

JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688
www.courts.ca.gov/policyadmin-invitationstocomment.htm

INVITATION TO COMMENT

SPR17-14

Title	Action Requested
Juvenile Law: Court Appointed Special Advocate	Please review and submit comments by April 28, 2017
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend Cal. Rules of Court, rule 5.655; approve form JV-474	January 1, 2019
Proposed by	Contact
Family and Juvenile Law Advisory Committee	Nicole Giacinti, 415-865-7598 nicole.giacinti@jud.ca.gov
Hon. Jerilyn L. Borack, Cochair	
Hon. Mark A. Juhas, Cochair	

Executive Summary and Origin

The Family and Juvenile Law Advisory Committee recommends amending rule 5.655 (Program requirements for Court Appointed Special Advocate programs) to clarify the relationship between Court Appointed Special Advocate (CASA) programs and the court, and to comply with Assembly Bill 424 (Gaines; Stats 2015, ch. 71) and Assembly Bill 1712 (Beall; Stats 2012, ch. 846), which amended Welfare and Institutions Code sections 101 and 102 to authorize appointment of CASAs for delinquent youth and nonminor dependents. The committee also recommends approval of new form JV-474, “Nonminor Dependent—Consent to Copy and Inspect Court File”

Background

Rule 5.655 was originally adopted as rule 1424 on July 1, 1994. The rule establishes the CASA program and presents the policies and procedures that the CASA program must follow, as well as the requirements one must complete to volunteer as a CASA. The rule was renumbered effective January 1, 2007, and has been amended seven times, most recently in 2016. All of the amendments effect relatively minor technical changes corresponding to legislative updates or clarifications of the business aspect of the CASA programs. Since 2010, two pieces of legislation affecting the CASA rule have been enacted. In 2012, the Legislature passed AB 1712, which amended Welfare and Institutions Code sections 101 and 102 to extend the availability of the CASA program to nonminor dependents. Likewise, during the most recent legislative cycle, the

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

Legislature passed AB 424, which again amended sections 101 and 102; this time to extend the CASA program to delinquent children.

The Proposal

To ensure conformance with the statutory changes implemented by AB 424 and AB 1712, the Family and Juvenile Law Advisory Committee proposes implementing the amendments to rule 5.655 listed below. The committee also recommends taking this opportunity to clarify the relationship between the court and CASA programs. To do so, the committee recommends amending the rule to establish procedures that will ensure that the relationship between the court and CASA program is clearly defined.

Amendments to rule 5.655 related to the role of court and CASA program

- Amend subdivision (a) to clarify that the local court is the entity that designates a CASA program and to include the definition of a CASA program that was previously contained section (b).
- Delete the references to the creation of a policies and procedures manual in section (a). (Note that there is also a reference to a policies and procedures manual in the definitions subdivision, (b), that the committee proposes repealing.) Instead, revise subdivision (a) to state that CASA programs must follow guidelines established by the Judicial Council.
- Repeal subdivision (b), “Definitions.” The terms that are defined in that section are defined in other rules, and the remainder of the language in that section consists of statements, not definitions.
- Reletter the rule so that the subdivisions describing the process of becoming a CASA program, currently lettered (k)—(m), come at the beginning of the rule as (b)—(d). Reletter the subdivisions of the rule currently lettered (c)—(j) as (e)—(l).
- Amend current subdivision (k), which is proposed subdivision (b), “CASA Program administration and management,” to state that the relationship between the court and the CASA program must be clearly defined in a memorandum of understanding (MOU).
- Include in paragraph (1)(B) of proposed subdivision (b) a statement that a CASA program may serve more than one court as long as it executes MOUs with each court.
- Amend current subdivision (k)(2), which is proposed subdivision (b)(2)(B), to define the role of an advisory council.
- Move the definition of “CASA volunteer” from “Definitions,” which is proposed to be repealed, to proposed subdivision (e), “Recruiting, screening, and selecting CASA volunteers.”
- Amend current subdivision (c), which is proposed subdivision (e), to delete the requirement that the presiding juvenile judge personally interview each CASA volunteer: that requirement may cause a conflict of interest.

Amendments to rule 5.655 related to delinquent children and nonminor dependents

- Include nonminor dependents in proposed subdivision (a), “General Provisions,” among the population of young people served by CASA volunteers. Further add the term

nonminor dependent to the following proposed subdivisions: (a)(2),(d)(1) and (d)(4), (e)(1), (g), (i)(1) and (i)(3), (j); (k)(1)(A)(i)–(ii).

- Include in paragraph (1) of proposed subdivision (f), “Initial training of CASA volunteers,” among the optional training requirements for CASA volunteers, the training topics stated in rule 5.664.
- Amend current subdivision (i)(1)(A)(ii)—which is paragraph (1)(A)(ii) of proposed subdivision (k), “Oversight, support, and supervision, of CASA volunteers,” which discusses who should receive information about the roles and responsibilities of the CASA volunteer—to include the nonminor dependent.
- Add in proposed subdivision (d), “Confidentiality,” a new subparagraph (4) that clarifies that the nonminor dependent must consent to the CASA volunteer’s accessing his or her court file. Reletter current paragraph (4) to paragraph (5).

Approve form JV-474

- Approve proposed optional form JV-474, “Nonminor Dependent—Consent to Copy and Inspect Court File.” Welfare and Institutions Code section 107(b) requires that the CASA volunteer obtain consent from the nonminor dependent before reviewing the nonminor dependent’s court file.
- Optional form JV-474 is directed at the nonminor dependent. The form states that the nonminor dependent does not need to consent to release of his or her file and lists the records that may be included in the file for inspection by the CASA volunteer if the nonminor dependent gives consent.
- Adopting this optional form will relieve CASA programs of the need to create a consent form and will encourage compliance with the statutory mandate that consent be provided.

Effective Date

Recognizing that the proposal will result in a significant procedural change, namely the MOU between the court and the CASA program, the committee recommends a delayed effective date of January 1, 2019 for the amendments of rule 5.655 and the approval of form JV-474.

Alternatives Considered

The Family and Juvenile Law Advisory Committee considered addressing legislative changes to the CASA program through technical assistance; however, CASA volunteers and CASA programs read this rule, so it is important that the rule is as legally accurate and comprehensive as possible.

Implementation Requirements, Costs, and Operational Impacts

This proposal will result in minimal printing costs as requests for CASA volunteers for nonminor dependent’s rise and may result in a modest increase in employee labor, related to filing additional documents.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Do current best practices related to background checks require amending proposed subdivision (e)(3)(B)?
- Should CASA programs that serve more than one county be required to maintain advisory boards in each county they serve?
- Rule 5.502 defines children as anyone under age 18. With the exception of section (a), which states that CASA programs may serve dependent and delinquent children and nonminor dependents, rule 5.655 uses the words “child” and “children” to refer to both dependent and delinquent children. Should the rule include a definition of “child/children” to avoid confusion about the children CASA programs are authorized to serve?
- When defining the population of children a CASA program may serve, should the rule explicitly state that population includes nonminors who have transitioned from delinquency to dependency under Welfare and Institutions Code section 450?
- A delayed effective date of January 1, 2019 is proposed for this rule and form. Is a delayed effective date necessary?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would 15 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments

1. Proposed amended Cal. Rules of Court, rule 5.655, at page
2. Proposed optional form JV-474, at page

Rule 5.655 of the California Rules of Court would be amended, effective January 1, 2019 to read:

Title 5. Family and Juvenile Rules

Chapter 11. Advocate for Parties

Rule 5.655. Program requirements for Court Appointed Special Advocate programs

(a) General provisions

- (1) A Court Appointed Special Advocate (CASA) program is a child advocacy program that recruits, screens, selects, trains, supervises, and supports lay volunteers for appointment by the court to help define the best interest of children and nonminor dependents who have been made dependents of the court under Welfare and Institutions Code section 300 or wards of the court under Welfare and Institutions Code section 602.
- (2) To be authorized to serve children and nonminor dependents in a county, the CASA program must be designated by the presiding judge of the juvenile court.
- (3) A CASA program must comply with this rule and other procedures and guidelines, as set by the Judicial Council, to be eligible to receive Judicial Council funding. The Judicial Council may consider compliance with the guidelines delineated in the *CASA Program Policies and Procedures Manual* when determining eligibility for and amount of program funding.

(b) Definitions

- ~~(1) A Casa program is the local child advocate program that adheres to this rule; has been designated by the local presiding juvenile court judge to recruit, screen, select, train, supervise, and support lay volunteers for appointment by the court to help define the best interest of children in juvenile court dependency and wardship proceedings; and has completed one development grant year and one “start-up” year.~~
- ~~(2) Judicial Council staff may create a *CASA Program Policies and Procedures Manual* containing recommended program policies and procedures. If Judicial Council staff create a manual, it will be developed in collaboration with the California CASA Association and California CASA program directors. The protocols will address program and fiscal management, and the recruitment, screening, selection, training, and supervision of lay volunteers.~~
- ~~(3) A CASA volunteer is a person who has been recruited, screened, selected, and trained, who is being supervised and supported by a local CASA program, and who has been appointed by the juvenile court as a sworn officer~~

Rule 5.655 of the California Rules of Court would be amended, effective January 1, 2019 to read:

1 ~~of the court to help define the best interest of a child or children in juvenile~~
2 ~~court dependency and wardship proceedings.~~

3
4 ~~(4) A “dependency proceeding” is a legal action brought on behalf of an~~
5 ~~allegedly abused, neglected, or abandoned child under section 300 et seq. The~~
6 ~~action is designed to protect children, preserve and reunify families, and find~~
7 ~~permanent homes for children who cannot be returned to their parents.~~
8 ~~Dependency proceedings include actions to appoint a legal guardian,~~
9 ~~terminate parental rights, and facilitate adoptions for dependent children of~~
10 ~~the juvenile court.~~

11
12 ~~(5) A “wardship proceeding” is a legal action involving a child under the age of~~
13 ~~18 years who is alleged to be:~~

14
15 ~~(A) A person described under section 601 (who is beyond parental control~~
16 ~~or habitually disobedient or truant); or~~

17
18 ~~(B) A person described under section 602 (who has violated any state or~~
19 ~~federal law or any city or county ordinance).~~

20
21 **(b) CASA program administration and management**

22
23 (1) The court’s designation of the CASA program must take the form of a
24 memorandum of understanding (MOU) between the CASA program and the
25 designating court.

26
27 (A) The MOU must state that the relationship between the CASA program
28 and the designating court can be terminated for convenience by either the
29 CASA program or the designating court.

30
31 (B) A CASA program may serve children in more than one court if the
32 program executes an MOU with each court.

33
34 (2) A CASA program must function as a nonprofit organization or under the
35 auspices of a public agency or nonprofit organization and must adopt and
36 adhere to a written plan for program governance and evaluation. The plan must
37 include the following, as applicable:

38
39 (A) Articles of incorporation, a board of directors, and bylaws that specify a
40 clear administrative relationship with the parent organization and clearly
41 delineated delegations of authority and accountability.

42
43 (B) A clear statement of the purpose or mission of the CASA program and
44 express goals and objectives to further that purpose. Where the CASA
45 program is not an independent organization, but instead functions under
46 the auspices of a public agency or a nonprofit organization, an active

Rule 5.655 of the California Rules of Court would be amended, effective January 1, 2019 to read:

1 advisory council must be established. The role of the advisory council for
2 CASA programs functioning under the auspices of a public agency or a
3 nonprofit organization includes but is not limited to developing and
4 approving policies for CASA, developing the CASA program’s budget,
5 promoting a collaborative relationship with the umbrella organization,
6 monitoring and evaluating program operations, and developing and
7 implementing fundraising activities to benefit the CASA program. The
8 board of directors for the nonprofit organization or management of the
9 public agency will function as the governing body for the CASA
10 program, with guidance from the advisory council.

11
12 (C) A procedure for the recruitment, selection, hiring, and evaluation of an
13 executive director for the CASA program.

14
15 (D) An administrative manual containing personnel policies, record-keeping
16 practices, and data collection practices.

17
18 (E) Local juvenile court rules developed in consultation with the presiding
19 judge of the juvenile court or a designee, as specified in section 100. One
20 local rule must specify when CASA reports are to be submitted to the
21 court, who is entitled to receive a copy of the report, and who will copy
22 and distribute the report. This rule must also specify that the CASA court
23 report must be distributed to the persons entitled to receive it at least two
24 court days before the hearing for which the report was prepared.

25
26 (3) No CASA program may function under the auspices of a probation department
27 or department of social services. CASA programs may receive funds from
28 probation departments, local child welfare agencies, and the California
29 Department of Social Services if:

30
31 (A) The CASA program and the contributing agency develop an MOU
32 stating that the funds will be used only for general operating expenses
33 as determined by the receiving CASA program, and the contributing
34 agency will not oversee or monitor the funds;

35
36 (B) A procedure resolving any conflict between the CASA program and
37 contributing agency is implemented so that conflict between the two
38 agencies does not affect funding or the CASA program’s ability to
39 retain an independent evaluation separate from that of the contributing
40 agency’s; and

41
42 (C) Any MOU between a CASA program and the contributing agency is
43 submitted to and approved by Judicial Council staff.

44
45 ~~(e) — Recruiting, screening, and selecting CASA volunteers~~
46

Rule 5.655 of the California Rules of Court would be amended, effective January 1, 2019 to read:

1 ~~(1) A CASA program must adopt and adhere to a written plan for the recruitment of~~
2 ~~potential CASA volunteers. The program staff, in its recruitment effort, must~~
3 ~~address the demographics of the jurisdiction by making all reasonable efforts to~~
4 ~~ensure that individuals representing all racial, ethnic, linguistic, and economic~~
5 ~~sectors of the community are recruited and made available for appointment as~~
6 ~~CASA volunteers.~~

7
8 ~~(2) A CASA program must adopt and adhere to the following minimum written~~
9 ~~procedures for screening potential CASA volunteers under section 102(e):~~

10
11 ~~(A) A written application that generates minimum identifying data; information~~
12 ~~regarding the applicant's education, training, and experience; minimum age~~
13 ~~requirements; and current and past employment.~~

14
15 ~~(B) Notice to the applicant that a formal security check will be made, including~~
16 ~~inquiries through appropriate law enforcement agencies, regarding any~~
17 ~~criminal record, driving record, or other record of conduct that would~~
18 ~~disqualify the applicant from service as a CASA volunteer. The security~~
19 ~~check must include fingerprinting. Refusal to consent to a formal security~~
20 ~~check is grounds for rejecting an applicant.~~

21
22 ~~(C) A minimum of three completed references regarding the character,~~
23 ~~competence, and reliability of the applicant and his or her suitability for~~
24 ~~assuming the role of a CASA volunteer.~~

25
26 ~~(D) A personal interview or interviews by a person or persons approved by the~~
27 ~~presiding juvenile court judge or designee, to probe the essential areas of~~
28 ~~concern with respect to the qualities of an effective CASA volunteer. A~~
29 ~~written, confidential record of the interview and the interviewer's~~
30 ~~assessments and observations must be made and retained in the advocate's~~
31 ~~file.~~

32
33 ~~(3) If a CASA program allows its volunteers to transport children, the program must~~
34 ~~ensure that each volunteer transporting children:~~

35
36 ~~(A) Possesses a valid and current driver's license;~~

37
38 ~~(B) Possesses personal automobile insurance that meets the minimum state~~
39 ~~personal automobile insurance requirements;~~

40
41 ~~(C) Obtains permission from the child's guardian or custodial agency; and~~

42
43 ~~(D) Provides the CASA program with a Department of Motor Vehicles driving~~
44 ~~record report annually.~~

45

Rule 5.655 of the California Rules of Court would be amended, effective January 1, 2019 to read:

1 ~~(4) A CASA program must adopt a written preliminary procedure for selecting~~
2 ~~CASA candidates to enter the CASA training program. The selection procedure~~
3 ~~must state that any applicant found to have been convicted of or to have current~~
4 ~~charges pending for a felony or misdemeanor involving a sex offense, child abuse,~~
5 ~~or child neglect must not be accepted as a CASA volunteer. This policy must be~~
6 ~~stated on the volunteer application form.~~

7
8 ~~(5) An adult otherwise qualified to act as a CASA must not be discriminated against~~
9 ~~based on marital status, socioeconomic factors, race, national origin, ethnic group~~
10 ~~identification, religion, age, sex, sexual orientation, color, or disability or because~~
11 ~~of any other characteristic listed or defined in Government Code section 11135 or~~
12 ~~Welfare and Institutions Code section 103.~~

13
14 **(c) Finance, facility, and risk management**

15
16 (1) A CASA program must adopt a written plan for fiscal control. The fiscal plan
17 must include an annual audit, conducted by a qualified professional, that is
18 consistent with generally accepted accounting principles and the audit
19 protocols in the program's MOU with the Judicial Council.

20
21 (2) The fiscal plan must include a written budget with projections that guide the
22 management of financial resources and a strategy for obtaining necessary
23 funding for program operations.

24
25 (3) When the program has accounting oversight, it must adhere to written
26 operational procedures in regard to accounting control.

27
28 (4) The CASA program's board of directors must set policies for and exercise
29 control over fundraising activities carried out by its employees and
30 volunteers.

31
32 (5) The CASA program must have the following insurance coverage for its staff
33 and volunteers:

34
35 (A) General liability insurance with liability limits of not less than
36 \$1 million (\$1,000,000) for each person per occurrence/aggregate for
37 bodily injury and not less than \$1 million (\$1,000,000) per
38 occurrence/aggregate for property damage;

39
40 (B) Nonowned automobile liability insurance and hired vehicle coverage
41 with liability limits of not less than \$1 million (\$1,000,000) combined
42 single limit per occurrence and in the aggregate;

43
44 (C) Automobile liability insurance meeting the minimum state automobile
45 liability insurance requirements, if the program owns a vehicle; and
46

Rule 5.655 of the California Rules of Court would be amended, effective January 1, 2019 to read:

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

2
3 (6) The CASA program must require staff, volunteers, and members of the
4 governing body, when applicable, to immediately notify the CASA program
5 of any criminal charges against themselves.

6
7 (7) The nonprofit CASA program must plan for the disposition of property and
8 confidential records in the event of its dissolution.

9
10 **(d) Initial training of CASA volunteers (§ 102(d))**

11
12 ~~A CASA program must adopt and adhere to a written plan for the initial training of~~
13 ~~CASA volunteers.~~

- 14
15 ~~(1) The initial training curriculum must include at least 30 hours of formal~~
16 ~~instruction. This curriculum must include mandatory training topics as listed in~~
17 ~~section 102(d). The curriculum may also include additional appropriate topics.~~
18 ~~(2) The final selection process is contingent on the successful completion of the~~
19 ~~initial training program, as determined by the presiding judge of the juvenile~~
20 ~~court or designee.~~

21
22 **(d) Confidentiality**

23
24 The presiding juvenile court judge and the CASA program director must adopt a
25 written plan governing confidentiality of case information, case records, and
26 personnel records. The plan must be included in the MOU or a local rule. The
27 written plan must include the following provisions:

- 28
29 (1) All information concerning children and families, including nonminor
30 dependents, in the juvenile court process is confidential. Volunteers must not
31 give case information to anyone other than the court, the parties and their
32 attorneys, and CASA staff.
33
34 (2) CASA volunteers are required by law (Pen. Code, § 11166 et seq.) to report
35 any reasonable suspicion that a child is a victim of child abuse or serious
36 neglect as described by Penal Code section 273a.
37
38 (3) The child's original case file must be maintained in the CASA office by a
39 custodian of records and must remain there. Copies of documents needed by
40 a volunteer must be restricted to those actually needed to conduct necessary
41 business outside of the office. No one may have access to the child's original
42 case file except on the approval of the CASA program director or presiding
43 judge of the juvenile court. Controls must be in place to ensure that records
44 can be located at any time. The office must establish a written procedure for
45 the maintenance of case files.
46

Rule 5.655 of the California Rules of Court would be amended, effective January 1, 2019 to read:

1 (4) If the nonminor dependent provides consent for the CASA volunteer to
2 obtain his or her case file, the procedures stated in paragraph (3) related to
3 maintenance of the case file must be followed. The nonminor dependent's
4 consent must be obtained before anyone else may be allowed to access his or
5 her file.

6
7 (5) The volunteer's personnel file is confidential. No one may have access to the
8 personnel file except the volunteer, the CASA program director or a
9 designee, or the presiding judge of the juvenile court.

10
11 ~~(e) Oath~~

12
13 ~~At the completion of training, and before assignment to any child's case, the CASA~~
14 ~~volunteer must take a court-administered oath describing the duties and~~
15 ~~responsibilities of the advocate under section 103(f). The CASA volunteer must~~
16 ~~also sign a written affirmation of that oath. The signed affirmation must be~~
17 ~~retained in the volunteer's file.~~

18
19 (e) **Recruiting, screening, and selecting CASA volunteers**

20
21 (1) A CASA volunteer is a person who has been recruited, screened, selected,
22 and trained; is being supervised and supported by a local CASA program;
23 and has been appointed by the juvenile court as a sworn officer of the court to
24 help define the best interest of children or nonminor dependents in juvenile
25 court dependency and wardship proceedings.

26
27 (2) A CASA program must adopt and adhere to a written plan for the recruitment
28 of potential CASA volunteers. The program staff, in its recruitment effort,
29 must address the demographics of the jurisdiction by making all reasonable
30 efforts to ensure that individuals representing all racial, ethnic, linguistic, and
31 economic sectors of the community are recruited and made available for
32 appointment as CASA volunteers.

33
34 (3) A CASA program must adopt and adhere to the following minimum written
35 procedures for screening potential CASA volunteers under section 102(e):

36
37 (A) A written application that generates minimum identifying data;
38 information regarding the applicant's education, training, and
39 experience; minimum age requirements; and current and past
40 employment.

41
42 (B) Notice to the applicant that a formal security check will be made,
43 including inquiries through appropriate law enforcement agencies,
44 regarding any criminal record, driving record, or other record of
45 conduct that would disqualify the applicant from service as a CASA

Rule 5.655 of the California Rules of Court would be amended, effective January 1, 2019 to read:

1 volunteer. The security check must include fingerprinting. Refusal to
2 consent to a formal security check is grounds for rejecting an applicant.

3
4 (C) A minimum of three completed references regarding the character,
5 competence, and reliability of the applicant and his or her suitability for
6 assuming the role of a CASA volunteer.

7
8 (4) If a CASA program allows its volunteers to transport children, the program
9 must ensure that each volunteer transporting children:

10
11 (A) Possesses a valid and current driver's license;

12
13 (B) Possesses personal automobile insurance that meets the minimum state
14 personal automobile insurance requirements;

15
16 (C) Obtains permission from the child's guardian or custodial agency; and

17
18 (D) Provides the CASA program with a Department of Motor Vehicles
19 driving record report annually.

20
21 (5) A CASA program must adopt a written preliminary procedure for selecting
22 CASA candidates to enter the CASA training program. The selection
23 procedure must state that any applicant found to have been convicted of or to
24 have current charges pending for a felony or misdemeanor involving a sex
25 offense, child abuse, or child neglect must not be accepted as a CASA
26 volunteer. This policy must be stated on the volunteer application form.

27
28 (6) An adult otherwise qualified to act as a CASA must not be discriminated
29 against based on marital status, socioeconomic factors, race, national origin,
30 ethnic group identification, religion, age, sex, sexual orientation, color, or
31 disability or because of any other characteristic listed or defined in
32 Government Code section 11135 or Welfare and Institutions Code section
33 103.

34
35 **(f) Duties and responsibilities**

36
37 ~~CASA volunteers serve at the discretion of the court having jurisdiction over the~~
38 ~~proceeding in which the volunteer has been appointed. A CASA volunteer is an~~
39 ~~officer of the court and is bound by all court rules under section 103(e). A CASA~~
40 ~~program must develop and adopt a written description of duties and~~
41 ~~responsibilities, consistent with local court rules.~~

42
43 **(f) Initial training of CASA volunteers (§ 102(d))**

44
45 A CASA program must adopt and adhere to a written plan for the initial training of
46 CASA volunteers.

Rule 5.655 of the California Rules of Court would be amended, effective January 1, 2019 to read:

1
2 (1) The initial training curriculum must include at least 30 hours of formal
3 instruction. This curriculum must include mandatory training topics as listed
4 in section 102(d). The curriculum may also include additional appropriate
5 topics, such as those stated in California Rules of Court, rule 5.664.

6
7 (2) The final selection process is contingent on the successful completion of the
8 initial training program, as determined by the presiding judge of the juvenile
9 court or designee.

10
11 **(g) Prohibited activities**

12
13 ~~A CASA program must develop and adopt a written description of activities that~~
14 ~~are prohibited for CASA volunteers. The specified prohibited activities must~~
15 ~~include:~~

16 ~~(1) Taking a child to the CASA volunteer's home;~~

17 ~~(2) Giving legal advice or therapeutic counseling;~~

18 ~~(3) Giving money or expensive gifts to the child or family;~~

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

21 ~~(5) Any other activities prohibited by the local juvenile court.~~

22
23 **(g) Oath**

24
25 At the completion of training, and before assignment to any child or nonminor
26 dependent's case, the CASA volunteer must take a court-administered oath
27 describing the duties and responsibilities of the advocate under section 103(f). The
28 CASA volunteer must also sign a written affirmation of that oath. The signed
29 affirmation must be retained in the volunteer's file.

30
31 **(h) The appointment of CASA volunteers**

32
33 ~~The CASA program director must develop, with the approval of the presiding~~
34 ~~juvenile court judge, a written procedure for the selection of cases and the~~
35 ~~appointment of CASA volunteers for children in juvenile court proceedings.~~

36
37 **(h) Duties and responsibilities**

38
39 CASA volunteers serve at the discretion of the court having jurisdiction over the
40 proceeding in which the volunteer has been appointed. A CASA volunteer is an
41 officer of the court and is bound by all court rules under section 103(e). A CASA
42 program must develop and adopt a written description of duties and
43 responsibilities, consistent with local court rules.

44
45 **(i) Oversight, support, and supervision of CASA volunteers**

Rule 5.655 of the California Rules of Court would be amended, effective January 1, 2019 to read:

1 ~~A CASA program must adopt and adhere to a written plan, approved by the~~
2 ~~presiding juvenile court judge, for the oversight, support, and supervision of CASA~~
3 ~~volunteers in the performance of their duties. The plan must:~~

4
5 (1) ~~Include a grievance procedure that covers grievances by any person against a~~
6 ~~volunteer or CASA program staff and grievances by a volunteer against a~~
7 ~~CASA program or program staff. The grievance procedure must:~~

8 (A) ~~Be incorporated into a document that contains a description of the roles~~
9 ~~and responsibilities of CASA volunteers. This document must be~~
10 ~~provided:~~

11
12 (i) ~~When a copy of the court order that appointed the CASA~~
13 ~~volunteer is provided to any adult involved with the child's case,~~
14 ~~including but not limited to, teachers, foster parents, therapists,~~
15 ~~and health care workers; and~~

16
17 ~~(ii) To any person, including a volunteer, who has a grievance~~
18 ~~against a volunteer or a CASA program employee.~~

19
20 (B) ~~Include a provision that documentation of any grievance filed by or~~
21 ~~against a volunteer must be retained in the volunteer's personnel file.~~

22
23 (2) ~~Include a provision for the ongoing training and continuing education of~~
24 ~~CASA volunteers. Ongoing training opportunities must be provided at least~~
25 ~~monthly under section 103(a). CASA volunteers must participate in a~~
26 ~~minimum of 12 hours of continuing education in each year of service.~~

27
28 **(i) Prohibited activities**

29
30 A CASA program must develop and adopt a written description of activities that
31 are prohibited for CASA volunteers. The specified prohibited activities must
32 include:

33
34 (1) Taking a child or nonminor dependent to the CASA volunteer's home;

35
36 (2) Giving legal advice or therapeutic counseling;

37
38 (3) Giving money or expensive gifts to the child, nonminor dependent, or family
39 of the child or nonminor dependent;

40
41 (4) Being related to any parties involved in a case or being employed in a
42 position and/or agency that might result in a conflict of interest; and

43
44 (5) Any other activities prohibited by the local juvenile court.

45
46 ~~(j) Removal, resignation, and termination of a CASA volunteer~~

Rule 5.655 of the California Rules of Court would be amended, effective January 1, 2019 to read:

1
2 The CASA program must adopt a written plan for the removal, resignation, or
3 involuntary termination of a CASA volunteer, including the following provisions:
4

5 ~~(1) A volunteer may resign or be removed from an individual case at any time by~~
6 ~~the order of the juvenile court presiding judge or designee.~~

7
8 ~~(2) A volunteer may be involuntarily terminated from the program by the~~
9 ~~program director.~~

10
11 ~~(4) The volunteer has the right to appeal termination by the program director~~
12 ~~under the program's grievance procedure.~~

13
14
15 **(i) The appointment of CASA volunteers**

16
17 The CASA program director must develop, with the approval of the presiding
18 juvenile court judge, a written procedure for the selection of cases and the
19 appointment of CASA volunteers for children and nonminor dependents in juvenile
20 court proceedings.

21
22 **~~(k) CASA program administration and management~~**

23
24 ~~A CASA program must adopt and adhere to a written plan for program governance~~
25 ~~and evaluation that includes the following as applicable:~~

26
27 ~~(1) Articles of incorporation, bylaws, and a board of directors. Any CASA~~
28 ~~program that functions under the auspices of a public agency or private entity~~
29 ~~must specify in its plan a clear administrative relationship with the parent~~
30 ~~organization and clearly delineated delegations of authority and~~
31 ~~accountability. No CASA program may function under the auspices of a~~
32 ~~probation department or department of social services. CASA programs may~~
33 ~~receive funds from probation departments, local child welfare agencies, and~~
34 ~~the California Department of Social Services if:~~

35
36 ~~(A) The CASA program and the contributing agency develop a~~
37 ~~memorandum of understanding (MOU) or contract stating that the~~
38 ~~funds will be used only for general operating expenses as determined~~
39 ~~by the receiving CASA program, and the contributing agency will not~~
40 ~~oversee or monitor the funds;~~

41
42 ~~(B) A procedure resolving any conflict between the CASA program and~~
43 ~~contributing agency is implemented so that conflict between the two~~
44 ~~agencies does not affect funding or the CASA program's ability to~~
45 ~~retain an independent evaluation separate from that of the contributing~~
46 ~~agency's; and~~

Rule 5.655 of the California Rules of Court would be amended, effective January 1, 2019 to read:

1
2 ~~(C) Any MOU or contract between a CASA program and the contributing~~
3 ~~agency is submitted to and approved by Judicial Council staff.~~

4
5 ~~(2) A clear statement of the purpose or mission of the CASA program and~~
6 ~~express goals and objectives to further that purpose. Where the CASA~~
7 ~~program is not an independent nonprofit organization, but instead functions~~
8 ~~under the auspices of a public agency or a private entity, an active advisory~~
9 ~~council must be established. The advisory council for CASA programs~~
10 ~~functioning under the auspices of a public agency or a private entity will not~~
11 ~~function as the governing body of the CASA program. The board of directors~~
12 ~~for the private entity or the public agency management will function as the~~
13 ~~governing body for the CASA program, with guidance from the advisory~~
14 ~~council.~~

15
16 ~~(3) A procedure for the recruitment, selection, hiring, and evaluation of an~~
17 ~~executive director for the CASA program.~~

18
19 ~~(4) An administrative manual containing personnel policies, record-keeping~~
20 ~~practices, and data collection practices.~~

21
22 ~~(5) Local juvenile court rules developed in consultation with the presiding judge~~
23 ~~of the juvenile court or a designee, as specified in section 100. One local rule~~
24 ~~must specify when CASA reports are to be submitted to the court, who is~~
25 ~~entitled to receive a copy of the report, and who will copy and distribute the~~
26 ~~report. This rule must also specify that the CASA court report must be~~
27 ~~distributed to the persons entitled to receive it at least two court days before~~
28 ~~the hearing for which the report was prepared.~~

29
30 **(k) Oversight, support, and supervision of CASA volunteers**

31
32 A CASA program must adopt and adhere to a written plan, approved by the
33 presiding juvenile court judge, for the oversight, support, and supervision of CASA
34 volunteers in the performance of their duties. The plan must:

35
36 (1) Include a grievance procedure that covers grievances by any person against a
37 volunteer or CASA program staff and grievances by a volunteer against a
38 CASA program or program staff. The grievance procedure must:

39
40 (A) Be incorporated into a document that contains a description of the roles
41 and responsibilities of CASA volunteers. This document must be
42 provided:

43
44 (i) When a copy of the court order that appointed the CASA
45 volunteer is provided to any adult involved with the child's or

Rule 5.655 of the California Rules of Court would be amended, effective January 1, 2019 to read:

1 nonminor dependent's case, including but not limited to teachers,
2 foster parents, therapists, and health-care workers;

3
4 (ii) To the nonminor dependent upon appointment of the CASA; and

5
6 (iii) To any person, including a volunteer, who has a grievance
7 against a volunteer or a CASA program employee.

8
9 (B) Include a provision that documentation of any grievance filed by or
10 against a volunteer must be retained in the volunteer's personnel file.

11
12 (2) Include a provision for the ongoing training and continuing education of
13 CASA volunteers. Ongoing training opportunities must be provided at least
14 monthly under section 103(a). CASA volunteers must participate in a
15 minimum of 12 hours of continuing education in each year of service.

16
17 ~~(f) — Finance, facility, and risk management~~

18
19 ~~(1) — A CASA program must adopt a written plan for fiscal control. The fiscal plan~~
20 ~~must include an annual audit, conducted by a qualified professional, that is~~
21 ~~consistent with generally accepted accounting principles and the audit~~
22 ~~protocols in the program's contract with the Judicial Council.~~

23
24 ~~(2) — The fiscal plan must include a written budget with projections that guide the~~
25 ~~management of financial resources and a strategy for obtaining necessary~~
26 ~~funding for program operations.~~

27
28 ~~(3) — When the program has accounting oversight, it must adhere to written~~
29 ~~operational procedures in regard to accounting control.~~

30
31 ~~(4) — The CASA program's board of directors must set policies for and exercise~~
32 ~~control over fundraising activities carried out by its employees and~~
33 ~~volunteers.~~

34
35 ~~(5) — The CASA program must have the following insurance coverage for its staff~~
36 ~~and volunteers:~~

37
38 ~~(A) — General liability insurance with limits of liability of not less than \$1~~
39 ~~million (\$1,000,000) for each person per occurrence/aggregate for~~
40 ~~bodily injury and not less than \$1 million (\$1,000,000) per~~
41 ~~occurrence/aggregate for property damage;~~

42
43 ~~(B) — Nonowned automobile liability insurance and hired vehicle coverage~~
44 ~~with limits of liability of not less than \$1 million (\$1,000,000)~~
45 ~~combined single limit per occurrence and in the aggregate;~~

Rule 5.655 of the California Rules of Court would be amended, effective January 1, 2019 to read:

1 ~~(C) — Automobile liability insurance meeting the minimum state automobile~~
2 ~~liability insurance requirements, if the program owns a vehicle; and~~

3
4 ~~(D) — Workers' compensation insurance with a minimum limit of \$500,000.~~

5
6 ~~(6) — The CASA program must require staff, volunteers, and members of the~~
7 ~~governing body, when applicable, to immediately notify the CASA program~~
8 ~~of any criminal charges against themselves.~~

9
10 ~~(7) — The nonprofit CASA program must plan for the disposition of property and~~
11 ~~confidential records in the event of its dissolution.~~

12
13 **(l) Removal, resignation, and termination of a CASA volunteer**

14
15 The CASA program must adopt a written plan for the removal, resignation, or
16 involuntary termination of a CASA volunteer, including the following provisions:

17
18 (1) A volunteer may resign or be removed from an individual case at any time by
19 the order of the juvenile court presiding judge or designee.

20
21 (2) A volunteer may be involuntarily terminated from the program by the
22 program director.

23
24 (3) The volunteer has the right to appeal termination by the program director
25 under the program's grievance procedure.

26
27 **(m) Confidentiality**

28
29 The presiding juvenile court judge and the CASA program director must adopt a
30 written plan governing confidentiality of case information, case records, and
31 personnel records. The written plan must include the following provisions:

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

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

40
41 ~~(3) — The child's original case file must be maintained in the CASA office by a~~
42 ~~eustodian of records and must remain there. Copies of documents needed by~~
43 ~~a volunteer must be restricted to those actually needed to conduct necessary~~
44 ~~business outside of the office. No one may have access to the child's original~~
45 ~~case file except on the approval of the CASA program director or presiding~~
46 ~~judge of the juvenile court. Controls must be in place to ensure that records~~

Rule 5.655 of the California Rules of Court would be amended, effective January 1, 2019 to read:

1 ~~can be located at any time. The office must establish a written procedure for~~
2 ~~the maintenance of case files.~~

3
4 ~~(4) The volunteer's personnel file is confidential. No one may have access to the~~
5 ~~personnel file except the volunteer, the CASA program director or a~~
6 ~~designee, or the presiding judge of the juvenile court.~~

7

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center;">DRAFT Not approved by the Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
NONMINOR DEPENDENT'S NAME:	
NONMINOR DEPENDENT— CONSENT TO COPY AND INSPECT COURT FILE	CASE NUMBER:

To the nonminor dependent: Review this form with your attorney. This form is used to authorize the release of your court records to your assigned CASA volunteer.

1. I am the Nonminor Dependent in this case. My date of birth is _____

For items 2 through 6, initial the box for each item that applies. If you have a question about an item, ask your attorney or the judge before you initial that item.

- | | Initial |
|---|---------|
| 2. I understand that I am not required to give my CASA volunteer consent to inspect and copy my records. | _____ |
| 3. I understand that my consent includes the inspection and copying of records relating to my dependency case from any agency, hospital, school, organization, division or department of the state, physician and surgeon, nurse, other health care provider, psychologist, psychiatrist, police department, or mental health clinic. | _____ |
| 4. I hereby give my permission for my assigned CASA volunteer to inspect my court records under Welfare and Institutions Code section 107 (a) and (b). | _____ |
| 5. I hereby give my permission for my assigned CASA volunteer to copy my court records under Welfare and Institutions Code section 107 (a) and (b). | _____ |
| 6. I understand that I may revoke or modify my consent for the CASA to copy and inspect my records under Welfare and Institutions Code section 107 (a) and (b) at any time after signing this consent form. My revocation may be given orally to my CASA or in writing. | _____ |

Date: _____

 (TYPE OR PRINT NAME)

 (SIGNATURE)

I am the attorney for the child and I have explained to the Nonminor Dependent his/her rights and the potential consequences of signing this consent form.

Date: _____

 (TYPE OR PRINT NAME)

 (SIGNATURE)