



Senate

General Assembly

File No. 630

February Session, 2016

Substitute Senate Bill No. 347

Senate, April 14, 2016

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT ESTABLISHING A PROGRAM FOR COURT APPOINTED SPECIAL ADVOCATES IN CERTAIN JUVENILE COURT MATTERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2016*) (a) For the purposes of
2 this section, "court appointed special advocate" means a volunteer who
3 (1) is recruited, screened, trained and supervised by a local court
4 appointed special advocate program that is affiliated with the National
5 Court Appointed Special Advocates Association, and (2) has
6 successfully completed the comprehensive training program for
7 guardians ad litem sponsored by the Judicial Department.

8 (b) (1) The Judicial Department shall establish, within available
9 resources, a court appointed special advocate program. Under the
10 program, a court appointed special advocate may serve as a resource
11 to the superior court for juvenile matters in determining and
12 furthering the best interests of a person under eighteen years of age
13 who is the subject of a petition filed under section 46b-129 or 46b-149
14 of the general statutes. The program shall be administered by the Chief

15 Court Administrator within the superior court for juvenile matters.

16 (2) A court, on its own motion or upon a motion of a party, may
17 appoint a court appointed special advocate in any proceeding in which
18 a petition is filed under section 46b-129 or 46b-149 of the general
19 statutes. The court appointed special advocate may conduct an
20 independent investigation of the facts associated with the filing of the
21 petition and shall undertake and facilitate activities in furtherance of
22 the child's best interests, including, but not limited to, making
23 recommendations to the court. Upon appointment by the court and
24 after obtaining any required releases to access records, a court
25 appointed special advocate shall have access to (A) any party to such
26 proceeding, and (B) all information or records relevant to the child's
27 best interests including, but not limited to, school records, child care
28 records, medical records, mental health records, court records and
29 records maintained by the Department of Children and Families.
30 Nothing in this section shall permit a court appointed special advocate
31 to supplant or interfere with any counsel or guardian ad litem
32 appointed to represent the best interests of a child in such proceeding.
33 Notwithstanding the provisions of this subsection, a court appointed
34 special advocate may, in appropriate cases as determined by the court,
35 undertake activities in furtherance of the child's best interests, until the
36 child who is the subject of a petition filed under section 46b-129 or 46b-
37 149 of the general statutes reaches twenty-one years of age.

38 (3) No fees shall be charged for the services provided by a court
39 appointed special advocate.

40 (c) Prior to accepting any person who seeks to serve as a court
41 appointed special advocate, the National Court Appointed Special
42 Advocates Association or a court appointed special advocate program
43 located in this state and affiliated with said association shall require
44 that such person submit to (1) a state and national criminal history
45 records check conducted in accordance with section 29-17a of the
46 general statutes, and (2) a check of the state child abuse and neglect
47 registry established under section 17a-101k of the general statutes. Any

48 person who refuses to consent or cooperate in processing of such
49 checks shall not be accepted into the court appointed special advocate
50 program.

51 (d) A court appointed special advocate who acts in good faith and
52 within the scope of the court's appointment shall not be civilly or
53 criminally liable for actions undertaken in connection with such
54 appointment. Any staff member of a court appointed special advocate
55 program affiliated with the National Court Appointed Special
56 Advocates Association who acts in good faith and within the scope of
57 his or her employment shall not be civilly or criminally liable for
58 actions undertaken in connection with such employment. The
59 protection provided in this subsection shall not apply to acts or
60 omissions that constitute intentional, wilful or wanton misconduct.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	New section

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill does not result in a fiscal impact as it codifies the existing program for court appointed special advocates in juvenile court matters. The Judicial Department currently contracts with two organizations, Children in Placement Inc. and Child Advocates of Southwest Connecticut, to provide the services required by the bill. In FY 15, the department expenditure for the two special advocate contracts totaled \$250,000.

The Out Years***State Impact:*** None***Municipal Impact:*** None*Sources: Core-CT Financial Accounting System*

OLR Bill Analysis**sSB 347*****AN ACT ESTABLISHING A PROGRAM FOR COURT APPOINTED SPECIAL ADVOCATES IN CERTAIN JUVENILE COURT MATTERS.*****SUMMARY:**

This bill requires the Judicial Department, within available resources, to establish a court appointed special advocate program to provide assistance in neglect, abuse, custody, guardianship, or family with service needs proceedings in juvenile court.

Under the bill, a "court appointed special advocate" (CASA) is a volunteer who (1) is recruited, screened, trained, and supervised by a local CASA program that is affiliated with the National Court Appointed Special Advocates Association (NCASAA), and (2) has successfully completed the Judicial Department's comprehensive guardian ad litem (GAL) training program (see BACKGROUND).

The bill requires the chief court administrator within the Superior Court for juvenile matters to administer the program. A party may ask the court to appoint a CASA, or the court may do so on its own motion. Under the program, a CASA:

1. may serve as a resource to the court in determining and furthering the best interests of a child (under age 18);
2. is not allowed to replace or interfere with the child's counsel or GAL;
3. has access to certain records upon the court's appointment and after obtaining any required releases;
4. has qualified immunity when acting in good faith and within the scope of the court's appointment;

5. must submit to certain background checks;
6. is prohibited from charging any fees for services he or she provides in the program; and
7. may, in appropriate cases as determined by the court, undertake activities in the child's best interests, until the child reaches age 21.

EFFECTIVE DATE: October 1, 2016

COURT APPOINTED SPECIAL ADVOCATES (CASA)

Access to Records

Upon appointment by the court and after obtaining any required releases to access records, a CASA must have access to (1) any party to the proceeding and (2) all relevant information or records, such as school, child care, medical, mental health, and court records and records maintained by DCF.

Scope of Services

A CASA (1) may conduct an independent investigation of the facts associated with the filing of a petition and (2) must undertake and facilitate activities to further the child's best interests, including making recommendations to the court.

Background Check

Under the bill, NCASAA or any affiliated Connecticut program, before accepting anyone to serve as a CASA, must require such person to submit to a check of the (1) state and national criminal history records and (2) state child abuse and neglect registry.

The bill prohibits the Judicial Department from accepting, into its CASA program, anyone who refuses to consent to or cooperate in the processing of the required background checks.

Immunity from Civil and Criminal Liability

CASAs who act in good faith and within the scope of the court's

appointment have qualified, rather than total, immunity for their actions. They may only be civilly or criminally liable if their acts or omissions constitute intentional, willful, or wanton misconduct. The same is true for staff members affiliated with NCASAA who act within the scope of their employment

BACKGROUND

National Court Appointed Special Advocates Association (NCASAA)

NCASAA is a national organization that supports and promotes court-appointed advocates for abused or neglected children to provide them with a safe and healthy environment in permanent homes.

Guardians ad Litem (GALs)

By law, a GAL is someone, not necessarily an attorney, the court appoints during certain proceedings to gather information at its request and report on what he or she believes is in a person's best interest. GALs must undergo training before being appointed. The training runs for more than three full days in juvenile court and focuses on child protection. GALs are required to complete six hours of continuing education each year.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 42 Nay 0 (03/28/2016)