



## 2014 California Rules of Court

### Rule 5.655. Program requirements for Court Appointed Special Advocate programs

#### (a) General provisions

A Court Appointed Special Advocate (CASA) program must comply with this rule to be eligible to receive Judicial Council funding. The Judicial Council may consider compliance with the guidelines delineated in the *CASA Program Policies and Procedures Manual* when determining eligibility for and amount of program funding.

*(Subd (a) adopted effective January 1, 2005.)*

#### (b) Definitions

- (1) A CASA program is the local child advocate program that adheres to this rule; has been designated by the local presiding juvenile court judge to recruit, screen, select, train, supervise, and support lay volunteers for appointment by the court to help define the best interest of children in juvenile court dependency and wardship proceedings; and has completed one development grant year and one "start-up" year.
- (2) The Judicial Council's Administrative Office of the Courts (AOC) may create a *CASA Program Policies and Procedures Manual* containing recommended program policies and procedures. If the AOC creates a manual, it will be developed in collaboration with the California CASA Association and California CASA program directors. The protocols will address program and fiscal management, and the recruitment, screening, selection, training, and supervision of lay volunteers.
- (3) A CASA volunteer is a person who has been recruited, screened, selected, and trained, who is being supervised and supported by a local CASA program, and who has been appointed by the juvenile court as a sworn officer of the court to help define the best interest of a child or children in juvenile court dependency and wardship proceedings.
- (4) A "dependency proceeding" is a legal action brought on behalf of an allegedly abused, neglected, or abandoned child under section 300 et seq. The action is designed to protect children, preserve and reunify families, and find permanent homes for children who cannot be returned to their parents. Dependency proceedings include actions to appoint a legal guardian, terminate parental rights, and facilitate adoptions for dependent children of the juvenile court.
- (5) A "wardship proceeding" is a legal action involving a child under the age of 18 years who is alleged to be:
  - (A) A person described under section 601 (who is beyond parental control or habitually disobedient or truant); or
  - (B) A person described under section 602 (who has violated any state or federal law or any city or county ordinance).

*(Subd (b) amended effective January 1, 2007; adopted as subd (a); previously amended and relettered effective January 1, 2005.)*

#### (c) Recruiting, screening, and selecting CASA volunteers

- (1) A CASA program must adopt and adhere to a written plan for the recruitment of potential CASA volunteers. The program staff, in its recruitment effort, must address the demographics of the jurisdiction by making all reasonable efforts to ensure that individuals representing all racial, ethnic, linguistic, and economic sectors of the community are recruited and made available for appointment as CASA volunteers.

- (2) A CASA program must adopt and adhere to the following minimum written procedures for screening potential CASA volunteers under section 102(e):
  - (A) A written application that generates minimum identifying data; information regarding the applicant's education, training, and experience; minimum age requirements; and current and past employment.
  - (B) Notice to the applicant that a formal security check will be made, including inquiries through appropriate law enforcement agencies, regarding any criminal record, driving record, or other record of conduct that would disqualify the applicant from service as a CASA volunteer. The security check must include fingerprinting. Refusal to consent to a formal security check is grounds for rejecting an applicant.
  - (C) A minimum of three completed references regarding the character, competence, and reliability of the applicant and his or her suitability for assuming the role of a CASA volunteer.
  - (D) A personal interview or interviews by a person or persons approved by the presiding juvenile court judge or designee, to probe the essential areas of concern with respect to the qualities of an effective CASA volunteer. A written, confidential record of the interview and the interviewer's assessments and observations must be made and retained in the advocate's file.
- (3) If a CASA program allows its volunteers to transport children, the program must ensure that each volunteer transporting children:
  - (A) Possesses a valid and current driver's license;
  - (B) Possesses personal automobile insurance that meets the minimum state personal automobile insurance requirements;
  - (C) Obtains permission from the child's guardian or custodial agency; and
  - (D) Provides the CASA program with a Department of Motor Vehicles driving record report annually.
- (4) A CASA program must adopt a written preliminary procedure for selecting CASA candidates to enter the CASA training program. The selection procedure must state that any applicant found to have been convicted of or to have current charges pending for a felony or misdemeanor involving a sex offense, child abuse, or child neglect must not be accepted as a CASA volunteer. This policy must be stated on the volunteer application form.
- (5) An adult otherwise qualified to act as a CASA must not be discriminated against based on marital status, socioeconomic factors, race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability or because of any other characteristic listed or defined in Government Code section 11135 or Welfare and Institutions Code section 103.

*(Subd (c) amended effective January 1, 2010; adopted as subd (b); previously amended effective January 1, 1995, and January 1, 2007; previously amended and relettered effective January 1, 2005.)*

**(d) Initial training of CASA volunteers (§ 102(d))**

A CASA program must adopt and adhere to a written plan for the initial training of CASA volunteers.

- (1) The initial training curriculum must include at least 30 hours of formal instruction. This curriculum must include mandatory training topics as listed in section 102(d). The curriculum may also include additional appropriate topics.
- (2) The final selection process is contingent on the successful completion of the initial training program, as determined by the presiding judge of the juvenile court or designee.

*(Subd (d) amended effective January 1, 2007; adopted as subd (c); previously amended effective January 1, 1995; previously amended and relettered effective January 1, 2005.)*

**(e) Oath**

At the completion of training, and before assignment to any child's case, the CASA volunteer must take a court-administered oath describing the duties and responsibilities of the advocate under section 103(f). The CASA volunteer must also sign a written affirmation of that oath. The signed affirmation must be retained in the volunteer's file.

*(Subd (e) amended effective January 1, 2007; adopted as subd (d); previously amended and relettered effective January 1, 2005.)*

**(f) Duties and responsibilities**

CASA volunteers serve at the discretion of the court having jurisdiction over the proceeding in which the volunteer has been appointed. A CASA volunteer is an officer of the court and is bound by all court rules under section 103(e). A CASA program must develop and adopt a written description of duties and responsibilities, consistent with local court rules.

*(Subd (f) amended effective January 1, 2007; adopted as subd (e); previously amended effective January 1, 1995; previously amended and relettered effective January 1, 2005.)*

**(g) Prohibited activities**

A CASA program must develop and adopt a written description of activities that are prohibited for CASA volunteers. The specified prohibited activities must include:

- (1) Taking a child to the CASA volunteer's home;
- (2) Giving legal advice or therapeutic counseling;
- (3) Giving money or expensive gifts to the child or family;
- (4) Being related to any parties involved in a case or being employed in a position and/or agency that might result in a conflict of interest; and
- (5) Any other activities prohibited by the local juvenile court.

*(Subd (g) adopted effective January 1, 2005.)*

**(h) The appointment of CASA volunteers**

The CASA program director must develop, with the approval of the presiding juvenile court judge, a written procedure for the selection of cases and the appointment of CASA volunteers for children in juvenile court proceedings.

*(Subd (h) amended and relettered effective January 1, 2005; adopted as subd (f); previously amended effective January 1, 1995.)*

**(i) Oversight, support, and supervision of CASA volunteers**

A CASA program must adopt and adhere to a written plan, approved by the presiding juvenile court judge, for the oversight, support, and supervision of CASA volunteers in the performance of their duties. The plan must:

- (1) Include a grievance procedure that covers grievances by any person against a volunteer or CASA program staff and grievances by a volunteer against a CASA program or program staff. The grievance procedure must:
  - (A) Be incorporated into a document that contains a description of the roles and responsibilities of CASA volunteers. This document must be provided:
    - (i) When a copy of the court order that appointed the CASA volunteer is provided to any adult involved with the child's case, including but not limited to, teachers, foster parents, therapists, and health-care workers; and
    - (ii) To any person, including a volunteer, who has a grievance against a volunteer or a CASA program employee.
  - (B) Include a provision that documentation of any grievance filed by or against a volunteer must be retained in the volunteer's personnel file.
- (2) Include a provision for the ongoing training and continuing education of CASA volunteers. Ongoing training opportunities must be provided at least monthly under section 103(a). CASA volunteers must participate in a minimum of 12 hours of continuing education in each year of service.

*(Subd (i) amended effective January 1, 2007; adopted as subd (g); previously amended effective January 1, 1995; previously amended and relettered effective January 1, 2005.)*

**(j) Removal, resignation, and termination of a CASA volunteer**

The CASA program must adopt a written plan for the removal, resignation, or involuntary termination of a CASA volunteer, including the following provisions:

- (1) A volunteer may resign or be removed from an individual case at any time by the order of the juvenile court presiding judge or designee.
- (2) A volunteer may be involuntarily terminated from the program by the program director.
- (3) The volunteer has the right to appeal termination by the program director under the program's grievance procedure.

*(Subd (j) amended effective January 1, 2007; adopted as subd (h); previously amended effective January 1, 1995; previously amended and relettered effective January 1, 2005.)*

**(k) CASA program administration and management**

A CASA program must adopt and adhere to a written plan for program governance and evaluation that includes the following as applicable:

- (1) Articles of incorporation, bylaws, and a board of directors. Any CASA program that functions under the auspices of a public agency or private entity must specify in its plan a clear administrative relationship with the parent organization and clearly delineated delegations of authority and accountability. No CASA program may function under the auspices of a probation department or department of social services. CASA programs may receive funds from probation departments, local child welfare agencies, and the California Department of Social Services if:
  - (A) The CASA program and the contributing agency develop a memorandum of understanding (MOU) or contract stating that the funds will be used only for general operating expenses as determined by the receiving CASA program, and the contributing agency will not oversee or monitor the funds;
  - (B) A procedure resolving any conflict between the CASA program and contributing agency is implemented so that conflict between the two agencies does not affect funding or the CASA program's ability to retain an independent evaluation separate from that of the contributing agency's; and
  - (C) Any MOU or contract between a CASA program and the contributing agency is submitted to and approved by AOC staff.
- (2) A clear statement of the purpose or mission of the CASA program and express goals and objectives to further that purpose. Where the CASA program is not an independent nonprofit organization, but instead functions under the auspices of a public agency or a private entity, an active advisory council must be established. The advisory council for CASA programs functioning under the auspices of a public agency or a private entity will not function as the governing body of the CASA program. The board of directors for the private entity or the public agency management will function as the governing body for the CASA program, with guidance from the advisory council.
- (3) A procedure for the recruitment, selection, hiring, and evaluation of an executive director for the CASA program.
- (4) An administrative manual containing personnel policies, record-keeping practices, and data collection practices.
- (5) Local juvenile court rules developed in consultation with the presiding judge of the juvenile court or a designee, as specified in section 100. One local rule must specify when CASA reports are to be submitted to the court, who is entitled to receive a copy of the report, and who will copy and distribute the report. This rule must also specify that the CASA court report must be distributed to the persons entitled to receive it at least two court days before the hearing for which the report was prepared.

*(Subd (k) amended effective January 1, 2007; adopted as subd (i); previously amended effective January 1, 1995, and January 1, 2000; previously amended and relettered effective January 1, 2005.)*

**(l) Finance, facility, and risk management**

- (1) A CASA program must adopt a written plan for fiscal control. The fiscal plan must include an annual audit, conducted by a qualified professional, that is consistent with generally accepted accounting principles and the audit protocols in the program's contract with the Administrative Office of the Courts.
- (2) The fiscal plan must include a written budget with projections that guide the management of financial resources and a strategy for obtaining necessary funding for program operations.
- (3) When the program has accounting oversight, it must adhere to written operational procedures in regard to accounting control.

- (4) The CASA program's board of directors must set policies for and exercise control over fundraising activities carried out by its employees and volunteers.
- (5) The CASA program must have the following insurance coverage for its staff and volunteers:
  - (A) General liability insurance with limits of liability of not less than \$1 million (\$1,000,000) for each person per occurrence/aggregate for bodily injury and not less than \$1 million (\$1,000,000) per occurrence/aggregate for property damage;
  - (B) Nonowned automobile liability insurance and hired vehicle coverage with limits of liability of not less than \$1 million (\$1,000,000) combined single limit per occurrence and in the aggregate;
  - (C) Automobile liability insurance meeting the minimum state automobile liability insurance requirements, if the program owns a vehicle; and
  - (D) Workers' compensation insurance with a minimum limit of \$500,000.
- (6) The CASA program must require staff, volunteers, and members of the governing body, when applicable, to immediately notify the CASA program of any criminal charges against themselves.
- (7) The nonprofit CASA program must plan for the disposition of property and confidential records in the event of its dissolution.

*(Subd (l) adopted effective January 1, 2005.)*

#### **(m) Confidentiality**

The presiding juvenile court judge and the CASA program director must adopt a written plan governing confidentiality of case information, case records, and personnel records. The written plan must include the following provisions:

- (1) All information concerning children and families in the juvenile court process is confidential. Volunteers must not give case information to anyone other than the court, the parties and their attorneys, and CASA staff.
- (2) CASA volunteers are required by law (Pen. Code, § 11166 et seq.) to report any reasonable suspicion that a child is a victim of child abuse or serious neglect as described by Penal Code section 273.
- (3) The child's original case file must be maintained in the CASA office by a custodian of records and must remain there. Copies of documents needed by a volunteer must be restricted to those actually needed to conduct necessary business outside of the office. No one may have access to the child's original case file except on the approval of the CASA program director or presiding judge of the juvenile court. Controls must be in place to ensure that records can be located at any time. The office must establish a written procedure for the maintenance of case files.
- (4) The volunteer's personnel file is confidential. No one may have access to the personnel file except the volunteer, the CASA program director or a designee, or the presiding judge of the juvenile court.

*(Subd (m) amended effective January 1, 2007; adopted as subd (j); previously amended effective January 1, 1995; previously amended and relettered effective January 1, 2005.)*

*Rule 5.655 amended effective January 1, 2010; adopted as rule 1424 effective July 1, 1994; previously amended effective January 1, 1995, January 1, 2000, January 1, 2001, and January 1, 2005; previously amended and renumbered effective January 1, 2007.*

#### **Advisory Committee Comment**

These 1995 guidelines implement the requirements of section 100, which establishes a grant program administered by the Judicial Council to establish or expand CASA programs to assist children involved in juvenile dependency proceedings, including guardianships, adoptions, and actions to terminate parental rights to custody and control.

CASA programs provide substantial benefits to children appearing in dependency proceedings and to the juvenile court having responsibility for these children. Child advocates improve the quality of judicial decision making by providing information to the court concerning the child. Advocates help identify needed services for the children they are assisting and provide a consistent friend and support person for children throughout the long and complex dependency process.

The CASA concept was first implemented in Seattle in 1977. As of 1994, there were more than 30,000 volunteers working in more than 525 CASA programs in nearly every state. The programs recruit, screen, select, train, and supervise lay volunteers to become effective advocates in the juvenile court.

Currently, numerous jurisdictions in California use some variation of the CASA concept. These programs have developed over the past several years under the supervision of local juvenile courts under sections 356.5 and 358. Each program is unique and was designed to respond to the specific needs of the local jurisdiction and community it serves.

These guidelines provide a framework for ensuring the excellence of California CASA programs and volunteers. They are intended to be consistent with the guidelines established by the National CASA Association and to conform with the requirements of California law and procedure. The California CASA Association has assisted in developing these guidelines, which are meant to give the local bench, bar, child welfare professionals, children's advocates, and other interested citizens full rein to adapt the CASA concept to the special needs and circumstances of local communities.

Central to the intent of these guidelines is the effort to provide a vehicle for the presiding judge of the local juvenile court to exercise fully informed and effective oversight of the local CASA program and CASA volunteers. These guidelines are also intended to help CASA programs and juvenile courts develop local court rules. Nothing in these guidelines should limit or restrict the local juvenile court from developing and supporting multiple branches of a CASA program within the community to enable a county to offer comprehensive volunteer advocacy programs for children.

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