

No. 1998-128

## AN ACT

HB 2664

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

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

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 pleas of the county where the CASA will serve.***

(d) ***Powers and duties.—Following appointment by the court, the CASA shall:***

(1) ***have full access to and review all records, including records under 23 Pa.C.S. Ch. 63 (relating to child protective services) relating***

*to the child and other information, unless otherwise restricted by the court;*

*(2) interview the child and other appropriate persons as necessary to develop its recommendations;*

*(3) receive reasonable prior notice of all hearings, staff meetings, investigations or other proceedings relating to the child;*

*(4) receive reasonable prior notice of the movement of the child from one placement to another placement, the return of a child to the home, the removal of a child from the home or any action that materially affects the treatment of the child;*

*(5) submit written reports to the court to assist the court in determining the disposition best suited to the health, safety and welfare of the child; and*

*(6) submit copies of all written reports and recommendations to all parties and any attorney of a party.*

*(e) Confidentiality.—All records and information received under this section shall be confidential and only used by the CASA in the performance of his duties.*

*(f) Standards.—The Juvenile Court Judges' Commission established under 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," shall develop standards governing the qualifications and training of court-appointed special advocates.*

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

APPROVED—The 15th day of December, A.D. 1998.

THOMAS J. RIDGE