

1 SB307  
2 128236-1  
3 By Senator Whatley  
4 RFD: Judiciary  
5 First Read: 31-MAR-11

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8 SYNOPSIS: Under existing law, in all dependency and  
9 termination of parental rights proceedings, a  
10 juvenile court must appoint a guardian ad litem for  
11 a child to protect the best interests of the child.

12 This bill would authorize a juvenile court  
13 to appoint a court appointed special advocate  
14 (CASA) in a juvenile proceeding in addition to a  
15 guardian ad litem.

16 This bill would specify the qualifications  
17 necessary to serve as a CASA, the duties of the  
18 CASA, as well as grounds for removal of a CASA in a  
19 juvenile proceeding.  
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21 A BILL  
22 TO BE ENTITLED  
23 AN ACT  
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25 To authorize a juvenile court to appoint a court  
26 appointed special advocate (CASA) in juvenile proceedings; to  
27 provide qualifications for appointed CASAs; to provide duties

1 of CASAs; to provide appointed CASAs with access to certain  
2 court records; and to provide grounds for removal of a CASA  
3 from juvenile proceedings.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. (a) For the purposes of this section, the  
6 following words shall have the following meanings:

7 (1) COURT APPOINTED SPECIAL ADVOCATE or CASA. A  
8 community volunteer who meets all of the following:

9 a. Has been screened and trained regarding  
10 dependency, child development, and juvenile court procedures.

11 b. Has met all of the requirements of a court  
12 appointed special advocate program.

13 c. Is being actively supervised by a court appointed  
14 special advocate program.

15 d. Has been appointed as a lay guardian ad litem by  
16 the court in a juvenile court proceeding.

17 (2) COURT APPOINTED SPECIAL ADVOCATE PROGRAM. A  
18 locally operated program operating with the approval of the  
19 local juvenile court which screens, trains, and supervises  
20 court appointed special advocates to advocate for the best  
21 interest of abused and neglected children in juvenile  
22 proceedings.

23 (b) (1) In all dependency and termination of parental  
24 rights proceedings, the juvenile court judge may appoint a  
25 court appointed special advocate (CASA), in addition to a  
26 guardian ad litem pursuant to Section 12-15-304, Code of  
27 Alabama 1975, for a child who is a party to the proceedings

1 and whose primary responsibility shall be to protect the best  
2 interests of the child.

3 (2) An order appointing a CASA shall be entered at  
4 the earliest possible state of the proceedings and shall  
5 impose on a CASA all the duties, rights, and responsibilities  
6 set forth in this section.

7 (3) Before executing duties as a CASA, and upon  
8 completion of all the requirements of a court appointed  
9 special advocate program, a CASA shall be sworn in by a judge  
10 of the juvenile court in the court or circuit in which he or  
11 she wishes to serve. A CASA shall not be assigned a case prior  
12 to being sworn in by a judge.

13 (c) In all cases to which a CASA is assigned, except  
14 as ordered by the judge, a CASA shall do all of the following:

15 (1) Conduct an independent assessment to determine  
16 the facts and circumstances surrounding the case.

17 (2) Maintain regular and sufficient in-person  
18 contact with the child.

19 (3) Submit written reports to the court regarding  
20 the child's best interests.

21 (4) Advocate for timely court hearings to obtain  
22 permanency for the child.

23 (5) Request a judicial review of the case.

24 (6) Collaborate with the child's guardian ad litem,  
25 if any.

26 (7) Attend all court hearings and other proceedings  
27 to advocate for the child's best interest.

1           (8) Monitor compliance with the case plan and all  
2 court orders.

3           (9) Review all court-related documents.

4           (d) A CASA shall not be required to do either of the  
5 following:

6           (1) Engage in activities which could reasonably be  
7 construed as the practice of law.

8           (2) Obtain legal counsel or other professional  
9 services for a child.

10          (e) (1) A CASA shall be notified of all court  
11 hearings, judicial reviews, and other significant changes of  
12 circumstances of the child's case to which the CASA has been  
13 appointed to the same extent and in the same manner as the  
14 parties to the case are notified of matters in the case.

15          (2) A CASA shall be notified of the formulation of  
16 any case plan for the child's case to which the CASA has been  
17 appointed and may be given the opportunity to be heard by the  
18 court about the plans.

19          (f) (1) Upon presentation of an order appointing a  
20 CASA, the CASA shall have access to all records and  
21 information relevant to the child's case to which the CASA has  
22 been appointed when the records and information are not  
23 otherwise protected from disclosure by law.

24          (2) All records and information acquired, reviewed,  
25 or produced by a CASA during the course of his or her  
26 appointment shall be deemed confidential and shall not be

1 disclosed except as ordered by the court or as otherwise  
2 provided by law.

3 (g) Any CASA authorized and acting in good faith, in  
4 the absence of fraud or malice, and in accordance with the  
5 duties required by this section shall have immunity from any  
6 liability, civil or criminal, that might otherwise be incurred  
7 or imposed as a result of taking or failing to take any action  
8 pursuant to this section. This section shall not be construed  
9 as imposing any additional duty on a CASA which is not  
10 otherwise imposed by law.

11 (h) (1) The court may remove a CASA from a case upon  
12 finding that the CASA has acted in a manner contrary to the  
13 child's best interest, or if the court otherwise deems  
14 continued service as unwanted or unnecessary.

15 (2) The court may discharge a CASA for  
16 nonparticipation in a case or upon finding that the CASA has  
17 acted in a manner contrary to the mission and purpose of the  
18 affiliate court appointed special advocate program.

19 Section 2. This act shall become effective on the  
20 first day of the third month following its passage and  
21 approval by the Governor, or its otherwise becoming law.