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February 19, 2019

SENATE BILL NO. 722

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

and

Lawson of the House

An Act relating to court-appointed special advocates; amending 10A O.S. 2011, Section 1-8-102, which relates to education, training and criminal history search; adding search requirement for applicants; defining term; 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, 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 between alcohol or drug abuse and violence, safe visitation and

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

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

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

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

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

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

1 welfare records search" means a search of the child abuse and
2 neglect information system maintained by the Department of Human
3 Services for review by authorized entities.

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

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

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

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

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

1 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
February 19, 2019 - DO PASS
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