

**Proposed Substitute
Bill No. 347**

LCO No. 3510

**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 filed
18 under section 46b-129 or 46b-149 of the general statutes. The court

19 appointed special advocate may conduct an independent investigation
20 of the facts associated with the filing of the petitions and shall
21 undertake and facilitate activities in furtherance of the child's best
22 interests, including, but not limited to, making recommendations to
23 the court. Upon appointment by the court and after obtaining any
24 required releases to access records, a court appointed special advocate
25 shall have access to (A) any party to such proceeding, and (B) all
26 information or records relevant to the child's best interests including,
27 but not limited to, school records, child care records, medical records,
28 mental health records, court records and records maintained by the
29 Department of Children and Families. Nothing in this section shall
30 permit a court appointed special advocate to supplant or interfere with
31 any counsel or guardian ad litem appointed to represent the best
32 interests of a child in such proceeding. Notwithstanding the provisions
33 of this subsection, a court appointed special advocate may, in
34 appropriate cases as determined by the court, undertake activities in
35 furtherance of the child's best interests, until the child who is the
36 subject of a petition filed under section 46b-129 or 46b-149 of the
37 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:		
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Section 1	<i>October 1, 2016</i>	New section
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