

HOUSE BILL NO. 5429

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

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 Sec. 2. As used in this act:

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

5 (b) "Court-appointed special advocate child" or "CASA child"

1 means a child under the jurisdiction of the court.

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

4 (d) "Court-appointed special advocate volunteer", "CASA
5 volunteer", or "volunteer" means an individual appointed by a court
6 under section 7.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (c) Participate in required screening interviews.

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

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

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

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

1 the court finds that appointing a CASA volunteer is in the best
2 interests of the child.

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

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

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

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

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

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

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

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

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

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

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

29 (e) Use the CASA volunteer position to seek or accept gifts or

1 special privileges.

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

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

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

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

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

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

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

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

1 volunteer must cooperate with all government agencies, service
2 providers, professionals, school districts, school personnel,
3 parents, families, and other involved individuals and entities. The
4 CASA volunteer must engage in regular visits with the child.

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

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

13 Sec. 12. A CASA volunteer is immune from civil liability as
14 provided in the volunteer protection act of 1997, 42 USC 14501 to
15 14505.