

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 58th Legislature (2022)

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

By: Garvin of the Senate

and

Lawson of the House

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10                               COMMITTEE SUBSTITUTE

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

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

SECTION 1.           AMENDATORY           10A O.S. 2021, 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 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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16 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated  
17 04/06/2022 - DO PASS, As Amended.  
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