S T A T E O F N E W Y O R K

7536

I N S E N A T E

May 15, 2014

Introduced by Sen. BONACIC -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the judiciary law, in relation to the court-appointed special advocates program

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The purpose of this act is to recognize the important role long played by court-appointed special advocates ("CASA") programs in aiding family court efforts to promote the health, safety and well-being of children; and to ensure that, going forward, CASA programs are suitably structured, administered and funded so that they may continue to provide appropriate services to children and families through its dedicated volunteers.

S 2. The judiciary law is amended by adding a new article 21-C to read as follows:

ARTICLE 21-C

COURT-APPOINTED SPECIAL ADVOCATES PROGRAM

SECTION 849-L. GENERAL PURPOSE.
849-M. ADMINISTRATION.
849-N. STATE ASSISTANCE.
849-O. IMMUNITY.
849-P. CONFIDENTIALITY.

S 849-L. GENERAL PURPOSE. THE LEGISLATURE HEREBY RECOGNIZES THE IMPORTANCE OF COURT-APPOINTED SPECIAL ADVOCATES (CASA) PROGRAMS TO THE EFFECTIVE OPERATION OF THE FAMILY COURT. ACCORDINGLY, IT DIRECTS THAT, AS PROVIDED IN THIS ARTICLE, THESE PROGRAMS SHALL BE SUBJECT TO ADMINISTRATIVE SUPERVISION AND ELIGIBLE FOR STATE ASSISTANCE. FOR PURPOSES OF THIS ARTICLE, A CASA PROGRAM SHALL MEAN A NOT-FOR-PROFIT CORPORATION IN COMPLIANCE WITH SUCH STANDARDS AS ARE SPECIFIED IN RULES OF THE CHIEF JUDGE OF THE STATE PROMULGATED PURSUANT TO SECTION EIGHT HUNDRED FORTY-NINE-M OF THIS ARTICLE.

S 849-M. ADMINISTRATION. THE CHIEF JUDGE OF THE STATE SHALL PROMULGATE RULES AND REGULATIONS STANDARDIZING USE OF CASA PROGRAMS IN THIS STATE AND GOVERNING THE ADMINISTRATION AND OPERATION OF SUCH PROGRAMS. NO CASA

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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PROGRAM, OR ANY STAFF PERSON OR VOLUNTEER WORKING FOR OR ON BEHALF OF SUCH PROGRAM, SHALL BE ELIGIBLE FOR APPOINTMENT BY A FAMILY COURT TO ASSIST SUCH COURT IN ANY MANNER UNLESS SUCH PROGRAM IS IN COMPLIANCE WITH SUCH RULES AND REGULATIONS. NOR SHALL ANY CASA PROGRAM, OR ANY STAFF PERSON OR VOLUNTEER WORKING FOR OR ON BEHALF OF SUCH PROGRAM, UPON APPOINTMENT BY A FAMILY COURT TO ASSIST SUCH COURT IN ANY MANNER, EXERCISE ANY POWERS OR DISCHARGE ANY DUTIES IN RELATION THERETO UNLESS SUCH COURT HAS AUTHORIZED SUCH EXERCISE OR DISCHARGE.

S 849-N. STATE ASSISTANCE. 1. THERE SHALL BE A STATE ASSISTANCE PROGRAM, TO BE KNOWN AS THE CASA ASSISTANCE PROGRAM, PURSUANT TO WHICH INDIVIDUAL CASA PROGRAMS MAY APPLY FOR AND RECEIVE FUNDING FROM SUCH APPROPRIATIONS AS THE LEGISLATURE MAY MAKE AVAILABLE THEREFOR TO THE UNIFIED COURT SYSTEM.

2. THE CASA ASSISTANCE PROGRAM SHALL BE ADMINISTERED BY THE CHIEF ADMINISTRATOR OF THE COURTS, WHO SHALL PRESCRIBE APPLICATION AND PAYMENT PROCEDURES, STANDARDS TO GOVERN THE AWARD OF FUNDING, AND PROTOCOLS FOR ONGOING REVIEW OF CASA PROGRAMS THAT RECEIVE FUNDS HEREUNDER, INCLUDING PROVISION FOR PERIODIC PROGRAM REVIEW AND RECORDS RETENTION.

3. FUNDS AVAILABLE PURSUANT TO THIS ARTICLE MAY BE USED FOR ANY PURPOSE HAVING AS ITS END ENHANCEMENT OF A CASA PROGRAM'S ABILITY TO PROVIDE SUITABLE AND SUFFICIENT ASSISTANCE TO THE FAMILY COURT.

4. THE STATE COMPTROLLER, THE CHIEF ADMINISTRATOR AND THEIR AUTHORIZED REPRESENTATIVES SHALL HAVE THE POWER TO INSPECT, EXAMINE AND AUDIT THE FISCAL AFFAIRS OF ANY CASA PROGRAM RECEIVING FUNDING HEREUNDER.

S 849-O. IMMUNITY. EACH BOARD MEMBER, OFFICER, EMPLOYEE AND VOLUNTEER WORKING FOR OR ON BEHALF OF A CASA PROGRAM, WHILE PARTICIPATING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER EMPLOYMENT THEREBY OR APPOINTMENT THEREUNDER, SHALL HAVE IMMUNITY FROM ANY LIABILITY, CIVIL OR CRIMINAL, THAT MIGHT OTHERWISE RESULT BY REASON OF HIS OR HER ACTION OR INACTION. FOR PURPOSES OF THIS SECTION, THE GOOD FAITH OF ANY SUCH BOARD MEMBER, OFFICER, EMPLOYEE AND VOLUNTEER SHALL BE PRESUMED, PROVIDED THAT HE OR SHE WAS EXERCISING HIS OR HER POWERS OR DISCHARGING HIS OR HER DUTIES WITHIN THE SCOPE OF HIS OR HER EMPLOYMENT OR APPOINTMENT, AND THAT SUCH LIABILITY DID NOT RESULT FROM THE WILLFUL MISCONDUCT OR GROSS NEGLIGENCE OF SUCH BOARD MEMBER, OFFICER, EMPLOYEE AND VOLUNTEER.

S 849-P. CONFIDENTIALITY. EACH CASA PROGRAM SHALL SAFEGUARD THE CONFIDENTIALITY OF ALL INFORMATION AND MATERIAL IN ACCORDANCE WITH APPLICABLE STATE AND FEDERAL LAWS, RULES AND REGULATIONS; AND, TO THIS END, SHALL ENSURE THAT ALL OF ITS BOARD MEMBERS, OFFICERS, EMPLOYEES AND VOLUNTEERS ARE TRAINED IN, AND COMPLY WITH, SUCH LAWS, RULES AND REGULATIONS.

S 3. This act shall take effect immediately.