

House Bill 270

By: Representatives Ralston of the 7<sup>th</sup>, Benton of the 31<sup>st</sup>, Oliver of the 83<sup>rd</sup>, Carter of the 159<sup>th</sup>, and Fleming of the 117<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 1 of Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia  
2 Annotated, relating to general provisions in juvenile proceedings, so as to change provisions  
3 relating to the appointment of a guardian ad litem; to provide for definitions; to change  
4 provisions relating to a court appointed special advocate including appointment, training,  
5 role, and responsibilities; to provide for notice of juvenile court proceedings to a court  
6 appointed special advocate; to provide for a court appointed special advocate's access to  
7 records; to provide for confidentiality of certain information; to provide for immunity for a  
8 court appointed special advocate; to provide for removal of a court appointed special  
9 advocate; to provide for related matters; to provide for an effective date; to repeal conflicting  
10 laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Part 1 of Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated,  
14 relating to general provisions in juvenile proceedings, is amended by revising subsection (a)  
15 of Code Section 15-11-9, relating to appointment of a guardian ad litem, as follows:

16 "(a) As used in this Code section, the term 'court appointed special advocate' ~~means a~~  
17 ~~volunteer who has been screened and trained regarding deprivation, child development, and~~  
18 ~~juvenile court procedures and has been appointed as a guardian ad litem by the court in a~~  
19 ~~deprivation case~~ shall have the same meaning as set forth in Code Section 15-11-9.1."

20 style="text-align:center">**SECTION 2.**

21 Said part is further amended by adding a new Code section to read as follows:

22 "15-11-9.1.

23 (a) As used in this Code section, the term:

24 (1) 'Court appointed special advocate' or 'CASA' means a community volunteer who:

- 1 (A) Has been screened and trained regarding deprivation, child development, and  
2 juvenile court procedures;
- 3 (B) Has met all of the requirements of an affiliate court appointed special advocate  
4 program;
- 5 (C) Is being actively supervised by an affiliate court appointed special advocate  
6 program; and
- 7 (D) Has been appointed as a guardian ad litem by the court in a juvenile court  
8 deprivation proceeding.
- 9 (2) 'Affiliate court appointed special advocate program' means a locally-operated  
10 program operating with the approval of the local juvenile court which screens, trains, and  
11 supervises volunteers to advocate for the best interest of abused and neglected children  
12 in deprivation proceedings.
- 13 (b)(1) Before executing duties as a CASA, and upon completion of an affiliate court  
14 appointed special advocate program, a CASA shall be sworn in by a judge of the juvenile  
15 court in the court or circuit in which he or she wishes to serve. A CASA shall not be  
16 assigned a case prior to being sworn in by a juvenile court judge as set forth in this  
17 paragraph.
- 18 (2) When a juvenile court judge determines that a child involved in a deprivation  
19 proceeding needs a CASA, the judge shall sign an order appointing a CASA at the  
20 earliest possible stage of the proceedings. Such order shall impose on the CASA all the  
21 duties, rights, and responsibilities set forth in this Code section.
- 22 (c) The role of a CASA in juvenile court deprivation proceedings shall be to advocate for  
23 the best interests of the child.
- 24 (d) In all cases to which a CASA is assigned, a CASA shall:
- 25 (1) Conduct an independent assessment to determine the facts and circumstances  
26 surrounding the case;
- 27 (2) Maintain regular and sufficient in-person contact with the child;
- 28 (3) Submit written reports to the court regarding the child's best interests;
- 29 (4) Advocate for timely court hearings to obtain permanency for the child;
- 30 (5) Request judicial citizen review panel and judicial review of the case;
- 31 (6) Collaborate with the child's attorney, if any;
- 32 (7) Attend all court hearings and other proceedings to advocate for the child's best  
33 interests;
- 34 (8) Monitor compliance with the case plan and all court orders; and
- 35 (9) Review all court related documents.
- 36 (e) As a lay guardian ad litem, a CASA shall not be required to:
- 37 (1) Engage in activities which could reasonably be construed as the practice of law; or

1 (2) Obtain legal counsel or other professional services for a child.

2 (f)(1) Except as provided in Article 5 of this chapter, the 'Georgia Child Advocate for the  
3 Protection of Children Act,' the CASA shall be notified in a timely manner of all court  
4 hearings, reviews, investigations, and other significant changes of circumstances of the  
5 child's case to which the CASA has been appointed.

6 (2) The CASA shall be notified of the formulation of any agreement, stipulation, or case  
7 plan of the child's case to which the CASA has been appointed, prior to implementation  
8 by the court, and shall be given the opportunity to be heard by the court about such plans.

9 (g) Upon presentation of an order appointing a CASA as a guardian ad litem, a CASA  
10 shall have access to all records and information relevant to the child's case to which the  
11 CASA has been appointed and to the child's family's records and information in such case  
12 without obtaining prior consent of such child or such child's family. Except as provided  
13 in Article 5 of this chapter, the 'Georgia Child Advocate for the Protection of Children Act,'  
14 and in Chapter 4A of Title 49, such records and information shall include, but shall not be  
15 limited to, Division of Family and Children Services of the Department of Human  
16 Resources records and case plans, medical records, mental health records, school records,  
17 court orders, and records from any other agency providing services to such child and such  
18 child's family. The CASA's right to access such records shall be as broad as that to which  
19 an attorney for the child would have.

20 (h) All records and information acquired, reviewed, or produced by a CASA during the  
21 course of his or her appointment shall be deemed confidential and shall not be disclosed  
22 except as ordered by the court.

23 (i) Any CASA authorized and acting in good faith and in accordance with this Code  
24 section shall have immunity from any liability, civil or criminal, that might otherwise be  
25 incurred or imposed as a result of taking or failing to take any action pursuant to this Code  
26 section. This Code section shall not be construed as imposing any additional duty on the  
27 CASA which is not already otherwise imposed by law.

28 (j)(1) The court may remove a CASA from a case upon finding that the CASA has acted  
29 in a manner contrary to the child's best interest, or if the court otherwise deems continued  
30 service as unwanted or unnecessary.

31 (2) The court may discharge a CASA for nonparticipation in a case or upon finding that  
32 the CASA has acted in a manner contrary to the mission and purpose of the affiliate court  
33 appointed special advocate program."

### 34 SECTION 3.

35 This Act shall become effective upon its approval by the Governor or upon its becoming law  
36 without such approval.

- 1 **SECTION 4.**
- 2 All laws and parts of laws in conflict with this Act are repealed.