

1636

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

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  
23 COMPLIANCE WITH SUCH STANDARDS AS ARE SPECIFIED IN RULES OF THE CHIEF

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

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1 JUDGE OF THE STATE PROMULGATED PURSUANT TO SECTION EIGHT HUNDRED FORTY-  
2 NINE-M OF THIS ARTICLE.

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

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

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

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

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

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

41 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.

46 S 3. This act shall take effect immediately.