

The Senate Judiciary Committee offered the following substitute to HB 270:

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 under certain circumstances; to provide for confidentiality of certain information; to
8 provide for a penalty for disclosing confidential information; to provide for immunity for a
9 court appointed special advocate; to provide for removal of a court appointed special
10 advocate; to provide for related matters; to provide for an effective date; to repeal conflicting
11 laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

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:
25

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 lay 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 all the requirements
14 of an affiliate court appointed special advocate program, a CASA shall be sworn in by
15 a judge of the juvenile court in the court or circuit in which he or she wishes to serve. A
16 CASA shall not be assigned a case prior to being sworn in by a juvenile court judge as
17 set forth in this paragraph.

18 (2) If a juvenile court judge determines that a child involved in a deprivation proceeding
19 needs a CASA, the judge shall have the authority to appoint a CASA, and in such
20 circumstance shall sign an order appointing a CASA at the earliest possible stage of the
21 proceedings. Such order shall impose on a CASA all the duties, rights, and
22 responsibilities set forth in this Code section.

23 (c) The role of a CASA in juvenile court deprivation proceedings shall be to advocate for
24 the best interests of the child.

25 (d) In all cases to which a CASA is assigned, except as ordered by the judge, a CASA
26 shall:

27 (1) Conduct an independent assessment to determine the facts and circumstances
28 surrounding the case;

29 (2) Maintain regular and sufficient in-person contact with the child;

30 (3) Submit written reports to the court regarding the child's best interests;

31 (4) Advocate for timely court hearings to obtain permanency for the child;

32 (5) Request judicial citizen review panel or judicial review of the case;

33 (6) Collaborate with the child's attorney, if any;

34 (7) Attend all court hearings and other proceedings to advocate for the child's best
35 interests;

36 (8) Monitor compliance with the case plan and all court orders; and

37 (9) Review all court related documents.

1 (e) As a lay guardian ad litem, a CASA shall not be required to:

2 (1) Engage in activities which could reasonably be construed as the practice of law; or

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

4 (f)(1) Except as provided in Article 5 of this chapter, the 'Georgia Child Advocate for the
5 Protection of Children Act,' a CASA shall be notified of all court hearings, judicial
6 reviews, judicial citizen review panels, and other significant changes of circumstances
7 of the child's case to which the CASA has been appointed to the same extent and in the
8 same manner as the parties to the case are notified of such matters.

9 (2) A CASA shall be notified of the formulation of any case plan of the child's case to
10 which the CASA has been appointed and may be given the opportunity to be heard by the
11 court about such plans.

12 (g) Upon presentation of an order appointing a CASA as a guardian ad litem, such CASA
13 shall have access to all records and information relevant to the child's case to which such
14 CASA has been appointed when such records and information are not otherwise protected
15 from disclosure pursuant to Code Section 19-7-5. Such records and information shall not
16 include records and information provided under Article 5 of this chapter, the 'Georgia
17 Advocate for the Protection of Children Act,' or provided under Chapter 4A of Title 49.
18 The CASA's right to access such records shall be as otherwise authorized by law.

19 (h)(1) All records and information acquired, reviewed, or produced by a CASA during
20 the course of his or her appointment shall be deemed confidential and shall not be
21 disclosed except as ordered by the court.

22 (2) Except as provided in Code Section 49-5-41, any CASA who discloses confidential
23 information obtained during the course of his or her appointment shall be guilty of a
24 misdemeanor. CASA's shall maintain all information and records regarding mental
25 health, developmental disability, and substance abuse according to the confidentiality
26 requirements contained in Code Section 37-3-166, 37-4-125, or 37-7-166, as applicable.

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

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

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

4 **SECTION 3.**

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

7 **SECTION 4.**

8 All laws and parts of laws in conflict with this Act are repealed.