

AMENDED IN ASSEMBLY MARCH 18, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 424

Introduced by Assembly Member Beth Gaines
(Coauthor: Assembly Member Bigelow)
(Coauthor: Senator Gaines)

February 19, 2015

An act to amend Sections 101, 102, *103*, and 109 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 424, as amended, Beth Gaines. Court appointed child advocates: wards.

Existing law requires the ~~Judicial-Counsel~~ *Council* to establish a Court-Appointed Special Advocate (CASA) program, under which volunteers serve as court appointed child advocates to provide designated services and support to dependent children and nonminor dependents in juvenile dependency proceedings. Existing law provides that a minor, under certain circumstances, is subject to the jurisdiction of the juvenile court. If the minor has violated a law or ordinance, existing law authorizes the juvenile court to adjudge the minor to be a ward of the court.

This bill would authorize the appointment of a CASA in a juvenile delinquency-~~proceeding~~ *proceeding*, and would provide that a CASA shall be considered court personnel for purposes of inspecting the case file of a dependent child or ward of the juvenile court.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 101 of the Welfare and Institutions Code
2 is amended to read:

3 101. As used in this chapter, the following definitions shall
4 apply:

5 (a) "Adult" means a person 18 years of age or older.

6 (b) "Child or minor" means a person ~~under 18 years of age.~~
7 *under the jurisdiction of the juvenile court pursuant to Section*
8 *300, 601, or 602.*

9 (c) "CASA" means a Court-Appointed Special Advocate.
10 "CASA" also refers to a Court Designated Child Advocate in
11 programs ~~which~~ *that* have utilized that title. A CASA has the duties
12 and responsibilities described in this chapter and shall be trained
13 by and function under the auspices of a ~~Court-Appointed~~
14 *Court-Appointed* Special Advocate program as set forth in this
15 chapter.

16 (d) "Court" means the superior court, including the juvenile
17 court.

18 (e) "Dependent" means a ~~child~~ *person* described in Section 300.

19 (f) "Nonminor dependent" means a ~~foster child~~ *person* as
20 described in subdivision (v) of Section 11400.

21 (g) "Ward" means a ~~child~~ *person* described in Section 601 or
22 602.

23 SEC. 2. Section 102 of the Welfare and Institutions Code is
24 amended to read:

25 102. (a) Each CASA program shall, if feasible, be staffed by
26 a minimum of one paid administrator. The staff shall be directly
27 accountable to the presiding juvenile court judge and the CASA
28 program board of directors, as applicable.

29 (b) The program shall provide for volunteers to serve as CASAs.
30 A CASA may be appointed ~~in juvenile dependency proceedings~~
31 ~~under Section 300, including proceedings involving a nonminor~~
32 ~~dependent, and in juvenile delinquency proceedings under Section~~
33 ~~601 or 602.~~ *to any dependent, nonminor dependent, or ward who*
34 *is subject to the jurisdiction of the juvenile court.*

35 (c) Each CASA shall serve at the pleasure of the court having
36 jurisdiction over the proceedings in which a CASA has been
37 appointed and that appointment may continue after the child attains

1 his or her age of majority, with the consent of the nonminor
2 dependent. A CASA shall do all of the following:

3 (1) Provide independent, factual information to the court
4 regarding the cases to which he or she is appointed.

5 (2) Represent the best interests of the child involved, and
6 consider the best interests of the family, in the cases to which he
7 or she is appointed.

8 (3) At the request of the judge, monitor cases to which he or
9 she has been appointed to ensure that the court's orders have been
10 fulfilled.

11 (d) The Judicial Council, through its rules and regulations, shall
12 require an initial and ongoing training program consistent with
13 this chapter for all persons acting as a CASA, including, but not
14 limited to, each of the following:

15 (1) Dynamics of child abuse and neglect.

16 (2) Court structure, including juvenile court laws.

17 (3) Social service systems.

18 (4) Child development.

19 (5) Cultural competency and sensitivity relating to, and best
20 practices for, providing adequate care to lesbian, gay, bisexual,
21 and transgender youth.

22 (6) Interviewing techniques.

23 (7) Report writing.

24 (8) Roles and responsibilities of a CASA.

25 (9) Rules of evidence and discovery procedures.

26 (10) Problems associated with verifying reports.

27 (e) The Judicial Council, through its CASA Advisory
28 Committee, shall adopt guidelines for the screening of CASA
29 volunteers, which shall include personal interviews, reference
30 checks, checks for records of sex offenses and other criminal
31 records, information from the Department of Motor Vehicles, and
32 other information that the Judicial Council deems appropriate.

33 *SEC. 3. Section 103 of the Welfare and Institutions Code is*
34 *amended to read:*

35 103. (a) Persons acting as a CASA shall be individuals who
36 have demonstrated an interest in children and their welfare. Each
37 CASA shall participate in a training course conducted under the
38 rules and regulations adopted by the Judicial Council and in
39 ongoing training and supervision throughout his or her involvement
40 in the program. Each CASA shall be evaluated before and after

1 initial training to determine his or her fitness for these
 2 responsibilities. Ongoing training shall be provided at least
 3 monthly.

4 (b) Each CASA shall commit a minimum of one year of service
 5 to a child until a permanent placement is achieved for the child or
 6 until relieved by the court, whichever is first. At the end of each
 7 year of service, the CASA, with the approval of the court, may
 8 recommit for an additional year.

9 (c) A CASA shall have no associations that create a conflict of
 10 interest with his or her duties as a CASA.

11 (d) An adult otherwise qualified to act as a CASA shall not be
 12 discriminated against based upon marital status, socioeconomic
 13 factors, or because of any characteristic listed or defined in Section
 14 11135 of the Government Code.

15 (e) Each CASA is an officer of the court, with the relevant rights
 16 and responsibilities that pertain to that role and shall act
 17 consistently with the local rules of court pertaining to CASAs.

18 (f) Each CASA shall be sworn in by a superior court judge or
 19 commissioner before beginning his or her duties.

20 (g) A judge may appoint a CASA when, in the opinion of the
 21 judge, a child requires services which can be provided by the
 22 CASA, consistent with the local rules of court.

23 (h) To accomplish the appointment of a CASA, the judge
 24 making the appointment shall sign an order, which may grant the
 25 CASA the authority to review specific relevant documents and
 26 interview parties involved in the case, as well as other persons
 27 having significant information relating to the child, to the same
 28 extent as any other officer of the court appointed to investigate
 29 proceedings on behalf of the court.

30 (i) *Each CASA shall be considered court personnel for purposes*
 31 *of subdivision (a) of Section 827.*

32 ~~SEC. 3.~~

33 *SEC. 4.* Section 109 of the Welfare and Institutions Code is
 34 amended to read:

35 109. (a) ~~(1)~~ Except as provided in ~~paragraph (2)~~, *subdivisions*
 36 *(b) and (c)*, nothing in this chapter permits a person acting as a
 37 CASA to participate or appear in criminal proceedings or in
 38 proceedings to declare a person a ward of the juvenile court
 39 pursuant to Section 601 or 602.

40 ~~(2)~~

1 (b) A person acting as a CASA may participate in proceedings
2 determining the disposition of the minor pursuant to Section 706,
3 and in all subsequent proceedings. *determinations made pursuant*
4 *to Section 241.1, and in all delinquency proceedings after*
5 *adjudication of delinquency.*

6 (c) *This section does not apply to a person acting as a CASA*
7 *when that person is acting solely as a support person to the child*
8 *or who is in court on behalf of a child who is the victim of a crime.*

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