

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2664 Session of
1998

INTRODUCED BY TRUE, GRUPPO, BLAUM, EGOLF, MILLER, SANTONI,
STURLA, BENNINGHOFF, STERN, CAWLEY, PHILLIPS, BELARDI,
MASLAND, RAMOS, MUNDY, KREBS, MANDERINO, ARGALL,
E. Z. TAYLOR, PESCI, SCHULER, SHANER, STABACK, NAILOR,
READSHAW, PETRARCA, BEBKO-JONES, FICHTER, TANGRETTI,
LAUGHLIN, VAN HORNE, YEWCIC, ZIMMERMAN, HARHAI, ARMSTRONG,
HENNESSEY, L. I. COHEN, ORIE, BROWNE, SEMMEL, LEH, YOUNGBLOOD
AND TRELLO, JUNE 3, 1998

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 3, 1998

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for court
3 appointed special advocates in juvenile matters.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 6302 of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended by adding definitions to read:

8 § 6302. Definitions.

9 The following words and phrases when used in this chapter
10 shall have, unless the context clearly indicates otherwise, the
11 meanings given to them in this section:

12 "CASA program." Any local court-administered or court-
13 approved program that utilizes trained citizen volunteers
14 appointed by the court pursuant to standards adopted by the
15 Juvenile Court Judges' Commission to advocate on behalf of

dependent children and alleged dependent children involved in
juvenile court proceedings.

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"Court appointed special advocate" or "CASA." A trained
citizen volunteer appointed by the court to advocate on behalf
of dependent children and alleged dependent children involved in
juvenile court proceedings.

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"Juvenile Court Judges' Commission." The commission as
described in the act of December 21, 1959 (P.L.1962, No.717),
entitled "An act providing for the creation and operation of the
Juvenile Court Judges' Commission in the Department of Justice;
prescribing its powers and duties; and making an appropriation."

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Section 2. Title 42 is amended by adding a section to read:
§ 6342. Court appointed special advocates.

(a) General rule.--The court, at any stage of a juvenile
court proceeding involving a dependent child or a child alleged
to be a dependent child, has the authority to appoint a
volunteer court appointed special advocate (CASA) who shall
serve until discharged by the court and whose primary duties
shall be to obtain an understanding of the child's situation and
needs, and to make recommendations to the court to assist the
court in determining a disposition that is best suited to the
protection and physical, mental and moral welfare of the child.

(b) Immunity.--Any person so appointed as a court appointed
special advocate shall be presumed prima facie to be acting in
good faith and in doing so shall be immune from any liability,
civil or criminal, that otherwise might be incurred or imposed.

(c) Qualifications.--Any volunteers appointed by the court

1 to serve as a CASA shall meet all of the following:

2 (1) Be at least 21 years of age.

3 (2) Have successfully passed screening requirements,
4 including criminal and child abuse history background checks.

5 (3) Have successfully completed the training
6 requirements of the local CASA program pursuant to standards
7 developed by the Juvenile Court Judges' Commission.

8 (4) Remain under the supervision of the local CASA
9 program.

10 (5) Serve at the discretion of the court, in
11 consultation with the local CASA program director.

12 (d) Powers.--A CASA appointed by the court shall:

13 (1) have full access to and shall be provided with
14 copies of any records, including those under 23 Pa.C.S. Ch.
15 63 (relating to child protective services) relating to the
16 child involved in the case to which the CASA has been
17 assigned, without the consent of the child or the parent,
18 provided that the confidentiality of any such information
19 shall be maintained and that the information shall be
20 utilized only in the performance of assigned duties;

21 (2) have full and unlimited access to any child to whose
22 case the CASA has been assigned;

23 (3) be given reasonable prior notice of and have the
24 opportunity to attend all hearings, staff meetings,
25 investigations or other proceedings or meetings relating to
26 the case of a child to which they have been assigned;

27 (4) be given reasonable prior notice of intent to move a
28 child from one placement to another placement, or to return a
29 child home, or to remove a child from his or her home, if the
30 child's case has been assigned to the CASA and there has been

1 no court approval for any such action;

2 (5) assist the court in determining what disposition
3 under section 6351 (relating to disposition dependent child)
4 or modification thereto is best suited to the protection and
5 physical, mental and moral welfare of the child, by
6 investigating all relevant aspects of the child's situation
7 and submitting reports and recommendations to the court; and

8 (6) be given reasonable prior notice of any actions
9 materially affecting the status of treatment of a child to
10 whose case the CASA has been assigned.

11 (e) Duties.--Any volunteer appointed to serve as a CASA
12 shall be assigned duties, consistent with standards adopted by
13 the Juvenile Court Judges' Commission, which shall include, but
14 are not limited to:

15 (1) reviewing records pertaining to the child involved
16 in the case to which the CASA has been assigned, with the
17 exception of records to which access is limited by the court;

18 (2) interviewing appropriate persons;

19 (3) monitoring the progress of the case;

20 (4) preparing reports and making recommendations to the
21 court; and

22 (5) fulfilling assigned duties while maintaining the
23 confidentiality of information obtained pertaining to the
24 child's case.

25 (f) Standards.--The Juvenile Court Judges's Commission shall
26 develop standards, in consultation with Pennsylvania CASA
27 program directors and upon consideration of standards and
28 guidelines developed by the National CASA Association, governing
29 the qualifications, training, appointment and duties of court
30 appointed special advocates.

1 (g) Definition.--As used in this section, the term "person"
2 shall include any director, coordinator, administrator or court
3 appointed special advocate of any CASA program as defined in
4 section 6302 (relating to definitions).

5 Section 3. This act shall take effect in 60 days.