

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1344

By: Garvin

AS INTRODUCED

An Act relating to court-appointed special advocates; amending 10A O.S. 2021, Section 1-8-102, which relates to education and training and criminal history checks; applying certain standards to 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:

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

Section 1-8-102. A. 1. 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 accordance with national and Oklahoma CASA standards including but not limited to:

a. juvenile law,

b. child abuse and neglect, and

1 c. other issues relating to children such as foster care and
2 parental divorce, including, but not limited to, risk factors which
3 may identify domestic abuse and potential violence and the
4 relationship between alcohol or drug abuse and violence, safe
5 visitation and supervised visitation arrangements and standards for
6 a child and parties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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