

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1344 By: Garvin of the Senate
3 and
4 Lawson of the House
5
6
7 An Act relating to court-appointed special advocates;
8 amending 10A O.S. 2021, Section 1-8-102, which
9 relates to education and training and criminal
10 history checks; applying certain standards to
11 required education and training; clarifying
12 requirements for certain background checks; removing
13 requirement for payment of certain fee by Oklahoma
14 Court-Appointed Special Advocate Association; and
15 providing an effective date.
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17 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill
18 and insert:
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20 "An Act relating to court-appointed special
21 advocates; amending 10A O.S. 2021, Section 1-8-102,
22 which relates to education and training and criminal
23 history checks; applying certain standards to
24 required education and training; clarifying
requirements for certain background checks; 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:

1 SECTION 1. AMENDATORY 10A O.S. 2021, Section 1-8-102, is
2 amended to read as follows:

3 Section 1-8-102. A. Any court-appointed special advocate
4 (CASA) available for appointment pursuant to the Oklahoma Children's
5 Code or the Oklahoma Juvenile Code shall complete education and
6 training courses in ~~juvenile law, child abuse and neglect and other~~
7 ~~issues relating to children such as foster care and parental~~
8 ~~divorce, including, but not limited to, risk factors which may~~
9 ~~identify domestic abuse and potential violence and the relationship~~
10 ~~between alcohol or drug abuse and violence, safe visitation and~~
11 ~~supervised visitation arrangements and standards for a child and~~
12 ~~parties. The chief judge of the judicial district for which a~~
13 ~~court-appointed special advocate serves shall be responsible for~~
14 ~~developing and administering procedures and rules for such courses~~
15 accordance with national and Oklahoma CASA standards.

16 B. No court-appointed special advocate shall be assigned a case
17 before:

18 1. Completing a training program in compliance with nationally
19 documented Court-Appointed Special Advocate standards.
20 Documentation of training shall be submitted annually by local
21 court-appointed special advocate programs to the Oklahoma Court-
22 Appointed Special Advocate Association; and
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1 2. Being approved by the local court-appointed special advocate
2 program, which will include appropriate criminal background checks
3 as provided in subsection C of this section.

4 C. 1. Notwithstanding any other provision of law, each local
5 court-appointed special advocate program shall require for any
6 person making application to become a court-appointed special
7 advocate volunteer or to be employed by the local court-appointed
8 special advocate program:

9 a. a child welfare records search conducted by the
10 Department of Human Services, which shall consist of a
11 search of the Child Abuse and Neglect Information
12 System maintained by the Department of Human Services
13 for review by authorized entities,

14 b. a criminal history records search conducted by the
15 Oklahoma State Bureau of Investigation, and

16 c. any other background check meeting the requirements as
17 set forth in Oklahoma Court-Appointed Special Advocate
18 Association state or national standards for local
19 programs, ~~for any person making application to become~~
20 ~~a court-appointed special advocate volunteer or to be~~
21 ~~employed by the local court-appointed special advocate~~
22 ~~program. For purposes of this paragraph, "child~~
23 ~~welfare records search" means a search of the child~~
24 ~~abuse and neglect information system maintained by the~~

1 ~~Department of Human Services for review by authorized~~
2 ~~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, 2022."
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1 Passed the House of Representatives the 26th day of April, 2022.

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4 Presiding Officer of the House of
Representatives
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6 Passed the Senate the ____ day of _____, 2022.

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9 Presiding Officer of the Senate
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1 ENGROSSED SENATE
2 BILL NO. 1344

By: Garvin of the Senate

3 and

4 Lawson of the House

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6 An Act relating to court-appointed special advocates;
7 amending 10A O.S. 2021, Section 1-8-102, which
8 relates to education and training and criminal
9 history checks; applying certain standards to
10 required education and training; clarifying
11 requirements for certain background checks; removing
12 requirement for payment of certain fee by Oklahoma
13 Court-Appointed Special Advocate Association; and
14 providing an effective date.

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

16 SECTION 3. AMENDATORY 10A O.S. 2021, Section 1-8-102, is
17 amended to read as follows:

18 Section 1-8-102. A. 1. Any court-appointed special advocate
19 (CASA) available for appointment pursuant to the Oklahoma Children's
20 Code or the Oklahoma Juvenile Code shall complete education and
21 training courses in accordance with national and Oklahoma CASA
22 standards including but not limited to:

23 a. juvenile law,

24 b. child abuse and neglect, and

c. other issues relating to children such as foster care
and parental divorce, including, but not limited to,

1 risk factors which may identify domestic abuse and
2 potential violence and the relationship between
3 alcohol or drug abuse and violence, safe visitation
4 and supervised visitation arrangements and standards
5 for a child and parties.

6 2. The chief judge of the judicial district for which a court-
7 appointed special advocate serves shall be responsible for
8 developing and administering procedures and rules for ~~such~~ courses
9 required pursuant to paragraph 1 of this subsection.

10 B. No court-appointed special advocate shall be assigned a case
11 before:

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

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

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

20 C. 1. Notwithstanding any other provision of law, each local
21 court-appointed special advocate program shall require 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:

1 a. a child welfare records search conducted by the
2 Department of Human Services, which shall consist of a
3 search of the child abuse and neglect information
4 system maintained by the Department of Human Services
5 for review by authorized entities,

6 b. a criminal history records search conducted by the
7 Oklahoma State Bureau of Investigation, and

8 c. any other background check meeting the requirements as
9 set forth in Oklahoma Court-Appointed Special Advocate
10 Association state or national standards for local
11 programs, ~~for any person making application to become~~
12 ~~a court-appointed special advocate volunteer or to be~~
13 ~~employed by the local court-appointed special advocate~~
14 ~~program. For purposes of this paragraph, "child~~
15 ~~welfare records search" means a search of the child~~
16 ~~abuse and neglect information system maintained by the~~
17 ~~Department of Human Services for review by authorized~~
18 ~~entities.~~

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

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

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

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

SECTION 4. This act shall become effective November 1, 2022.

Passed the Senate the 14th day of February, 2022.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2022.

Presiding Officer of the House
of Representatives

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