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**AB-424 Court appointed child advocates: wards.** (2015-2016)

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**Assembly Bill No. 424**

**CHAPTER 71**

An act to amend Sections 101, 102, 103, and 109 of the Welfare and Institutions Code, relating to juveniles.

[ Approved by Governor July 13, 2015. Filed with Secretary of State July 13, 2015. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 424, Beth Gaines. Court appointed child advocates: wards.

Existing law requires the Judicial Council to establish a Court-Appointed Special Advocate (CASA) program, under which volunteers serve as court appointed child advocates to provide designated services and support to dependent children and nonminor dependents in juvenile dependency proceedings. Existing law provides that a minor, under certain circumstances, is subject to the jurisdiction of the juvenile court. If the minor has violated a law or ordinance, existing law authorizes the juvenile court to adjudicate the minor to be a ward of the court.

This bill would authorize the appointment of a CASA in a juvenile delinquency proceeding, and would provide that a CASA shall be considered court personnel for purposes of inspecting the case file of a dependent child or ward of the juvenile court.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 101 of the Welfare and Institutions Code is amended to read:

**101.** As used in this chapter, the following definitions shall apply:

(a) "Adult" means a person 18 years of age or older.

(b) "Child or minor" means a person under the jurisdiction of the juvenile court pursuant to Section 300, 601, or 602.

(c) "CASA" means a Court-Appointed Special Advocate. "CASA" also refers to a Court Designated Child Advocate in programs that have utilized that title. A CASA has the duties and responsibilities described in this chapter and shall be trained by and function under the auspices of a Court-Appointed Special Advocate program as set forth in this chapter.

(d) "Court" means the superior court, including the juvenile court.

(e) "Dependent" means a person described in Section 300.

(f) "Nonminor dependent" means a person as described in subdivision (v) of Section 11400.

(g) "Ward" means a person described in Section 601 or 602.

**SEC. 2.** Section 102 of the Welfare and Institutions Code is amended to read:

**102.** (a) Each CASA program shall, if feasible, be staffed by a minimum of one paid administrator. The staff shall be directly accountable to the presiding juvenile court judge and the CASA program board of directors, as applicable.

(b) The program shall provide for volunteers to serve as CASAs. A CASA may be appointed to any dependent, nonminor dependent, or ward who is subject to the jurisdiction of the juvenile court.

(c) Each CASA shall serve at the pleasure of the court having jurisdiction over the proceedings in which a CASA has been appointed and that appointment may continue after the child attains his or her age of majority, with the consent of the nonminor dependent. A CASA shall do all of the following:

(1) Provide independent, factual information to the court regarding the cases to which he or she is appointed.

(2) Represent the best interests of the child involved, and consider the best interests of the family, in the cases to which he or she is appointed.

(3) At the request of the judge, monitor cases to which he or she has been appointed to ensure that the court's orders have been fulfilled.

(d) The Judicial Council, through its rules and regulations, shall require an initial and ongoing training program consistent with this chapter for all persons acting as a CASA, including, but not limited to, each of the following:

(1) Dynamics of child abuse and neglect.

(2) Court structure, including juvenile court laws.

(3) Social service systems.

(4) Child development.

(5) Cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, and transgender youth.

(6) Interviewing techniques.

(7) Report writing.

(8) Roles and responsibilities of a CASA.

(9) Rules of evidence and discovery procedures.

(10) Problems associated with verifying reports.

(e) The Judicial Council, through its CASA Advisory Committee, shall adopt guidelines for the screening of CASA volunteers, which shall include personal interviews, reference checks, checks for records of sex offenses and other criminal records, information from the Department of Motor Vehicles, and other information that the Judicial Council deems appropriate.

**SEC. 3.** Section 103 of the Welfare and Institutions Code is amended to read:

**103.** (a) Persons acting as a CASA shall be individuals who have demonstrated an interest in children and their welfare. Each CASA shall participate in a training course conducted under the rules and regulations adopted by the Judicial Council and in ongoing training and supervision throughout his or her involvement in the program. Each CASA shall be evaluated before and after initial training to determine his or her fitness for these responsibilities. Ongoing training shall be provided at least monthly.

(b) Each CASA shall commit a minimum of one year of service to a child until a permanent placement is achieved for the child or until relieved by the court, whichever is first. At the end of each year of service, the CASA, with the approval of the court, may recommit for an additional year.

(c) A CASA shall have no associations that create a conflict of interest with his or her duties as a CASA.

(d) An adult otherwise qualified to act as a CASA shall not be discriminated against based upon marital status, socioeconomic factors, or because of any characteristic listed or defined in Section 11135 of the Government Code.

(e) Each CASA is an officer of the court, with the relevant rights and responsibilities that pertain to that role and shall act consistently with the local rules of court pertaining to CASAs.

(f) Each CASA shall be sworn in by a superior court judge or commissioner before beginning his or her duties.

(g) A judge may appoint a CASA when, in the opinion of the judge, a child requires services which can be provided by the CASA, consistent with the local rules of court.

(h) To accomplish the appointment of a CASA, the judge making the appointment shall sign an order, which may grant the CASA the authority to review specific relevant documents and interview parties involved in the case, as well as other persons having significant information relating to the child, to the same extent as any other officer of the court appointed to investigate proceedings on behalf of the court.

(i) Each CASA shall be considered court personnel for purposes of subdivision (a) of Section 827.

**SEC. 4.** Section 109 of the Welfare and Institutions Code is amended to read:

**109.** (a) Except as provided in subdivisions (b) and (c), nothing in this chapter permits a person acting as a CASA to participate or appear in criminal proceedings or in proceedings to declare a person a ward of the juvenile court pursuant to Section 601 or 602.

(b) A person acting as a CASA may participate in determinations made pursuant to Section 241.1, and in all delinquency proceedings after adjudication of delinquency.

(c) This section does not apply to a person acting as a CASA when that person is acting solely as a support person to the child or who is in court on behalf of a child who is the victim of a crime.