

SENATE FLOOR VERSION

February 25, 2020

SENATE BILL NO. 1195

By: Coleman of the Senate

and

Talley of the House

An Act relating to Court-appointed special advocates; amending 10A O.S. 2011, Section 1-8-102, as amended by Section 1, Chapter 75, O.S.L. 2019 (10A O.S. Supp. 2019, Section 1-8-102), which relates to training and criminal history search; removing requirement for payment of certain fee by Oklahoma Court-Appointed Special Advocate Association; and providing an effective date.

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

SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-8-102, as amended by Section 1, Chapter 75, O.S.L. 2019 (10A O.S. Supp. 2019, Section 1-8-102), is amended to read as follows:

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

1 between alcohol or drug abuse and violence, safe visitation and
2 supervised visitation arrangements and standards for a child and
3 parties. The chief judge of the judicial district for which a
4 court-appointed special advocate serves shall be responsible for
5 developing and administering procedures and rules for such courses.

6 B. No court-appointed special advocate shall be assigned a case
7 before:

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

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

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

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

1 special advocate program. For purposes of this paragraph, "child
2 welfare records search" means a search of the child abuse and
3 neglect information system maintained by the Department of Human
4 Services for review by authorized entities.

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

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

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

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

SECTION 2. This act shall become effective November 1, 2020.

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
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