

Title	Juvenile Law: Nondiscrimination in the Appointment of Court Appointed Special Advocates (CASAs) (amend Cal. Rules of Court, rule 5.655)
Summary	The proposed language in rule 5.655 of the California Rules of Court promotes compliance with Welfare and Institutions Code section 103, which expands the list of categories protected from discrimination for an adult qualified to act as a CASA volunteer.
Source	Family and Juvenile Law Advisory Committee Hon. Jerilyn L. Borack and Hon. Susan D. Huguenor, Cochairs
Staff	Melissa Ardaiz, Associate Attorney, 415-865-7567, melissa.ardaiz@jud.ca.gov
Discussion	<p>Welfare and Institutions Code section 103(d) previously prohibited discrimination based on any of six factors against an adult qualified to act as a CASA volunteer. That section has been amended, effective January 1, 2009, to expand the list of protected categories so it now includes marital status, socioeconomic factors, and all characteristics listed in Government Code section 11135. (Assem. Bill 2654 [Laird]; Stats. 2008, ch. 682.) The Family and Juvenile Law Advisory Committee recommends amending section (c) of <i>Program requirements for Court Appointed Special Advocate programs</i> (rule 5.655) to add a new paragraph (5) that tracks the statutory antidiscrimination language.</p> <p>The proposed rule text is attached on page 2.</p> <p>Welfare and Institutions Code section 103 is attached on page 3.</p>
	Attachments

Rule 5.655 of the California Rules of Court would be amended, effective January 1, 2010, to read:

1 **Rule 5.655. Program requirements for Court Appointed Special Advocate**
2 **programs**

3
4 **(a)–(b) *****

5
6 **(c) Recruiting, screening, and selecting CASA volunteers**

7
8 (1)–(4) ***

9
10 (5) An adult otherwise qualified to act as a CASA must not be
11 discriminated against based on marital status, socioeconomic factors,
12 race, national origin, ethnic group identification, religion, age, sex,
13 sexual orientation, color, or disability or because of any characteristic
14 listed or defined in Government Code section 11135.

15
16 **(d)–(m) *****

Welfare and Institutions Code § 103

(a) Persons acting as a CASA shall be individuals who have demonstrated an interest in children and their welfare. Each CASA shall participate in a training course conducted under the rules and regulations adopted by the Judicial Council and in ongoing training and supervision throughout his or her involvement in the program. Each CASA shall be evaluated before and after initial training to determine his or her fitness for these responsibilities. Ongoing training shall be provided at least monthly.

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

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

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

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

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

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

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

Item SPR09-39 Response Form

Title: **Juvenile Law: Nondiscrimination in the Appointment of Court Appointed Special Advocates (CASAs)** (amend Cal. Rules of Court, rule 5.655)

- Agree** with proposed changes
- Agree** with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

- Commenting on behalf of an organization**

Address: _____

City, State, Zip: _____

To Submit Comments

Comments may be submitted online, written on this form, or prepared in a letter format. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments. You are welcome to email your comments as an attachment.

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DEADLINE FOR COMMENT: 5:00 p.m., Wednesday, June 17, 2009
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Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.