

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO. 722

By: Floyd

AS INTRODUCED

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 supervised visitation arrangements and standards for a child and parties. The chief judge of the judicial district for which a

1 court-appointed special advocate serves shall be responsible for  
2 developing and administering procedures and rules for such courses.

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

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

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

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

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

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, 2019.  
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