COURT-APPOINTED SPECIAL ADVOCATE ACT

Act 124 of 2024

AN ACT to create the court-appointed special advocate program; and to prescribe the duties and responsibilities of the court-appointed special advocate program and volunteers.

History: 2024, Act 124, Imd. Eff. Oct. 3, 2024

The People of the State of Michigan enact:

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722.2001 Short title.

Sec. 1.

This act may be cited as the "court-appointed special advocate act".

History: 2024, Act 124, Imd. Eff. Oct. 3, 2024

722.2002 Definitions.

Sec. 2.

As used in this act:

(a) "Child" means an individual under 18 years of age.

(b) "Court-appointed special advocate child" or "CASA child" means a child under the jurisdiction of the court.

(c) "Court-appointed special advocate program" or "CASA program" means a program established under section 3.

(d) "Court-appointed special advocate volunteer", "CASA volunteer", or "volunteer" means an individual appointed by a court under section 7.

(e) "Program director" means the director of a CASA program.

History: 2024, Act 124, Imd. Eff. Oct. 3, 2024

722.2003 Court-appointed special advocate program; duties.

Sec. 3.

(1) Each court in this state may establish a court-appointed special advocate program. The court-appointed special advocate program must be administered under this act.

(2) A court-appointed special advocate program must do all of the following:

(a) Screen, train, and supervise court-appointed special advocate volunteers to advocate for the best interests of a child when appointed by a court as provided in section 7. Each court may be served by a CASA program. One CASA program may serve more than 1 court.

(b) Hold regular case conferences with volunteers to review case progress and conduct annual performance

reviews for all volunteers.

(c) Provide CASA program staff and volunteers with written program policies, practices, and procedures.

(d) Provide the training required under section 5.

History: 2024, Act 124, Imd. Eff. Oct. 3, 2024

722.2004 Program director; administrator of CASA program.

Sec. 4.

The program director is responsible for administration of the CASA program, including, but not limited to, program operations, recruitment, selection, training, supervision, and evaluation of CASA program staff and volunteers.

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History: 2024, Act 124, Imd. Eff. Oct. 3, 2024

722.2005 Screening of CASA volunteers; minimum training requirements.

Sec. 5.

(1) All CASA volunteers must be screened, trained, and supervised in accordance with National CASA/GAL Association standards. CASA volunteers must participate in observing court proceedings before appointment as allowed by the court.

(2) Each court-appointed special advocate program must provide a minimum of 12 hours of in-service training per year to its volunteers.

History: 2024, Act 124, Imd. Eff. Oct. 3, 2024

722.2006 Minimum qualifications; CASA volunteer; background checks.

Sec. 6.

(1) A prospective CASA volunteer must meet all of the following minimum requirements:

(a) Be at least 21 years of age.

(b) Complete an application.

(c) Sign a release of information form or submit the required information necessary for the background check under subsection (2).

(d) Participate in required screening interviews.

(e) Be willing to commit to the court for the duration of the CASA case until permanency has been established for the CASA child.

(f) Participate in the training required under section 5.

(2) The program director must conduct a background check on each prospective CASA volunteer before the prospective CASA volunteer is assigned an initial CASA case and every 2 years after the initial background check

under this subsection. A background check conducted under this subsection includes all of the following:

(a) A criminal history background check using the department of state police's internet criminal history access tool (ICHAT) or an equivalent check on that individual from the state or province of residence.

(b) Criminal background check through the Federal Bureau of Investigation or other national crime database.

(c) A national and state offender registry check.

(d) A child abuse and neglect central registry check in this state and each state of residence for the previous 5 years, where permissible by law.

(e) A Social Security number trace that shows aliases, additional names, and former addresses.

(3) A prospective CASA volunteer who refuses to comply with subsection (1)(c) will be ineligible to be a CASA volunteer.

(4) If a background check conducted under subsection (2) shows that a CASA volunteer or prospective CASA volunteer has been convicted of or has charges pending for a misdemeanor or felony involving a sex offense, child abuse or neglect, or related crimes that pose or would pose a risk to a child or affect the credibility of the CASA program, any of the following apply:

(a) The CASA volunteer will be dismissed.

(b) The application of the prospective CASA volunteer will not be accepted, and the CASA volunteer will be considered ineligible to participate in the program.

History: 2024, Act 124, Imd. Eff. Oct. 3, 2024

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722.2007 Appointment of CASA volunteer by the court; memorandum of understanding.

Sec. 7.

(1) A court may appoint a CASA volunteer in a proceeding brought under section 2 or 19b of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2 and 712A.19b, when, in the court's opinion, a child who may be affected by the proceeding requires services that a CASA volunteer can provide and the court finds that appointing a CASA volunteer is in the best interests of the child.

(2) A CASA volunteer must be appointed according to a court order. The court order must specify the CASA volunteer as a friend of the court acting on the court's authority. The CASA volunteer acting as a friend of the court shall offer as evidence a written report with recommendations consistent with the best interests of the child, subject to all pertinent objections.

(3) A memorandum of understanding between a court and a CASA program is required in a county in which a CASA program is established. The memorandum of understanding must set forth the roles and responsibilities of the CASA volunteer.

(4) The CASA volunteer's appointment ends when 1 of the following occurs:

(a) When the court's jurisdiction over the CASA child ends.

(b) Upon discharge by the court on its own or another party's motion.

(c) With the approval of the court, at the request of the program director.

History: 2024, Act 124, Imd. Eff. Oct. 3, 2024

722.2008 Prohibited activities.

Sec. 8.

It is against the National CASA/GAL standards and the Michigan CASA Association standards for a CASA volunteer to do any of the following:

(a) Accept compensation for the duties and responsibilities of the volunteer's appointment.

(b) Have an association that creates a conflict of interest with the volunteer's duties.
(c) Be related to a party or attorney involved in the case.
(d) Be employed in a position that may 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.

History: 2024, Act 124, Imd. Eff. Oct. 3, 2024

722.2009 Responsibilities and duties of CASA volunteers.

Sec. 9.

(1) Upon appointment in a proceeding, a CASA volunteer must do both of the following:
(a) Conduct an independent investigation regarding the best interests of the CASA child that will provide factual information to the court regarding the CASA child and the CASA child's family. The investigation may include interviews with and observations of the CASA child and the CASA child's family, interviews with other appropriate individuals, and review of relevant records and reports.
(b) Make recommendations to the court for services for the CASA child and the CASA child's family and report to the court on the participation in, benefits of, and outcomes of the services.
(2) The CASA volunteer, with the support and supervision of CASA program staff, shall make recommendations consistent with the best interests of the CASA child regarding placement, visitation, and appropriate services for the CASA child and the CASA child's family. The CASA volunteer with CASA program staff must prepare a written report to be distributed to the court and the parties to the proceeding.
(3) The CASA volunteer must monitor the case to which the CASA volunteer has been appointed to ensure that the CASA child's essential needs are being met.
(4) The CASA volunteer must make every effort to attend all hearings, meetings, and other proceedings concerning the CASA child to which the CASA volunteer has been appointed.
(5) The CASA volunteer may be called as a witness in a proceeding by a party or the court.

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History: 2024, Act 124, Imd. Eff. Oct. 3, 2024

722.2010 Access to documents, records, or information; notification of all proceedings.

Sec. 10.

(1) A CASA volunteer has access to all documents, records, or information that are accessible to the court that appoints the CASA volunteer and related to a case to which the CASA volunteer is assigned. A CASA volunteer must cooperate with all government agencies, service providers, professionals, school districts, school personnel, parents, families, and other involved individuals and entities. The CASA volunteer must engage in regular visits with the CASA child.
(2) The CASA volunteer must be notified in a timely manner of all hearings, meetings, and other proceedings concerning the case to which the CASA volunteer has been appointed.

History: 2024, Act 124, Imd. Eff. Oct. 3, 2024

722.2011 Confidentiality requirements.

Sec. 11.

The contents of a document, record, or other information relating to a case to which the CASA volunteer has access are confidential. The CASA volunteer must not disclose that information to a person other than the court, a party to the action, or another person authorized by the court.

History: 2024, Act 124, Imd. Eff. Oct. 3, 2024

722.2012 Immunity from civil liability.

Sec. 12.

A CASA volunteer is immune from civil liability as provided in the volunteer protection act of 1997, 42 USC 14501 to 14505.

History: 2024, Act 124, Imd. Eff. Oct. 3, 2024

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