

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 1344

By: Garvin of the Senate

and

6 Lawson of the House

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9 COMMITTEE SUBSTITUTE

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

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

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

24 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 court appointed special advocate serves shall be responsible for developing and administering procedures and rules for such courses.~~
accordance with national and Oklahoma CASA standards:

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

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

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

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

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

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

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

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

14 SECTION 2. This act shall become effective November 1, 2022.

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