

LOCAL RULE 5.54

COURT APPOINTED SPECIAL ADVOCATE PROGRAM (CASA)

5.54.1 Adoption of Court Appointed Special Advocate Program.

The Court hereby adopts the guidelines for court appointed special advocate programs (CASAs) set forth in Welfare and Institutions Code Sections 100-110 and California Rule of Court 5.655, as well as the policy and procedures manual of the Calaveras County Appointed Special Advocate Program (hereinafter “the CASA”), as a Local Rule of Court applicable to the CASA and the guidelines are incorporated herein by reference.

5.54.2 The CASA.

The Court may appoint special advocates to represent the interests of dependent children, non-minor dependents, or wards who are subject to the jurisdiction of the juvenile court. In order to qualify for appointment, the Special Advocate must be trained by and function under the auspices of a CASA, formed and operating under the guidelines established by the National Court Appointed Special Advocate Association.

The CASA shall report regularly to the Presiding Judge of the Juvenile Court with evidence that it is operating under the guidelines established by the National Court Appointed Special Advocate Association and the California CASA Guidelines for child, non-minor dependent, or ward who are subject to the jurisdiction of the juvenile court advocates.

5.54.3 Special Advocates.

Special Advocates serve at the discretion of the Court having jurisdiction over the proceeding in which the Advocate has been appointed. In general, an Advocate’s functions are as follows:

- A) To support the child, non-minor dependent, or ward who are subject to the jurisdiction of the juvenile court throughout the court proceedings;
- B) To establish a relationship with the child, non-minor dependent, or ward who are subject to the jurisdiction of the juvenile court to better understand his or her particular needs and desires;
- C) To communicate the child’s, non-minor dependent’s, or ward’s needs and desires to the Court in written reports and recommendations;
- D) To identify and explore potential resources which will facilitate early family reunification or alternative permanency planning;
- E) To provide continuous attention to the child’s, non-minor dependent’s, or ward’s situation to ensure that the Court’s plans for the child, non-minor dependent, or ward who are subject to the jurisdiction of the juvenile court are being implemented;
- F) To the fullest extent possible, to communicate and coordinate efforts with the case manager (probation officer or social worker);

- G) To the fullest extent possible, to communicate and coordinate efforts with the attorney for the child, non-minor dependent, or ward who are subject to the jurisdiction of the juvenile court; and
- H) To represent the interests of the child, non-minor dependent, or ward who are subject to the jurisdiction of the juvenile court in other judicial or administrative proceedings.

A Special Advocate is an officer of the Court and bound by these rules. Each Advocate shall be sworn in by a Judge or Court Commissioner before beginning his or her duties, and shall subscribe to a written oath.

In its initial order of appointment, and thereafter in subsequent orders as appropriate, the Court may specifically delineate the Advocate's duties in each case, including interviewing and observing the child, non-minor dependent, or ward who are subject to the jurisdiction of the juvenile court and other appropriate individuals, reviewing appropriate records and reports, consideration of visitation rights for the grandparents and other relatives of the child, non-minor dependent, or ward who are subject to the jurisdiction of the juvenile court, and reporting back directly to the Court as indicated.

5.54.4 Release of Information to the Special Advocate.

A) To Accomplish Appointment: To accomplish the appointment of a Special Advocate, the Judge or Commissioner making the appointment shall sign an order granting the Advocate the authority to review specific relevant documents and interview parties involved in the case, as well as other persons having significant information relating to the child, non-minor dependent, or ward who are subject to the jurisdiction of the juvenile court, to the same extent as any other officer appointed to investigate proceedings on behalf of the Court.

B) Access To Records: A Special Advocate shall have the same legal right to records relating to the child he or she is appointed to represent as any case manager (social worker or probation officer) with regard to records pertaining to the child held by any agency, school, organization, division, or department of the State, physician, surgeon, nurse, other health care provider, psychologist, psychiatrist, mental health provider or law enforcement agency. The advocate shall present his or her identification as a Court Appointed Special Advocate to any such record holder in support of his or her request for access to specific records. No consent from the parent or guardian is necessary for the Advocate to have access to any records relating to the child. This Access to Records section does not apply to the records of or pertaining to a non-minor dependent. The CASA may have access to those records only with the explicit written and informed consent of the non-minor dependent.

C) Report of Abuse: A Special Advocate is a mandated child abuse reporter with respect to the case to which he or she is appointed.

D) Communication: There shall be ongoing, regular communication concerning the child's, non-minor dependent's or ward's best interests, current status, and significant case developments, maintained among the Special Advocate, case manager, attorney for the child, non-minor dependent, or ward who are subject to the jurisdiction of the juvenile court, attorneys for parents, relatives, foster parents, and any therapist for the child, non-minor dependent, or ward who are subject to the jurisdiction of the juvenile court.

5.54.5 Right To Timely Notice.

The moving party shall provide the Special Advocate timely notice of any motions concerning a child, non-minor dependent, or ward who is subject to the jurisdiction of the juvenile court for whom a Special Advocate has been appointed.

5.54.6 Calendar Priority.

In light of the fact that Special Advocates are rendering a volunteer service to children, non-minor dependents, or wards who are subject to the jurisdiction of the juvenile court and the Court, matters on which they appear should be granted priority on the Court's calendar whenever possible.

5.54.7 Visitation Through Dependency.

A Special Advocate shall regularly visit the child, non-minor dependent or ward who is subject to the jurisdiction of the juvenile court to whose case he or she has been appointed. The Advocate shall monitor the case as appropriate until dependency is dismissed.

5.54.8 Family Law Advocacy.

Should the Court dismiss dependency, and create family law orders pursuant to Welfare and Institutions Code Section 362.4, the Special Advocate's appointment may be continued in family law proceeding, in which case the Court Order shall set forth the nature, extent, and duration of the Advocate's duties in the family law proceeding.

5.54.9 Right to Appear.

A Special Advocate shall have the right to be present and heard at all court hearings, and shall not be subject to exclusion by virtue of the fact that he or she may be called to testify at some point in the proceedings. An Advocate shall not be deemed to be a "party" as described in Title 3 of Part II of the Code of Civil Procedure. However, the Court, in its discretion, shall have the authority to grant the Advocate amicus curiae status, which includes the right to appear with counsel.

5.54.10 Distribution of CASA Reports.

A) CASA reports shall be submitted to the Court at least five (5) court days prior to the hearing.

B) CASA shall serve a copy of the report on the parties to the case, including but not limited to: County Counsel, attending Case Social Worker/Probation Officer, attorney for

child, non-minor dependent, or ward who is subject to the jurisdiction of the juvenile court, parties' attorney(s), and ICWA representative (if applicable).

C) CASA shall serve a copy of the report on the parties entitled to receive a copy of the report at least two (2) court days prior to the hearing.