



# California Rules of Court

(Revised January 1, 2021)

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

### **(a) General provisions**

- (1) A Court Appointed Special Advocate (CASA) program is a child advocacy program that recruits, screens, selects, trains, supervises, and supports lay volunteers for appointment by the court to help define the best interest of children and nonminors under the jurisdiction of the juvenile court, including the dependency and delinquency courts.
- (2) To be authorized to serve children and nonminors in a county, the CASA program must be designated by the presiding judge of the juvenile court.
- (3) A CASA program must comply with this rule to be eligible to receive Judicial Council funding.

*(Subd (a) amended effective January 1, 2019; adopted effective January 1, 2005.)*

### **(b) CASA program administration and management**

- (1) The court's designation of the CASA program must take the form of a memorandum of understanding (MOU) between the CASA program and the designating court.
  - (A) The MOU must state that the relationship between the CASA program and the designating court can be terminated for convenience by either the CASA program or the designating court.
  - (B) A CASA program may serve children and nonminors in more than one court if the program executes an MOU with each court.
  - (C) The CASA program and the designating court must be the only parties to the MOU.
  - (D) The MOU must indicate when and how the CASA program will have access to the juvenile case file and the nonminor dependent court file if applicable.
- (2) A CASA program must function as a nonprofit organization or under the auspices of a public agency or nonprofit organization, and must adopt and adhere to a written plan for program governance and evaluation. The plan must include the following, as applicable:
  - (A) Articles of incorporation, a board of directors, and bylaws that specify a clear administrative relationship with the parent organization and clearly delineated delegations of authority and accountability.
  - (B) A clear statement of the purpose or mission of the CASA program that express goals and objectives to further that purpose. Where the CASA program is not an independent organization, but instead functions under the auspices of a public agency or a nonprofit organization, an active advisory council must be established. The role of the advisory council for CASA programs functioning under the auspices of a public agency or a nonprofit organization includes but is not limited to developing and approving policies for CASA, developing the CASA program's budget, promoting a collaborative relationship with the umbrella organization, monitoring and evaluating program operations, and developing and implementing fundraising activities to benefit the CASA program. The board of directors for the nonprofit organization or management of the public agency will function as the governing body for the CASA program, with guidance from the advisory council.

- (C) A procedure for the recruitment, selection, hiring, and evaluation of an executive director for the CASA program.
  - (D) An administrative manual containing personnel policies, record-keeping practices, and data collection practices.
  - (E) 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.
- (3) 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 an MOU 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 between a CASA program and the contributing agency is submitted to and approved by Judicial Council staff.
- (4) If a CASA program serves more than one county, the CASA program is encouraged to seek representation on the board of directors and/or advisory council from each county it serves.

*(Subd (b) adopted effective January 1, 2019.)*

**(c) 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 Judicial Council contract.
- (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 liability limits 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 liability limits 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 (c) adopted effective January 1, 2019.)*

**(d) 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 plan must be included in the MOU or a local rule. The written plan must include the following provisions:

- (1) All information concerning children and families, including nonminors, 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 273a.
- (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) If the nonminor provides consent for the CASA volunteer to obtain his or her nonminor dependent court file, the procedures stated in paragraph (3) related to maintenance of the case file must be followed.
- (5) 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 (d) adopted effective January 1, 2019.)*

**(e) Recruiting, screening, and selecting CASA volunteers**

- (1) A CASA volunteer is a person who has been recruited, screened, selected, and trained; is being supervised and supported by a local CASA program; and has been appointed by the juvenile court as a sworn officer of the court to help define the best interest of children or nonminors in juvenile court dependency and wardship proceedings.
- (2) 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.
- (3) 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, with inquiries through appropriate law enforcement agencies-including but not limited to the Department of Justice, Federal Bureau of Investigations, and Child Abuse Index-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.
- (4) 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.
- (5) 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.
- (6) 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 (e) amended and relettered effective January 1, 2019; adopted as subd (b); previously amended and relettered as subd(c) effective January 1, 2005; previously amended effective January 1, 1995, January 1, 2007, and January 1, 2010.)*

**(f) 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, such as those stated in California Rules of Court, rule 5.664.
- (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 (f) amended and relettered effective January 1, 2019; adopted as subd (c); previously amended and relettered as subd (d) effective January 1, 2005; previously amended effective January 1, 1995, and January 1, 2007.)*

**(g) Oath**

At the completion of training, and before assignment to any child or nonminor'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 (g) amended and relettered effective January 1, 2019; adopted as subd (d); previously amended and relettered as subd (e) effective January 1, 2005; previously amended effective January 1, 2007.)*

#### **(h) 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 (h) amended and relettered effective January 1, 2019; adopted as subd (e); previously amended and relettered as subd (f) effective January 1, 2005; previously amended effective January 1, 1995, and January 1, 2007.)*

#### **(i) 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 or nonminor to the CASA volunteer's home;
- (2) Giving legal advice or therapeutic counseling;
- (3) Giving money or expensive gifts to the child, nonminor, or family of the child or nonminor;
- (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 (i) relettered and amended effective January 1, 2019; adopted as subd (g) effective January 1, 2005.)*

#### **(j) 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 and nonminors in juvenile court proceedings.

*(Subd (j) relettered and amended effective January 1, 2019; adopted as subd (f); previously amended effective January 1, 1995; previously amended and relettered as subd (h) effective January 1, 2005.)*

#### **(k) 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 or nonminor's case, including but not limited to, teachers, foster parents, therapists, and health-care workers;
    - (ii) To the nonminor upon appointment of the CASA; and
    - (iii) 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 (k) relettered and amended effective January 1, 2018; adopted as subd (g); previously amended and relettered as subd (i) effective January 1, 2005; previously amended effective January 1, 1995, and January 1, 2007.)*

#### **(l) 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 (l) relettered effective January 1, 2019; adopted as subd (h); previously amended and relettered as subd (j) effective January 1, 2005; previously amended effective January 1, 1995, and January 1, 2007.)*

*Rule 5.655 amended effective January 1, 2019; adopted as rule 1424 effective July 1, 1994; previously amended and renumbered as rule 5.655 effective January 1, 2007; previously amended effective January 1, 1995, January 1, 2000, January 1, 2001, January 1, 2005, January 1, 2010, and January 1, 2016.*

#### **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.