



Substitute Senate Bill No. 347

Public Act No. 16-210

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:

Section 1. (NEW) (*Effective October 1, 2016*) (a) For the purposes of this section, "court appointed special advocate" means a volunteer who is recruited, screened, trained and supervised by a local court appointed special advocate program that is affiliated with the National Court Appointed Special Advocates Association.

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

(2) A court, on its own motion or upon a motion of a party, may appoint a court appointed special advocate in any proceeding in which a petition is filed under section 46b-129 or 46b-149 of the general statutes. The court appointed special advocate may conduct an

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independent investigation of the facts associated with the filing of the petition and shall undertake and facilitate activities in furtherance of the child's best interests, including, but not limited to, making recommendations to the court. Upon appointment by the court and after obtaining any required releases to access records, a court appointed special advocate shall have access to (A) any party to such proceeding, and (B) all information or records relevant to the child's best interests including, but not limited to, school records, child care records, medical records, mental health records, court records and records maintained by the Department of Children and Families. Nothing in this section shall permit a court appointed special advocate to supplant or interfere with any counsel or guardian ad litem appointed to represent the best interests of a child in such proceeding. Notwithstanding the provisions of this subsection, a court appointed special advocate may, in appropriate cases as determined by the court, undertake activities in furtherance of the child's best interests, until the child who is the subject of a petition filed under section 46b-129 or 46b-149 of the general statutes reaches twenty-one years of age.

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

(c) Prior to accepting any person who seeks to serve as a court appointed special advocate, the National Court Appointed Special Advocates Association or a court appointed special advocate program located in this state and affiliated with said association shall require that such person submit to (1) a state and national criminal history records check conducted in accordance with section 29-17a of the general statutes, and (2) a check of the state child abuse and neglect registry established under section 17a-101k of the general statutes. Any person who refuses to consent or cooperate in processing of such checks shall not be accepted into the court appointed special advocate program.

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

Approved June 10, 2016