

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 ENGROSSED SENATE
5 BILL NO. 722

By: Pemberton, David, Sharp,
Leewright, Murdock, Floyd
and Dahm of the Senate

6
7 and

8 Lawson, **Hasenbeck, Bush,**
9 **West (Josh), Hilbert,**
10 **Echols, McBride, West**
11 **(Tammy)** and **Newton** of the
12 House

13 An Act relating to court-appointed special advocates;
14 amending 10A O.S. 2011, Section 1-8-102, which
15 relates to education, training and criminal history
16 search; adding search requirement for applicants;
17 defining term; and providing an effective date.

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

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

21 Section 1-8-102. A. Any court-appointed special advocate
22 (CASA) available for appointment pursuant to the Oklahoma Children's
23 Code or the Oklahoma Juvenile Code shall complete education and
24 training courses in juvenile law, child abuse and neglect and other
 issues relating to children such as foster care and parental

1 divorce, including, but not limited to, risk factors which may
2 identify domestic abuse and potential violence and the relationship
3 between alcohol or drug abuse and violence, safe visitation and
4 supervised visitation arrangements and standards for a child and
5 parties. The chief judge of the judicial district for which a
6 court-appointed special advocate serves shall be responsible for
7 developing and administering procedures and rules for such courses.

8 B. No court-appointed special advocate shall be assigned a case
9 before:

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

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

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

18 C. 1. ~~Each~~ Notwithstanding any other provision of law, each
19 local court-appointed special advocate program shall require a child
20 welfare records search conducted by the Department of Human
21 Services, a criminal history records search conducted by the
22 Oklahoma State Bureau of Investigation, and any other background
23 check requirements as set forth in Oklahoma Court-Appointed Special
24 Advocate Association state standards for local programs, for any

1 person making application to become a court-appointed special
2 advocate volunteer or to be employed by the local court-appointed
3 special advocate program. For purposes of this paragraph, "child
4 welfare records search" means a search of the child abuse and
5 neglect information system maintained by the Department of Human
6 Services for review by authorized entities.

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

12 3. The Oklahoma Court-Appointed Special Advocate Association
13 shall pay the fee for the criminal history records search provided
14 in this subsection.

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

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

SECTION 2. This act shall become effective November 1, 2019.

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04/02/2019 - DO
PASS, As Coauthored.