

1636--A

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2015-2016 Regular Sessions

I N S E N A T E

January 13, 2015

Introduced by Sens. BONACIC, CARLUCCI, GALLIVAN, KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

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

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

10 ARTICLE 21-C

11 COURT-APPOINTED SPECIAL ADVOCATES PROGRAM

12 SECTION 849-L. GENERAL PURPOSE.

13 849-M. ADMINISTRATION.

14 849-N. STATE ASSISTANCE.

15 849-O. IMMUNITY.

16 849-P. CONFIDENTIALITY.

17 S 849-L. GENERAL PURPOSE. THE LEGISLATURE HEREBY RECOGNIZES THE IMPOR-
18 TANCE OF COURT-APPOINTED SPECIAL ADVOCATES (CASA) PROGRAMS TO THE EFFEC-
19 TIVE OPERATION OF THE FAMILY COURT. ACCORDINGLY, IT DIRECTS THAT, AS
20 PROVIDED IN THIS ARTICLE, THESE PROGRAMS SHALL BE SUBJECT TO ADMINISTRA-
21 TIVE SUPERVISION AND ELIGIBLE FOR STATE ASSISTANCE. FOR PURPOSES OF THIS
22 ARTICLE, A CASA PROGRAM SHALL MEAN A NOT-FOR-PROFIT CORPORATION IN

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

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1 COMPLIANCE WITH SUCH STANDARDS AS ARE SPECIFIED IN RULES OF THE CHIEF
2 JUDGE OF THE STATE PROMULGATED PURSUANT TO SECTION EIGHT HUNDRED FORTY-
3 NINE-M OF THIS ARTICLE.

4 S 849-M. ADMINISTRATION. THE CHIEF JUDGE OF THE STATE SHALL PROMULGATE
5 RULES AND REGULATIONS STANDARDIZING USE OF CASA PROGRAMS IN THIS STATE
6 AND GOVERNING THE ADMINISTRATION AND OPERATION OF SUCH PROGRAMS. NO CASA
7 PROGRAM, OR ANY STAFF PERSON OR VOLUNTEER WORKING FOR OR ON BEHALF OF
8 SUCH PROGRAM, SHALL BE ELIGIBLE FOR APPOINTMENT BY A FAMILY COURT TO
9 ASSIST SUCH COURT IN ANY MANNER UNLESS SUCH PROGRAM IS IN COMPLIANCE
10 WITH SUCH RULES AND REGULATIONS. NOR SHALL ANY CASA PROGRAM, OR ANY
11 STAFF PERSON OR VOLUNTEER WORKING FOR OR ON BEHALF OF SUCH PROGRAM, UPON
12 APPOINTMENT BY A FAMILY COURT TO ASSIST SUCH COURT IN ANY MANNER, EXER-
13 CISE ANY POWERS OR DISCHARGE ANY DUTIES IN RELATION THERETO UNLESS SUCH
14 COURT HAS AUTHORIZED SUCH EXERCISE OR DISCHARGE.

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

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

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

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

31 S 849-O. IMMUNITY. EACH BOARD MEMBER, OFFICER, EMPLOYEE AND VOLUNTEER
32 WORKING FOR OR ON BEHALF OF A CASA PROGRAM, WHILE PARTICIPATING REASON-
33 ABLY AND IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER EMPLOYMENT THEREBY
34 OR APPOINTMENT THEREUNDER, SHALL HAVE IMMUNITY FROM ANY LIABILITY, CIVIL
35 OR CRIMINAL, THAT MIGHT OTHERWISE RESULT BY REASON OF HIS OR HER ACTION
36 OR INACTION.

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

42 S 3. This act shall take effect immediately.