

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1195

By: Coleman

6 AS INTRODUCED

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

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

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

19 Section 1-8-102. A. Any court-appointed special advocate  
20 (CASA) available for appointment pursuant to the Oklahoma Children's  
21 Code or the Oklahoma Juvenile Code shall complete education and  
22 training courses in juvenile law, child abuse and neglect and other  
23 issues relating to children such as foster care and parental  
24 divorce, including, but not limited to, risk factors which may  
25 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. Notwithstanding any other provision of law, each local  
16 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.

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