

1 ENGROSSED SENATE
2 BILL NO. 1195

By: Coleman of the Senate

3 and

4 Talley of the House

5
6 An Act relating to Court-appointed special advocates;
7 amending 10A O.S. 2011, Section 1-8-102, as amended
8 by Section 1, Chapter 75, O.S.L. 2019 (10A O.S. Supp.
9 2019, Section 1-8-102), which relates to training and
10 criminal history search; removing requirement for
11 payment of certain fee by Oklahoma Court-Appointed
12 Special Advocate Association; and providing an
13 effective 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, as
16 amended by Section 1, Chapter 75, O.S.L. 2019 (10A O.S. Supp. 2019,
17 Section 1-8-102), is amended to read as follows:

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

1 parties. The chief judge of the judicial district for which a
2 court-appointed special advocate serves shall be responsible for
3 developing and administering procedures and rules for such courses.

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

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

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

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

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

1 neglect information system maintained by the Department of Human
2 Services for review by authorized entities.

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

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

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

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

21 SECTION 2. This act shall become effective November 1, 2020.
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1 Passed the Senate the 2nd day of March, 2020.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2020.

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8 _____
9 Presiding Officer of the House
10 of Representatives