424)**

	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Ms. Sally Archambault Foster Parent Napa	AM	N	<p>1. "The plan must be provided to any person who has a grievance against a volunteer or program staff." There needs to be a requirement to provide all involved with CASA (including foster parents, who are not normally a legal party to the case, but who do have a vested interest in the well-being of the child) a notice of the ability to file grievance at the beginning of a case. Without a requirement to provide notice of the ability to file grievance, grievances may go unreported. As one who has been involved with the juvenile court process, and who was a foster parent and de facto parent, the local CASA was hostile to expressed concerns and responded with comments like "you are just a foster parent" and refused to acknowledge our legal standing as de facto parents.</p> <p>2. "Relevant documentation of any grievance." The word "relevant" should be struck. This creates a significant loophole. Who decides what is relevant? These agencies are staffed by people who presumably are dedicated to their work and each other. By allowing one of your coworkers or board members to decide what is relevant, you are allowing for potentially "relevant" information to be destroyed/lost; items that are not "relevant" can simply be ignored. Again, from my experience, it was clear that the local CASA did not understand the breadth of juvenile law and was acting in a prejudiced and unlawful manner - certainly, not deliberately. Our foster child's CASA worker was</p>	<p>1. Agree to require volunteers to provide handout that includes information about grievance process to all adults involved in the case. Volunteers are now required to show their court order authorizing CASA appointment to all adults involved in the child's life. We will ask the volunteers to also provide a handout describing the role and responsibilities of a CASA. This handout would also include information about the grievance process. The volunteer will be required to give the handout to all adults involved with the child when they show their court order.</p> <p>2. Agree to strike the word "relevant."</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				fired without cause or documentation at a point in the case where the first major CASA report was required before the court. The program director did not consider our comments relevant - we were the foster parents and de facto parents.	
2.	Hon. Barbara J. Beck Presiding Judge, Juvenile Court Superior Court of Santa Barbara County	A	N	Our CASA advocates are absolutely invaluable. I don't believe any of the changes adversely affects their ability to perform their job.	No response required.
3.	Ms. Penelope Blake Supervising Deputy District Attorney Santa Clara County District Attorney's Office	AM	Y	<p>Our office and Child Advocates of Santa Clara and San Mateo Counties have a close working relationship and we greatly rely on their service to our clients. We have reviewed the comments they have sent and wish to adopt rather than repeat their concerns.</p> <p>However, there are several areas in the proposed amendments to which we have specific concerns that we want to note:</p> <p>1. The first is on page 7 where it is proposed that advocates be trained in Rules of Evidence and Discovery Procedures. We represent the children as attorneys and see no reason why an advocate would also need this type of training, especially when training on Ethics, Confidentiality and Mandated Reporting are being deleted. The latter are clearly areas of extreme importance to advocates and therefore areas where training is needed.</p>	<p>1. The inclusion of rules of evidence and discovery procedures in CASA volunteer training is mandated by W&amp;I Code, section 102. All training topics, other than what is mandated in the W&amp;I Code have been deleted from rule 1424 and transferred to the CASA policies and procedures manual. By transferring ethics, confidentiality, and mandated reporting to the policy manual,</p>

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**Court Appointed Special Advocates: Program Guidelines**  
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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>2. Our next area of concern involves the prohibition against an advocate taking a child to their home. This activity is well controlled in the Child Advocate program. They have a written policy, which requires the approval of the advocate supervisor and the supervising social worker. We have never had a problem with this procedure, and believe in the appropriate case that it is an invaluable experience for our clients. The artificial prohibition against ever allowing our clients this type of normalized relationship with their advocates is unwarranted. Further, both our legislature and the Family to Family concept which is being adopted around the country support the concept of lowering barriers and providing children in care with as normal a life experience as possible.</p>	<p>there is still the expectation that these topics will be included in the training. As stated in the proposed revision to rule 1424:</p> <p>“The Judicial Council may consider compliance with the guidelines delineated in the <i>CASA Program Policies and Procedures Manual</i> when determining eligibility for and amount of program funding.”</p> <p>2. National CASA Standards prohibit taking the child to the volunteer’s home. The California CASA Association strongly supports National CASA’s prohibition. CASA is not a Big Brothers/Big Sisters’ mentoring organization. Although the CASA does establish a trusting relationship with the child, the primary role of the CASA is to advocate for the child, to <i>assist</i> in finding “as normal a life experience” as possible for the child, and to provide information to the court. There is no expectation that the social workers or the children’s attorneys will take children to their homes to provide this normal life experience. It is not appropriate to have dual roles with the child. The same is true for the CASA volunteer.</p>

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**Court Appointed Special Advocates: Program Guidelines**  
**(amend Cal. Rules of Court, rule 1424)**

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				3. Finally, on page 14, (j)(3) To avoid any confusion that line should read “The volunteer has the right to appeal termination by the program director under the program’s grievance procedure.” If a volunteer wanted to appeal a court’s order terminating them as advocates they would have to do it through the courts.	3. Agree to amend rule 1424 to read: “The volunteer has the right to appeal termination by the program director under the program’s grievance procedure.”
4.	Ms. Gisela Bushey Executive Director Child Advocates of Santa Clara and San Mateo Counties	AM	Y	<p>1. Page 3 (b) (2) provides that the AOC may create a CASA Program Policies and Procedures Manual that "will include written protocols developed by the AOC as recommended program guidelines for California CASA programs." How does this Manual relate to Rule 1424? Does it contain guidelines or are the recommendations actually mandatory?</p> <p>2. Page 5 (B) requires fingerprinting CASA volunteers.</p> <p>a. Doesn’t this requirement violate public policy? If required, fingerprinting should be free. CA Penal Code 11105.3(b) states, "no fee shall be charged to a nonprofit organization" upon request for fingerprint records. Government Code Section 3112(e) states, "Legal and market disincentives and impediments</p>	<p>1. The recommendations in the policy manual are not requirements. However, they are “best practices,” and programs may receive enhanced funding for following the guidelines or reduced funding for not following them. The following amendment to rule 1424(a) covers both options.</p> <p>“(a) [General provisions] . . . The Judicial Council may consider compliance with the guidelines delineated in the <i>CASA Program Policies and Procedures Manual</i> when determining eligibility for and amount of program funding.”</p> <p>2a. Fingerprinting as part of a volunteer screening component does not violate public policy. In February 2003, the Department of Justice (DOJ) initiated a new screening requirement for CASA volunteers. Because CASA volunteers are</p>

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				<p>need to be eliminated in order to establish an optimum environment for citizen initiative and volunteer action."</p> <p>b. It doesn't address who will receive access to the findings of the volunteers' records check. We were told that the relevant Welfare and Institutions Code section would be changed to provide the report to CASA Programs rather than to the Courts, as is the current provision. How does this coordinate? Has that code section been changed?</p>	<p>"court officers" the DOJ determined that volunteers should have the same level of screening as certain law enforcement officers (non-weapons-carrying officers). This required a broader level of screening (FBI check and going back further into the past— more than 10 years— for a criminal record check) and a larger fee. Except for a processing fee, formerly there had been no fee for the DOJ screening because the statute (California Penal Code, section 11105.3(b)) that covered the CASA programs, prohibited the DOJ to charge nonprofits a fee. Now the CASA programs have to pay \$32 for DOJ, \$18 for FBI, and a processing fee of up to \$20.</p> <p>2b. This new DOJ screening policy also required that the CASA programs go through the courts to request DOJ screening; the CASA programs needed the DOJ ORI code used by the courts for this broader level of screening. This arrangement was problematic, not only because of the increase in fees, but also because the court received the results of the criminal record checks and court staff were doing the actual volunteer screening.</p> <p>Legislation (AB 1710) was passed during</p>

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				<p>3. Page 6 (3) requires that volunteers must provide copies of driving records to CASA Programs annually. This report currently costs \$5. Who is expected to pay for this each year? Is this an unfunded mandate? \$5 multiplied by hundreds of Advocates would constitute an excessive financial burden on an organization.</p> <p>4. Page 6 (4) provides for felony and misdemeanor charges and convictions that will require a CASA Program to reject a prospective volunteer. Is there anything in Rule 1424 or prevailing law to prevent a CASA Program from rejecting volunteers based on a broader list of felony and misdemeanor charges and convictions?</p> <p>5. Page 7(5) lists "Rules and Evidence and Discovery" as a mandatory training topic for volunteers.</p> <p>a. What is the rationale for inclusion of this topic?</p>	<p>the summer of 2003 that, effective July 1, 2004, allows the programs to once again submit their volunteer screening requests directly to the DOJ and receive the results directly from the DOJ. However, the broader level of screening is still required and the larger fees are still in effect. The new statute covering the CASA screening is California Penal Code section 11105.04.</p> <p>3. The \$5 Department of Motor Vehicles (DMV) report is required annually. Most California CASA programs currently ask the volunteer to pay for that expense.</p> <p>4. There is nothing in rule 1424 or prevailing law to prevent a CASA program from rejecting volunteers based on a broader list of felony and misdemeanor charges and convictions.</p> <p>5a. The inclusion of rules of evidence and</p>

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				<p>Volunteers are not attorneys for their children.</p> <p>b. What is the rationale behind excluding topics such as such as Mandatory Abuse Reporting, Ethics, Confidentiality, and Cross Cultural Issues? These topics are more relevant to the role of the volunteer.</p> <p>6. Page 9 (g) requires CASA Programs to adopt a written policy prohibiting "taking a child to the CASA volunteer's home."</p> <p>a. What professional representatives have provided input to this prohibition policy -- Courts, District Attorney, Private Defender Panel? What if this prohibition policy is in conflict with the Court's expectation? Why not develop a policy with an expectation that individual CASA Programs develop written protocols to ensure the safety and well being of children. Child Advocates has developed a written protocol for volunteers that includes requiring obtaining the permission of their supervisor and their child's social worker before bringing a child home. We screen and entrust our advocates with their children and expect them to protect their children's safety in the public arena. We know that it is not necessarily in the well being of all children to be taken home and that some volunteers do not wish to do this.</p>	<p>discovery procedures in CASA volunteer training is mandated by W&amp;I Code section 102.</p> <p>5b. All training topics other than what is mandated in the W&amp;I Code have been deleted from rule 1424 and transferred to the CASA policies and procedures manual.</p> <p>6. (1-2) See commentator 2, Penny Blake, item 2.</p>

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				<p>b. How does this prohibition policy coordinate with a recognition and legislative movement that foster children need to feel as much like other children as possible? This prohibition perpetuates the feeling of isolation and "difference" that our children already feel.</p> <p>7. Page 10 requires CASA Programs to adopt a written policy prohibiting "giving money or expensive gifts to the child or family." Can this be more clearly defined? An "expensive" gift in one part of the state may be different from another geographical area. On occasion, a volunteer may pay for a child's recreational or athletic activity when no other source of funds are available. Is this included in the prohibition?</p> <p>8. Page 15 excludes the pass-through of funds from the California Department of Social Services to another agency. This seems to create a loophole that does not support Judicial Council's contention that there must be a distinction between social services and CASA Programs.</p>	<p>7. CASA programs are located in very diverse areas across California with different cultures, cost of living, and economies. There is no one standard that would fit all California programs. This is an area where each CASA program management should use good judgment and develop appropriate policies for their individual program.</p> <p>8. Agree to revise proposed rule (k)(1) to read as follows:</p> <p>(A) “. . . The CASA program and the contributing agency develop a memorandum of understanding (MOU) or contract stating that the funds will be used only for general operating expenses as determined by the receiving CASA program, and the contributing agency will not oversee or monitor the funds;</p> <p>(B) A procedure resolving any</p>

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				<p>9. Page 16 provides that one's local rule must specify when CASA reports are to be submitted to the court, who is entitled to court reports, and when court reports must be received. Two days is specifically mentioned as a "submitted by" deadline.</p> <p>Two (2) days is unreasonable, particularly as it relates to parents receiving reports. Is receipt by attorneys who represent parents sufficient to meet this requirement? Presently, most court reports are reviewed by all parties, the day before or on the court hearing. In addition, there are no local rules regarding court reports in San Mateo or Santa Clara County.</p>	<p>conflict between the CASA program and contributing agency is implemented so that conflict between the two agencies does not affect funding or the CASA program's ability to retain an independent evaluation separate from that of the contributing agency's; and</p> <p>(C) Any MOU or contract between a CASA program and the contributing agency is submitted to and approved by AOC staff.</p> <p>9. Submitting court reports two days before a hearing is a reasonable requirement. Many judicial officers request CASA reports be submitted when the social worker report is submitted, which can be 10 days before the hearing. The purpose of submitting the report to the court and the parties before the hearing is also to encourage all parties to communicate so there are no surprises in court.</p>
5.	Ms. Katrina Carlson Advocate Trainer	A	N	<i>No specific comments.</i>	No response required.

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	Santa Barbara County CASA				
6.	Hon. John Dobroth Judge of the Superior Court of Ventura County	A	N	<i>No specific comments.</i>	No response required.
7.	Ms. Polly Franson Family and Juvenile Law Advisory Committee Member Executive Director CASA of Fresno County	AM	N	<p>1. I recommend... CASA programs are defined as those that have completed at least one year of development and/or startup?</p> <p>2. Re rule 1424(c)(2): I would add, “the following <b>‘minimum’</b> written procedures so we can have more than WIC 102(e). I recommend we also need to add a check in accordance with Megan’s Law to be inclusive of 102(e).”</p> <p>3. Re rule 1424(c)(2)(A): replace the word “adequate” with minimum.</p> <p>4. Re rule1424 (c)(2)(C): Add “completed” after the word three.</p> <p>5. Re rule 1424(c)(4): Replace the word “may” not be accepted as a CASA volunteer...with “shall” not be accepted as a CASA volunteer.</p> <p>6. Re rule1424(d)(1): Add “minimum” after</p>	<p>1. All CASA programs now must complete a development and a startup year.</p> <p>2. CASA programs are aware that they can use additional screening methods. WIC 102(e) stipulates screening guidelines must include checks for records of sex offenses and other criminal records among the required screening methods.</p> <p>3. Agree to change the rule to read, “A written application that generates minimum identifying data;”</p> <p>4. Agree to change the rule to read, “A minimum of three completed references regarding the character, competence, and reliability of the applicant”</p> <p>5. The rule went out for comment with the word “must” rather than “may.” It is Judicial Council policy to avoid “shall” to prevent confusion.</p> <p>6. The rule is changed to read, “The curriculum must also include</p>

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				<p>“mandatory”.</p> <p>7. Re rule 1424(f): Don’t know if we can do it but I would add ... “consistent with local court rules and National CASA Association Standards”.</p> <p>8. Re rule 1424(k)(1): Remove the word “solely” (doesn’t make sense to me).</p>	<p>mandatory training topics as listed in section 102(d). However, additional appropriate topics may be included in the curriculum.”</p> <p>In addition, National and State CASA Associations strongly recommend that CASA programs use the National CASA curriculum. Ninety-five percent of the California CASA programs use the National curriculum.</p> <p>7. The rule is revised to contain only requirements that CASA programs must comply with to receive Judicial Council funding. Although, AOC staff highly recommends that all California CASA programs meet the National CASA standards, Judicial Council funding would not be withheld if all of the National CASA standards were not met.</p> <p>8. Agree. The rule is revised to read, “CASA programs may receive funds from probation departments, local child welfare agencies, and the California Department of Social Services <del>solely</del>-if:</p> <p>9a. Agree with slight modifications. The</p>

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				<p>9a. Re rule 1424(k)(1)(A): The rule should read, “If the CASA program is to receive general funds from a probation, or local child welfare agency, the agreement between the agencies shall be for the funds to be used only for general operating expenses as determined by the receiving CASA program.</p> <p>9b. Re rule 1424(k)(1)(B): Rule should read, “ If the CASA program is to receive a portion of county, state or federal pass through funds, which are administered by a probation, local child welfare or directly from California Department of Social Services, there shall be a specific Scope of Work agreed to and contracted between the funding agency and the CASA program.”</p> <p>10. Re rule 1424(k)(3): Rule should read, “...selection, hiring and ‘evaluation’ of an executive...”</p> <p>11. Re rule 1424(l)(5): Add”...staff and volunteers and ‘Boards of Directors’.”</p>	<p>rule 1424(k)(1)(A) is revised to read, “The CASA program and the contributing agency develop a memorandum of understanding (MOU) or contract stating that the funds will be used only for general operating expenses as determined by the receiving CASA program, and the contributing agency will not oversee or monitor the funds...”</p> <p>9b. Recommended language is not necessary because the funding agency sets the criteria for receiving the grant funding and the pass through agency administers the grant based on the funding agencies criteria.</p> <p>10. Agree. Rule is revised to read, “A procedure for the recruitment, selection, hiring, and evaluation of executive director for the CASA program.”</p> <p>11. Recommended language is unnecessary because “volunteers” covers both CASA advocates and members of the board of directors.</p>

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				<p>12. Re rule 1424 (1)(5): Add (E) to read, “Director’s and Officer’s Insurance with limits of liability of not less than \$1 million (\$1,000,000) combined single limit per occurrence and in the aggregate.”</p> <p>13. Re rule 1424 l(6): Rule should read, “The CASA program must require staff, volunteers, and members of the governing body, when applicable, to immediately notify the CASA program of any criminal or ‘potential criminal’ charges against themselves.”</p>	<p>12. The rule is revised to contain only requirements that CASA programs must comply with to receive Judicial Council funding. Although, AOC staff highly recommends that all California CASA programs provide “Directors’ and Officers’” insurance for their board of directors, Judicial Council funding would not be withheld if this insurance was not provided.</p> <p>13. The recommended language is unnecessary and unclear.</p>
8.	Ms. Kim Hubbard President, Orange County Bar Association	A	Y	The current version of CRC 1424 is larded with too many well-intentioned recommendations to be readily feasible. CASA programs are already underfunded and understaffed. The proposed revisions should free up scarce resources and vest more autonomy at the county level. Although the proposed excisions are extensive, the balance of the rule brooks no compromise when it comes to mandatory security screening, mandatory training, and the strict maintenance of the confidentiality rights of children. Furthermore, the presiding judge’s	No response required.

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				power to remove a CASA volunteer at any time remains. By continuing to tie CASA funding to these mandatory requirements, the proposed rule better ensures strict adherence to the fundamentals.	
9.	Mr. Stephen V. Love Executive Officer Superior Court of San Diego County	A		<p>I think it is important to try and standardize procedures for statewide agencies as much as possible, especially when it involves interactions with children.</p> <p>1. (c)(3)(A) – “drivers” should be “driver’s.”</p> <p>2. (c)(4) – Change “must” to “may.”</p>	<p>1. Agree. “Drivers” will be changed to “driver’s.”</p> <p>2. The proposed rule contains only requirements that CASA programs must comply with to receive Judicial Council funding. Changing the “must” to “may” would make this a situation that required permission, which is not the intent of the Committee.</p>