

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 180

By: Griffin

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5
6 AS INTRODUCED

7 An Act relating to court-appointed special advocates;
8 amending 10A O.S. 2011, Section 1-8-102, which
9 relates to education, training, and qualifications of
10 advocates; requiring Department of Human Services
11 child welfare records search for applicants;
12 providing definition; and providing an effective
13 date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-8-102, is
16 amended to read as follows:

17 Section 1-8-102. A. Any court-appointed special advocate
18 (CASA) available for appointment pursuant to the Oklahoma Children's
19 Code or the Oklahoma Juvenile Code shall complete education and
20 training courses in juvenile law, child abuse and neglect and other
21 issues relating to children such as foster care and parental
22 divorce, including, but not limited to, risk factors which may
23 identify domestic abuse and potential violence and the relationship
24 between alcohol or drug abuse and violence, safe visitation and
supervised visitation arrangements and standards for a child and
parties. The chief judge of the judicial district for which a

1 court-appointed special advocate serves shall be responsible for
2 developing and administering procedures and rules for such courses.

3 B. No court-appointed special advocate shall be assigned a case
4 before:

5 1. Completing a training program in compliance with nationally
6 documented Court-Appointed Special Advocate standards.

7 Documentation of training shall be submitted annually by local
8 court-appointed special advocate programs to the Oklahoma Court-
9 Appointed Special Advocate Association; and

10 2. Being approved by the local court-appointed special advocate
11 program, which will include appropriate criminal background checks
12 as provided in subsection C of this section.

13 C. 1. Each local court-appointed special advocate program
14 shall require a child welfare records search conducted by the
15 Department of Human Services, a criminal history records search
16 conducted by the Oklahoma State Bureau of Investigation, and any
17 other background check requirements as set forth in Oklahoma Court-
18 Appointed Special Advocate Association state standards for local
19 programs, for any person making application to become a court-
20 appointed special advocate volunteer or to be employed by the local
21 court-appointed special advocate program. For the purposes of this
22 section, "child welfare records search" means a report of all
23 substantiated findings of child abuse or neglect.

1 2. If the prospective court-appointed special advocate
2 volunteer or employee of the local court-appointed special advocate
3 program has lived in Oklahoma for less than one (1) year, a criminal
4 history records search shall also be obtained from the criminal
5 history state repository of the previous state of residence.

6 3. The Oklahoma Court-Appointed Special Advocate Association
7 shall pay the fee for the criminal history records search provided
8 in this subsection.

9 D. 1. Any person participating in a judicial proceeding as a
10 court-appointed special advocate shall be presumed prima facie to be
11 acting in good faith and in so doing shall be immune from any civil
12 liability that otherwise might be incurred or imposed.

13 2. Any person serving in a management position of a court-
14 appointed special advocate organization, including a member of the
15 Board of Directors acting in good faith, shall be immune from any
16 civil liability or any vicarious liability for the negligence of any
17 court-appointed special advocate organization advocates, managers,
18 or directors.

19 SECTION 2. This act shall become effective November 1, 2015.
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