

An Act

ENROLLED SENATE
BILL NO. 1344

By: Garvin of the Senate

and

Lawson of the House

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.

SUBJECT: Court-appointed special advocates

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:

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

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

c. any other background check meeting the requirements as set forth in Oklahoma Court-Appointed Special Advocate Association state or national standards for local programs, ~~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. For purposes of this paragraph, "child welfare records search" means a search of the child abuse and neglect information system maintained by the~~

~~Department of Human Services for review by authorized entities.~~

2. If the prospective court-appointed special advocate volunteer or employee of the local court-appointed special advocate program has lived in Oklahoma for less than one (1) year, a criminal history records search shall also be obtained from the criminal 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 2. This act shall become effective November 1, 2022.

Passed the Senate the 16th day of May, 2022.

Presiding Officer of the Senate

Passed the House of Representatives the 26th day of April, 2022.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____