

**CHAPTER 138****(HB 189)**

AN ACT relating to court-appointed special advocate programs.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 620.500 is amended to read as follows:

As used in KRS 620.500 to 620.550, *unless the context otherwise requires:*

- (1) *"Association" means the state Court-Appointed Special Advocate Association established in KRS 620.530;*
- (2) *"Court" means family court or, if there is no family court in the county where the CASA program is located, then District Court;*
- (3) *"Court-appointed special advocate case" and "CASA case" mean a child or group of siblings who are within the jurisdiction of the court as a result of abuse, neglect, or dependency proceedings and for whom the court has appointed and the program director has assigned a CASA volunteer;*
- (4) *"Court-appointed special advocate program" and "CASA program" mean a program by which trained community volunteers are provided to the court for appointment to represent the best interests of children who have come into the court system as a result of dependency, abuse, or neglect;{+}*
- ~~(5){(2)}~~ *"Court-appointed special advocate volunteer" and "CASA volunteer" mean a person who completes training through and is supervised by a CASA program and appointed by a judge to represent the best interests of dependent, abused, and neglected children in court;*
- (6) *"Local board" means the local board of directors appointed or selected in accordance with Section 2 of this Act to govern local CASA programs;*
- (7) *"Program director" means the director of each local CASA program selected in accordance with Section 2 of this Act;*
- (8) *"State board" means the state board of directors elected in accordance with KRS 620.530; and*
- (9) *"State director" means the director of the state association provided for in Section 6 of this Act*
- ~~{(3)}~~ *"CASA case" means a child or group of siblings who are within the jurisdiction of the court as a result of abuse, neglect, or dependency proceedings and for whom the court has appointed and the program director has assigned a CASA volunteer}.*

Section 2. KRS 620.505 is amended to read as follows:

- (1) For the purpose of providing an independent, efficient, and thorough representation for children who enter the court system as a result of dependency, abuse, ~~or{and}~~ neglect, there may be established a court-appointed special advocate program by the *chief judge of family court or, if none, then by the Chief District Judge*~~{or family court judge within each judicial district}~~.
- (2) Local CASA programs shall be governed by a local board of directors. For new CASA programs, the board shall initially be appointed by the *chief judge of family court or, if none, then by the Chief District Judge*~~{or family court judge within each judicial district}~~.

Members shall be selected by the existing board members thereafter. Each board shall include at least fifteen (15) members. Each board member shall have a demonstrated interest in child welfare issues and commitment to the purpose and role of the court-appointed special advocate volunteers. Cabinet employees shall not be eligible to serve as officers of the board. Members shall, as far as practicable, be representative of the racial and ethnic composition of the area served by the CASA program. The board shall:

- (a) Determine major personnel, organization, fiscal, and program policies including, but not limited to, the following:
    1. Measures to be taken to safeguard the CASA program's information relating to children, their families, and the CASA volunteers;
    2. The procedures for the recruitment, screening, training, and supervision of CASA volunteers; and
    3. The procedure for and circumstances warranting dismissal of a CASA volunteer from the CASA program;
  - (b) Determine overall plans and priorities for the CASA program, including provisions for evaluating progress against performance;
  - (c) Approve the program budget;
  - (d) Enforce compliance with all conditions of all grants contracts;
  - (e) Determine rules and procedures for the governing board;
  - (f) Select the officers and the executive committee, if any, of the governing board;
  - (g) Meet at least four (4) times each year;
  - (h) Submit an annual report to the ~~state Court Appointed Special Advocate~~ association in the uniform manner required which shall include, but need not be limited to, the following information:
    1. Number of CASA volunteers in the program;
    2. Number of program staff;
    3. Number of children served;
    4. Number of volunteers receiving initial training;
    5. Number of and topics for in-service training; ~~and~~
    6. *The type of source of the funds received and the amount received from each type of source during the previous fiscal year;*
    7. *The expenditures during the previous year; and*
    8. Other information as deemed appropriate.
- (3) Local CASA programs shall comply with the National CASA Association *and Kentucky CASA Association* Standards for Programs. Local programs shall ensure that CASA volunteers are adequately supervised by providing at least one (1) supervisory staff person for every *thirty (30)* ~~fifty (50) cases to which~~ CASA volunteers *that* have been appointed by the court and assigned by the program director. Each local CASA program shall be managed by a qualified director whose service may be voluntary or who may be paid a salary. The program director's duties shall include:

- (a) Administration of the CASA program as directed by the *local and state boards*~~[governing board]~~;
  - (b) Recruitment, screening, training, and supervision of CASA volunteers and other program staff;
  - (c) Facilitation of the performance of the court-appointed special advocates' duties; and
  - (d) Ensuring that the security measures established by the *local and state boards*~~[governing board]~~ for safeguarding the information relating to children, their families, and the CASA volunteers are maintained.
- (4) CASA volunteers shall, as far as practicable, be representative of the socioeconomic, racial, and ethnic composition of the area served.
  - (5) CASA volunteers may be removed by the court for nonparticipation or other cause or by the program director pursuant to subsection (2) of this section.
  - (6) All written court-appointed special advocate reports submitted pursuant to KRS 620.525 shall become part of the cabinet's record of the child.
  - (7) Employees of the cabinet shall not become volunteers or employees of the court-appointed special advocate program.
  - (8) Each CASA volunteer, program director, and other program staff shall take an oath, administered by a member of the Court of Justice, to keep confidential all information related to the appointed case except in conferring with or reports to the court, parties to the case, the cabinet, the Citizen Foster Care Review Board, others designated by the court, and as provided by law.
  - (9) CASA volunteers shall be appointed by the presiding judge to represent the best interest of the child, subject to judicial discretion, and only after confirmation from the program director that the CASA volunteer has been properly screened and trained.

Section 3. KRS 620.510 is amended to read as follows:

- (1) Secretarial and support services for each CASA program may be provided by the *family court, the District Court,*~~[or]~~ the circuit clerk, or *a combination thereof*~~[both]~~, as ordered by *the chief judge of family court or, if none, then by* the Chief District Judge. The Administrative Office of the Courts may also provide secretarial and support services.
- (2) CASA programs may receive private funds and local, state, and federal government funding to insure total or partial funding of program activities.

Section 4. KRS 620.515 is amended to read as follows:

- (1) A CASA volunteer shall meet the following minimum requirements:
  - (a) Be at least *twenty-one (21)*~~[eighteen (18)]~~ years of age;
  - (b) Be of good moral character;
  - (c) Complete a written application providing the names of at least three (3) references;
  - (d) Submit to a personal interview with program staff;
  - (e) Submit to a criminal record check; and
  - (f) Submit to a check of the child abuse and adult protection registry maintained by the cabinet.

- (2) If found acceptable, *then* the applicant shall receive a minimum of *thirty (30)*~~fifteen (15)~~ hours of initial training and take an oath of confidentiality~~[-as]~~ administered by a *family court judge or, if none, then a District Judge*.
- (3) Training, both initial and in-service, of volunteers shall be provided by the program director or staff following standards adopted pursuant to KRS 620.535.

Section 5. KRS 620.520 is amended to read as follows:

- (1) The *clerk of the court*~~[District Court clerks]~~ shall:
  - (a) Notify and provide a copy of all dependency, abuse, and neglect petitions to the program director, as soon as the court makes a referral to the program director for assignment of a CASA volunteer to the case;
  - (b) Provide a copy of all court orders issued pursuant to this section; and
  - (c) Notify the program director of all scheduled court hearings for cases to which a CASA volunteer has been assigned.
- (2) Upon appointment by the court to represent a child, the CASA volunteer shall have access to all information and records pertaining to the child including, but not limited to, the records of the following entities: the cabinet; child-caring facilities operated or licensed by the cabinet; public and private schools; physical and mental health care providers; law enforcement agencies; and other entities deemed appropriate by the court.
- (3) With court approval, the CASA volunteer may have access to information and records pertaining to the parents or persons exercising custodial control or supervision of the child assigned to the CASA volunteer, *including* information and records of the court,~~[-]~~ the cabinet,~~[-]~~ public and private child care facilities,~~[-]~~ private and public schools,~~[-]~~ and *the* medical and psychological records of the child assigned to the volunteer. The volunteer shall have access to the medical and psychological records of parents when the court determines that the information is essential to the welfare of the child and the court orders it.

Section 6. KRS 620.537 is amended to read as follows:

If the state ~~board~~~~[Court Appointed Special Advocate association or the Administrative Office of the Courts]~~ employs a full-time staff person to serve as the director of the~~[-state Court Appointed Special Advocate]~~ association *then*:

- (1) The state director shall be a person who by a combination of education, professional qualification, training, and experience is qualified to perform the duties of this position. The state director shall be of good moral character with at least two (2) years of experience working in a position managing a human services program and who has received a:
  - (a) Master's degree in social work, sociology, psychology, guidance and counseling, education, criminal justice, or other human service field; or
  - (b) Baccalaureate degree in social work, sociology, psychology, guidance and counseling, education, criminal justice, or other human service field with, in addition to the work experience required in this subsection, at least two (2) more years of experience working in the human services field.~~[-] and~~
- (2) The duties of the state director shall be:
  - (a) To manage the state court-appointed special advocate office, including staff;

- (b) To coordinate the activities of the ~~the state Court Appointed Special Advocate~~ association;
- (c) To monitor the policies and practices of local CASA programs for compliance with state laws, National CASA Association Standards for Programs, and reporting requirements established by the state association; to assist local CASA programs in efforts to achieve compliance; and to report to the state association the status of compliance by local CASA programs;
- (d) Upon request of local CASA programs, to provide technical assistance to local CASA programs;
- (e) To provide technical assistance and support to *chief judges of family courts*, Chief District Judges, and others in development of new local CASA programs;
- (f) To coordinate a statewide public awareness campaign for generating interest in developing new CASA programs, recruiting volunteers, and informing the public of the issues concerning child abuse and neglect; and
- (g) Other duties as directed by the ~~the state Court Appointed Special Advocate~~ association.

Section 7. KRS 620.540 is amended to read as follows:

- (1) Secretarial and support services for the ~~state association~~ board may be provided by the Administrative Office of the Courts.
- (2) The association may receive private funds, and local, state, and federal government funds to financially assist existing local *CASA* programs, assist local efforts to start a *CASA* program, or other activities deemed appropriate by the association.

**Approved April 22, 2004**