

STATE OF NEW YORK

1050

2017-2018 Regular Sessions

IN ASSEMBLY

January 10, 2017

Introduced by M. of A. STIRPE, JAFFEE, LUPARDO, O'DONNELL, BLAKE, GOTTFRIED, CAHILL, SKOUFIS, GOODELL, FINCH, LOPEZ, PALMESANO, PAULIN, STECK, ARROYO, DAVILA, PICHARDO, FRIEND, BUCHWALD, MAGNARELLI, SIMON, HAWLEY, GUNTHER, HUNTER, PEOPLES-STOKES, WEPRIN, DiPIETRO, QUART, ABINANTI, SEAWRIGHT, OTIS, BARRETT, RYAN, SKARTADOS, M. G. MILLER, BENEDETTO, JENNE, ZEBROWSKI, SEPULVEDA, CUSICK, ROSENTHAL, FAHY, ROZIC, SIMANOWITZ, LIFTON -- Multi-Sponsored by -- M. of A. CROUCH, GALEF, GIGLIO, HEVESI, KEARNS, RA, RIVERA, WOERNER -- read once and referred 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.

§ 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.

§ 849-l. General purpose. The legislature hereby recognizes the importance of court-appointed special advocates (CASA) programs to the effec-

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

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1 tive operation of the family court. Accordingly, it directs that, as
2 provided in this article, these programs shall be subject to administra-
3 tive supervision and eligible for state assistance. For purposes of this
4 article, a CASA program shall mean a not-for-profit corporation in
5 compliance with such standards as are specified in rules of the chief
6 judge of the state promulgated pursuant to section eight hundred forty-
7 nine-m of this article.

8 § 849-m. Administration. The chief judge of the state shall promulgate
9 rules and regulations standardizing use of CASA programs in this state
10 and governing the administration and operation of such programs. No CASA
11 program, or any staff person or volunteer working for or on behalf of
12 such program, shall be eligible for appointment by a family court to
13 assist such court in any manner unless such program is in compliance
14 with such rules and regulations. Nor shall any CASA program, or any
15 staff person or volunteer working for or on behalf of such program, upon
16 appointment by a family court to assist such court in any manner, exer-
17 cise any powers or discharge any duties in relation thereto unless such
18 court has authorized such exercise or discharge.

19 § 849-n. State assistance. 1. There shall be a state assistance
20 program, to be known as the CASA assistance program, pursuant to which
21 individual CASA programs may apply for and receive funding from such
22 appropriations as the legislature may make available therefor to the
23 unified court system.

24 2. The CASA assistance program shall be administered by the chief
25 administrator of the courts, who shall prescribe application and payment
26 procedures, standards to govern the award of funding, and protocols for
27 ongoing review of CASA programs that receive funds hereunder, including
28 provision for periodic program review and records retention.

29 3. Funds available pursuant to this article may be used for any
30 purpose having as its end enhancement of a CASA program's ability to
31 provide suitable and sufficient assistance to the family court.

32 4. The state comptroller, the chief administrator and their authorized
33 representatives shall have the power to inspect, examine and audit the
34 fiscal affairs of any CASA program receiving funding hereunder.

35 § 849-o. Immunity. Each board member, officer, employee and volunteer
36 working for or on behalf of a CASA program, while participating reason-
37 ably and in good faith within the scope of his or her employment thereby
38 or appointment thereunder, shall have immunity from any liability, civil
39 or criminal, that might otherwise result by reason of his or her action
40 or inaction.

41 § 849-p. Confidentiality. Each CASA program shall safeguard the confi-
42 dentiality of all information and material in accordance with applicable
43 state and federal laws, rules and regulations; and, to this end, shall
44 ensure that all of its board members, officers, employees and volunteers
45 are trained in, and comply with, such laws, rules and regulations.

46 § 3. This act shall take effect immediately.