

## 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, TRELLO, STEELMAN, WASHINGTON, SAYLOR AND  
WOJNAROSKI, JUNE 3, 1998

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
NOVEMBER 10, 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 AMENDING TITLE 42 (JUDICIARY AND JUDICIAL PROCEDURE) OF THE <—  
5 PENNSYLVANIA CONSOLIDATED STATUTES, PROVIDING FOR COURT-  
6 APPOINTED SPECIAL ADVOCATES IN JUVENILE MATTERS.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 ~~Section 1. Section 6302 of Title 42 of the Pennsylvania~~ <—  
10 ~~Consolidated Statutes is amended by adding definitions to read:~~  
11 ~~§ 6302. Definitions.~~

12 ~~The following words and phrases when used in this chapter~~  
13 ~~shall have, unless the context clearly indicates otherwise, the~~  
14 ~~meanings given to them in this section:~~

15 ~~"CASA program." Any local court administered or court~~  
16 ~~approved program that utilizes trained citizen volunteers~~

~~appointed by the court pursuant to standards adopted by the  
Juvenile Court Judges' Commission to advocate on behalf of  
dependent children and alleged dependent children involved in  
juvenile court proceedings.~~

~~\* \* \*~~

~~"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.~~

~~\* \* \*~~

~~"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."~~

~~\* \* \*~~

~~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. No person who, without compensation and as a  
volunteer, renders services as a court appointed special  
advocate shall be liable to any person for civil damages as a~~

~~result of acts or omissions in rendering the services unless the  
conduct of the actor falls substantially below the standards  
generally practiced and accepted in like circumstances by  
similar persons rendering such services and unless it is shown  
that the actor did an act or omitted the doing of an act which  
the actor was under a recognized duty to another to do, knowing  
or having reason to know that the act or omission created a  
substantial risk of actual harm to the person or property of  
another. It shall be insufficient to impose liability to  
establish only that the conduct of the actor fell below ordinary  
standards of care. Nothing in this subsection shall be construed  
to limit or otherwise affect or preclude liability resulting  
from gross negligence or intentional misconduct, reckless  
misconduct or willful or wanton misconduct.~~

~~(c) Qualifications. Any volunteers appointed by the court  
to serve as a CASA shall meet all of the following:~~

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

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

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

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

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

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

~~(1) have full access to and shall be provided with  
copies of any records, including those under 23 Pa.C.S. Ch.  
63 (relating to child protective services) relating to the~~

~~child involved in the case to which the CASA has been assigned, in accordance with, and not in violation of the confidentiality provisions of 23 Pa.C.S. Ch. 63 and this chapter;~~

~~(2) have full and unrestricted access to any child to whose case the CASA has been assigned, except that, if the child is represented by counsel, counsel shall be notified in advance of the meeting and the child shall have the right to have the counsel present at the meeting;~~

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

~~(4) be given reasonable prior notice of intent to move a child from one placement to another placement, or to return a child home, or to remove a child from his or her home, if the child's case has been assigned to the CASA and there has been no court approval for any such action;~~

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

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

~~(c) Duties. Any volunteer appointed to serve as a CASA shall be assigned duties, consistent with standards adopted by the Juvenile Court Judges' Commission, which shall include, but~~

~~are not limited to:~~

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

~~(2) interviewing appropriate persons;~~

~~(3) monitoring the progress of the case;~~

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

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

~~(f) Recommendations. Recommendations to the court shall be provided in open court in the presence of each party and counsel. If the report is written, copies of the report shall be provided to each party and counsel when the report is presented to the court.~~

~~(g) Ex parte. Ex parte communications by the CASA are prohibited.~~

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

~~(i) Practice of law. Nothing in this section shall authorize a court appointed special advocate who is not an attorney at law to engage in the practice of law or to violate section 2524 (relating to penalty for unauthorized practice of law).~~

~~(j) Definition. As used in this section, the term "person" shall include any director, coordinator, administrator or court~~

~~appointed special advocate of any CASA program as defined in  
section 6302 (relating to definitions).~~

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

SECTION 1. SECTION 6302 OF TITLE 42 OF THE PENNSYLVANIA  
CONSOLIDATED STATUTES IS AMENDED BY ADDING A DEFINITION TO READ:  
§ 6302. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
SHALL HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE  
MEANINGS GIVEN TO THEM IN THIS SECTION:

\* \* \*

"COURT-APPOINTED SPECIAL ADVOCATE" OR "CASA." AN INDIVIDUAL  
APPOINTED BY THE COURT TO PARTICIPATE AS AN ADVOCATE FOR A CHILD  
WHO IS DEPENDENT OR ALLEGED TO BE DEPENDENT.

\* \* \*

SECTION 2. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ:  
§ 6342. COURT-APPOINTED SPECIAL ADVOCATES.

(A) GENERAL RULE.--THE COURT MAY APPOINT OR DISCHARGE A CASA  
AT ANY TIME DURING A PROCEEDING OR INVESTIGATION REGARDING  
DEPENDENCY UNDER THIS CHAPTER.

(B) IMMUNITY.--A COURT-APPOINTED SPECIAL ADVOCATE SHALL BE  
IMMUNE FROM CIVIL LIABILITY FOR ACTIONS TAKEN IN GOOD FAITH TO  
CARRY OUT THE DUTIES OF THE CASA UNDER THIS CHAPTER, EXCEPT FOR  
GROSS NEGLIGENCE, INTENTIONAL MISCONDUCT, OR RECKLESS, WILLFUL  
OR WANTON MISCONDUCT.

(C) QUALIFICATIONS.--PRIOR TO APPOINTMENT A CASA SHALL:

(1) BE 21 YEARS OF AGE OR OLDER.

(2) SUCCESSFULLY PASS SCREENING REQUIREMENTS, INCLUDING  
CRIMINAL HISTORY AND CHILD ABUSE BACKGROUND CHECKS.

(3) SUCCESSFULLY COMPLETE THE TRAINING REQUIREMENTS  
ESTABLISHED UNDER SUBSECTION (F) AND BY THE COURT OF COMMON

1 PLEAS OF THE COUNTY WHERE THE CASA WILL SERVE.

2 (D) POWERS AND DUTIES.--FOLLOWING APPOINTMENT BY THE COURT,  
3 THE CASA SHALL:

4 (1) HAVE FULL ACCESS TO AND REVIEW ALL RECORDS,  
5 INCLUDING RECORDS UNDER 23 PA.C.S. CH. 63 (RELATING TO CHILD  
6 PROTECTIVE SERVICES) RELATING TO THE CHILD AND OTHER  
7 INFORMATION, UNLESS OTHERWISE RESTRICTED BY THE COURT;

8 (2) INTERVIEW THE CHILD AND OTHER APPROPRIATE PERSONS AS  
9 NECESSARY TO DEVELOP ITS RECOMMENDATIONS;

10 (3) RECEIVE REASONABLE PRIOR NOTICE OF ALL HEARINGS,  
11 STAFF MEETINGS, INVESTIGATIONS OR OTHER PROCEEDINGS RELATING  
12 TO THE CHILD;

13 (4) RECEIVE REASONABLE PRIOR NOTICE OF THE MOVEMENT OF  
14 THE CHILD FROM ONE PLACEMENT TO ANOTHER PLACEMENT, THE RETURN  
15 OF A CHILD TO THE HOME, THE REMOVAL OF A CHILD FROM THE HOME  
16 OR ANY ACTION THAT MATERIALLY AFFECTS THE TREATMENT OF THE  
17 CHILD;

18 (5) SUBMIT WRITTEN REPORTS TO THE COURT TO ASSIST THE  
19 COURT IN DETERMINING THE DISPOSITION BEST SUITED TO THE  
20 HEALTH, SAFETY AND WELFARE OF THE CHILD; AND

21 (6) SUBMIT COPIES OF ALL WRITTEN REPORTS AND  
22 RECOMMENDATIONS TO ALL PARTIES AND ANY ATTORNEY OF A PARTY.

23 (E) CONFIDENTIALITY.--ALL RECORDS AND INFORMATION RECEIVED  
24 UNDER THIS SECTION SHALL BE CONFIDENTIAL AND ONLY USED BY THE  
25 CASA IN THE PERFORMANCE OF HIS DUTIES.

26 (F) STANDARDS.--THE JUVENILE COURT JUDGES' COMMISSION,  
27 ESTABLISHED UNDER ACT OF DECEMBER 21, 1959 (P.L.1962, NO.717),  
28 ENTITLED "AN ACT PROVIDING FOR THE CREATION AND OPERATION OF THE  
29 JUVENILE COURT JUDGES' COMMISSION IN THE DEPARTMENT OF JUSTICE;  
30 PRESCRIBING ITS POWERS AND DUTIES; AND MAKING AN APPROPRIATION,"

- 1 SHALL DEVELOP STANDARDS GOVERNING THE QUALIFICATIONS AND
- 2 TRAINING OF COURT-APPOINTED SPECIAL ADVOCATES.
- 3       SECTION 3.   THIS ACT SHALL TAKE EFFECT IN 60 DAYS.