

CHAPTER 218

CHILDREN AND DOMESTIC MATTERS

SENATE BILL 96-030

BY SENATORS Wham, Johnson, Matsunaka, Powers R., and Weddig;
also REPRESENTATIVES George, DeGette, Hagedorn, Kaufman, Knox, Kreutz, Leyba, Lyle, Mace, McPherson, Morrison, Owen,
Schwarz, Swenson, Taylor, and Tool.

AN ACT

CONCERNING A COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 19-1-103, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

19-1-103. Definitions. As used in this title, unless the context otherwise requires:

(34.3) "COURT-APPOINTED SPECIAL ADVOCATE" OR "CASA VOLUNTEER" MEANS A VOLUNTEER APPOINTED BY A COURT PURSUANT TO THE PROVISIONS OF PART 2 OF THIS ARTICLE TO ASSIST IN ADVOCACY FOR CHILDREN.

(34.5) "COURT-APPOINTED SPECIAL ADVOCATE PROGRAM" OR "CASA PROGRAM" MEANS A PROGRAM ESTABLISHED PURSUANT TO THE PROVISIONS OF PART 2 OF THIS ARTICLE.

SECTION 2. 19-1-111 (5), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

19-1-111. Appointment of guardian ad litem. (5) THE GUARDIAN AD LITEM SHALL COOPERATE WITH ANY CASA VOLUNTEER APPOINTED PURSUANT TO SECTION 19-1-206.

SECTION 3. Article 1 of title 19, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

19-1-111.5. Court-appointment special advocate. THE COURT MAY APPOINT A CASA VOLUNTEER PURSUANT TO THE PROVISIONS OF PART 2 OF THIS ARTICLE IF THE COURT FINDS THAT THE APPOINTMENT WOULD BE IN THE BEST INTERESTS OF THE CHILD. THE COURT MAY DIRECT THE MANNER IN WHICH A CASA VOLUNTEER AND ANY GUARDIAN AD LITEM APPOINTED IN A CASE SHALL COLLABORATE.

SECTION 4. Article 1 of title 19, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PART to read:

PART 2

COURT-APPOINTED SPECIAL ADVOCATE PROGRAM

19-1-201. Legislative intent. (1)(a) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT QUALITY REPRESENTATION FOR CHILDREN REQUIRES LEGAL EXPERTISE AND THOROUGH CASE MONITORING.

(b) THE WORK OF COMMUNITY VOLUNTEERS HAS BEEN PROVEN TO BE EFFECTIVE IN ADDRESSING THE NEEDS OF CHILDREN. PARTNERSHIPS BETWEEN GUARDIANS AD LITEM AND COMMUNITY VOLUNTEERS CAN ENHANCE THE QUALITY OF REPRESENTATION FOR CHILDREN.

(c) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT THE STATE SHOULD PROMOTE VOLUNTEERISM AND THE EXERCISE OF RESPONSIBLE CITIZENSHIP TO ENABLE MEMBERS OF LOCAL COMMUNITIES TO BECOME ADVOCATES FOR CHILDREN.

(2) THEREFORE, THE GENERAL ASSEMBLY HEREBY AUTHORIZES THE CREATION OF VOLUNTEER COURT-APPOINTED SPECIAL ADVOCATE PROGRAMS IN ORDER TO ENHANCE THE QUALITY OF REPRESENTATION OF CHILDREN.

19-1-202. Creation of court-appointed special advocate programs. (1) CASA PROGRAMS MAY BE ESTABLISHED IN EACH JUDICIAL DISTRICT OR ANY TWO OR MORE ADJACENT JUDICIAL DISTRICTS AND SHALL OPERATE PURSUANT TO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CHIEF JUDGE OF THE JUDICIAL DISTRICT AND THE CASA PROGRAM. THE MEMORANDUM OF UNDERSTANDING SHALL IDENTIFY THE ROLES AND RESPONSIBILITIES OF ANY CASA VOLUNTEER APPOINTED IN THE JUDICIAL DISTRICT AND SHALL INDICATE WHETHER ANY CASA VOLUNTEER MAY BE MADE A PARTY TO THE ACTION.

(2) A CASA PROGRAM ESTABLISHED PURSUANT TO THE PROVISIONS OF THIS PART 2 SHALL:

(a) BE A COMMUNITY ORGANIZATION THAT SCREENS, TRAINS, AND SUPERVISES CASA VOLUNTEERS TO ADVOCATE FOR THE BEST INTERESTS OF CHILDREN IN ACTIONS BROUGHT PURSUANT TO THIS TITLE AND TITLES 14 AND 15, C.R.S.;

(b) BE A MEMBER IN GOOD STANDING OF THE COLORADO CASA ASSOCIATION AND THE NATIONAL CASA ASSOCIATION AND ADHERE TO THE GUIDELINES ESTABLISHED BY THOSE ASSOCIATIONS;

(c) APPOINT A PROGRAM DIRECTOR WHO SHALL HAVE THE RESPONSIBILITIES SET

FORTH IN SECTION 19-1-203;

(d) HAVE ADEQUATE SUPERVISORY AND SUPPORT STAFF WHO SHALL BE EASILY ACCESSIBLE, HOLD REGULAR CASE CONFERENCES WITH CASA VOLUNTEERS TO REVIEW CASE PROGRESS, AND CONDUCT ANNUAL PERFORMANCE REVIEWS FOR ALL CASA VOLUNTEERS;

(e) PROVIDE STAFF AND CASA VOLUNTEERS WITH WRITTEN PROGRAM POLICIES, PRACTICES, AND PROCEDURES;

(f) PROVIDE THE TRAINING REQUIRED PURSUANT TO SECTION 19-1-204; AND

(g) ATTEMPT TO MAINTAIN A CASA VOLUNTEER-TO-SUPERVISOR RATIO OF THIRTY-TO-ONE.

19-1-203. Program director. (1) THE PROGRAM DIRECTOR SHALL BE RESPONSIBLE FOR THE ADMINISTRATION OF THE CASA PROGRAM, INCLUDING RECRUITMENT, SELECTION, TRAINING, AND SUPERVISION AND EVALUATION OF STAFF AND CASA VOLUNTEERS.

(2) THE PROGRAM DIRECTOR SHALL SERVE AS A PROFESSIONAL LIAISON BETWEEN THE COURT AND COMMUNITY AGENCIES SERVING CHILDREN.

19-1-204. Training requirements. (1) ALL CASA VOLUNTEERS SHALL PARTICIPATE FULLY IN PRESERVICE TRAINING, INCLUDING INSTRUCTION ON RECOGNIZING CHILD ABUSE AND NEGLECT, CULTURAL AWARENESS, CHILD DEVELOPMENT, THE JUVENILE COURT PROCESS, PERMANENCY PLANNING, VOLUNTEER ROLES AND RESPONSIBILITIES, ADVOCACY, INFORMATION GATHERING, AND DOCUMENTATION. CASA VOLUNTEERS SHALL BE REQUIRED TO PARTICIPATE IN OBSERVATION OF COURT PROCEEDINGS PRIOR TO APPOINTMENT.

(2) ALL CASA VOLUNTEERS SHALL RECEIVE A TRAINING MANUAL THAT SHALL INCLUDE GUIDELINES FOR THEIR SERVICE AND DUTIES.

(3) EACH CASA PROGRAM SHALL PROVIDE A MINIMUM OF TEN HOURS OF IN-SERVICE TRAINING PER YEAR TO CASA VOLUNTEERS.

19-1-205. Selection of CASA volunteers. (1) EACH CASA PROGRAM SHALL ADOPT REGULATIONS CONSISTENT WITH SUBSECTION (2) OF THIS SECTION, AND WITH THE COLORADO CASA ASSOCIATION AND NATIONAL CASA ASSOCIATION GUIDELINES GOVERNING QUALIFICATIONS AND SELECTION OF CASA VOLUNTEERS. EACH CASA PROGRAM'S REGULATIONS SHALL INCLUDE PROVISIONS THAT QUALIFIED ADULTS SHALL NOT BE DISCRIMINATED AGAINST BASED ON GENDER, SOCIOECONOMIC, RELIGIOUS, RACIAL, ETHNIC, OR AGE FACTORS.

(2) THE MINIMUM QUALIFICATIONS FOR ANY PROSPECTIVE CASA VOLUNTEER ARE THAT HE OR SHE SHALL:

(a) BE AT LEAST TWENTY-ONE YEARS OF AGE OR OLDER AND HAVE DEMONSTRATED AN INTEREST IN CHILDREN AND THEIR WELFARE;

(b) BE WILLING TO COMMIT TO THE COURT FOR A MINIMUM OF ONE YEAR OF SERVICE TO A CHILD;

(c) COMPLETE AN APPLICATION, INCLUDING PROVIDING BACKGROUND INFORMATION REQUIRED PURSUANT TO SUBSECTION (3) OF THIS SECTION;

(d) PARTICIPATE IN A SCREENING INTERVIEW;

(e) PARTICIPATE IN THE TRAINING REQUIRED PURSUANT TO SECTION 19-1-204; AND

(f) MEET OTHER QUALIFICATIONS AS DETERMINED BY THE CASA PROGRAM DIRECTOR AND THE CHIEF JUDGE OF THE JUDICIAL DISTRICT.

(3) A PROSPECTIVE CASA VOLUNTEER'S APPLICATION SHALL INCLUDE:

(a) A COPY OF ANY CRIMINAL HISTORY RECORD, CENTRAL REGISTRY RECORD, AND MOTOR VEHICLE RECORD;

(b) AT LEAST THREE REFERENCES WHO CAN ADDRESS HIS OR HER CHARACTER, JUDGMENT, AND SUITABILITY FOR THE POSITION; AND

(c) RECORDS FROM ANY OTHER JURISDICTIONS IN WHICH HE OR SHE RESIDED DURING THE ONE-YEAR TIME PERIOD PRIOR TO THE DATE OF THE APPLICATION IF THE PROSPECTIVE CASA VOLUNTEER HAS RESIDED IN THE STATE OF COLORADO FOR LESS THAN TWELVE MONTHS.

19-1-206. Appointment of CASA volunteers. (1) ANY JUDGE OR MAGISTRATE MAY APPOINT A CASA VOLUNTEER IN ANY ACTION BROUGHT PURSUANT TO THIS TITLE AND TITLES 14 AND 15, C.R.S., WHEN, IN THE OPINION OF THE JUDGE OR MAGISTRATE, A CHILD WHO MAY BE AFFECTED BY SUCH ACTION REQUIRES SERVICES THAT A CASA VOLUNTEER CAN PROVIDE. AT THE DISCRETION OF THE JUDGE OR MAGISTRATE, A CASA VOLUNTEER MAY BE A PARTY TO THE ACTION IF SO PROVIDED FOR IN THE MEMORANDUM OF UNDERSTANDING.

(2) A CASA VOLUNTEER SHALL BE APPOINTED AT THE EARLIEST STAGES OF AN ACTION PURSUANT TO A COURT ORDER THAT GIVES HIM OR HER THE AUTHORITY TO REVIEW ALL RELEVANT DOCUMENTS AND INTERVIEW ALL PARTIES INVOLVED IN THE CASE, INCLUDING PARENTS, OTHER PARTIES IN INTEREST, AND ANY OTHER PERSONS HAVING SIGNIFICANT INFORMATION RELATING TO THE CHILD.

(3) THE CASA VOLUNTEER'S APPOINTMENT SHALL CONCLUDE:

(a) WHEN THE COURT'S JURISDICTION OVER THE CHILD TERMINATES; OR

(b) UPON DISCHARGE BY THE COURT ON ITS OWN MOTION OR AT THE REQUEST OF THE PROGRAM DIRECTOR OF THE CASA PROGRAM TO WHICH THE CASA VOLUNTEER IS ASSIGNED.

19-1-207. Restrictions. (1) A CASA VOLUNTEER SHALL NOT:

(a) ACCEPT ANY COMPENSATION FOR THE DUTIES AND RESPONSIBILITIES OF HIS OR

HER APPOINTMENT;

(b) HAVE ANY ASSOCIATION THAT CREATES A CONFLICT OF INTEREST WITH HIS OR HER DUTIES;

(c) BE RELATED TO ANY PARTY OR ATTORNEY INVOLVED IN A CASE;

(d) BE EMPLOYED IN A POSITION THAT COULD RESULT IN A CONFLICT OF INTEREST OR GIVE RISE TO THE APPEARANCE OF A CONFLICT;

(e) USE THE CASA VOLUNTEER POSITION TO SEEK OR ACCEPT GIFTS OR SPECIAL PRIVILEGES.

19-1-208. Duties of CASA volunteer. (1) Independent case investigation. UPON APPOINTMENT IN AN ACTION, A CASA VOLUNTEER MAY HAVE THE DUTY TO:

(a) CONDUCT AN INDEPENDENT INVESTIGATION REGARDING THE BEST INTERESTS OF THE CHILD THAT WILL PROVIDE FACTUAL INFORMATION TO THE COURT REGARDING THE CHILD AND THE CHILD'S FAMILY. THE INVESTIGATION SHALL INCLUDE INTERVIEWS WITH AND OBSERVATIONS OF THE CHILD, INTERVIEWS WITH OTHER APPROPRIATE INDIVIDUALS, AND THE REVIEW OF RELEVANT RECORDS AND REPORTS.

(b) DETERMINE IF AN APPROPRIATE TREATMENT PLAN, AS DESCRIBED IN SECTION 19-3-508, HAS BEEN CREATED FOR THE CHILD, WHETHER APPROPRIATE SERVICES ARE BEING PROVIDED TO THE CHILD AND FAMILY, AND WHETHER THE TREATMENT PLAN IS PROGRESSING IN A TIMELY MANNER.

(2) **Recommendations.** UNLESS OTHERWISE ORDERED BY THE COURT, THE CASA VOLUNTEER, WITH THE SUPPORT AND SUPERVISION OF THE CASA PROGRAM STAFF, SHALL MAKE RECOMMENDATIONS CONSISTENT WITH THE BEST INTERESTS OF THE CHILD REGARDING PLACEMENT, VISITATION, AND APPROPRIATE SERVICES FOR THE CHILD AND FAMILY AND SHALL PREPARE A WRITTEN REPORT TO BE DISTRIBUTED TO THE PARTIES OF THE ACTION.

(3) **Reports.** THE CASA VOLUNTEER SHALL ASSURE THAT THE CHILD'S BEST INTERESTS ARE BEING ADVOCATED AT EVERY STAGE OF THE CASE AND PREPARE WRITTEN REPORTS TO BE DISTRIBUTED TO THE PARTIES OF THE ACTION.

(4) **Case monitoring.** THE CASA VOLUNTEER SHALL MONITOR THE CASE TO WHICH HE OR SHE HAS BEEN APPOINTED TO ASSURE THAT THE CHILD'S ESSENTIAL NEEDS ARE BEING MET AND THAT THE TERMS OF THE COURT'S ORDERS HAVE BEEN FULFILLED IN AN APPROPRIATE AND TIMELY MANNER.

(5) **Witness.** THE CASA VOLUNTEER MAY BE CALLED AS A WITNESS IN AN ACTION BY ANY PARTY OR THE COURT AND MAY REQUEST OF THE COURT THE OPPORTUNITY TO APPEAR AS A WITNESS.

19-1-209. Role and responsibilities of guardians ad litem - other parties.

(1) (a) ANY GUARDIAN AD LITEM, AND ALL STATE AND LOCAL AGENCIES, DEPARTMENTS, AUTHORITIES, AND INSTITUTIONS SHALL COOPERATE AND SHARE INFORMATION WITH ANY CASA VOLUNTEER APPOINTED TO SERVE ON A CASE AND

WITH EACH LOCAL CASA PROGRAM TO FACILITATE THE IMPLEMENTATION OF ITS PROGRAM.

(b) THE CASA PROGRAM WILL HELP FACILITATE THE COOPERATION AND SHARING OF INFORMATION AMONG CASA VOLUNTEERS, THE ATTORNEYS, THE COUNTY DEPARTMENT OF SOCIAL SERVICES, AND OTHER COMMUNITY AGENCIES.

(2) IN ANY CASE IN WHICH THE COURT HAS APPOINTED BOTH A CASA VOLUNTEER AND A GUARDIAN AD LITEM, THE CASA VOLUNTEER AND THE GUARDIAN AD LITEM SHALL COOPERATE TO REPRESENT THE BEST INTERESTS OF THE CHILD.

(3) THE CASA VOLUNTEER SHALL BE NOTIFIED OF HEARINGS, STAFFINGS, MEETINGS, AND ANY OTHER PROCEEDINGS CONCERNING THE CASE TO WHICH HE OR SHE HAS BEEN APPOINTED.

19-1-210. Access to information. UPON APPOINTMENT OF A CASA VOLUNTEER, THE COURT SHALL ISSUE AN ORDER AUTHORIZING ACCESS TO SUCH RECORDS AND OTHER INFORMATION RELATING TO THE CHILD, PARENT, LEGAL GUARDIAN, OR OTHER PARTIES IN INTEREST AS THE COURT DEEMS NECESSARY.

19-1-211. Confidentiality. A CASA VOLUNTEER SHALL NOT DISCLOSE THE CONTENTS OF ANY DOCUMENT, RECORD, OR OTHER INFORMATION RELATING TO A CASE TO WHICH THE CASA VOLUNTEER HAS ACCESS IN THE COURSE OF AN INVESTIGATION. ALL SUCH INFORMATION SHALL BE CONSIDERED CONFIDENTIAL AND SHALL NOT BE DISCLOSED TO PERSONS OTHER THAN THE COURT AND PARTIES TO THE ACTION.

19-1-212. Liability. CASA PROGRAM DIRECTORS AND VOLUNTEERS PARTICIPATING IN A CASA PROGRAM SHALL HAVE THE SAME CIVIL IMMUNITY AND LIABILITY AS DESCRIBED IN SECTIONS 13-21-115.5 AND 13-21-115.7, C.R.S.

SECTION 5. 24-4.2-105 (7) (c), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-4.2-105. Allocation of moneys from fund - application for grants - disbursements. (7) For purposes of this section:

(c) "Court-appointed special advocate" or "CASA" means a trained volunteer appointed by the court PURSUANT TO THE PROVISIONS OF PART 2 OF ARTICLE 1 OF TITLE 19, C.R.S., in a district to aid the court by providing independent and objective information as directed by the court, regarding children involved in actions brought pursuant to this title.

SECTION 6. No appropriation. It has been determined by the general assembly that no state moneys need be appropriated to state agencies to carry out the purposes of this act.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 23, 1996