

IN THE SUPREME COURT OF THE STATE OF ARIZONA

FILED
OCT 31 2001
NOEL K. DESSAINT
CLERK SUPREME COURT
BY

In the Matter of:)
)
ARIZONA CODE OF JUDICIAL)
ADMINISTRATION § 7-101:)
COURT APPOINTED SPECIAL)
ADVOCATE (CASA) PROGRAM)
_____)

Administrative Order
No. 2001- 108
(Replacing Administrative Order
No. 2000-85)

The above captioned provision came before the Arizona Judicial Council on October 19, 2000 and was approved and recommended for adoption. The Chief Justice signed the AO on November 28, 2000. The code section number was incorrectly listed as §6-202, it should read §7-101. Additionally, citations to rules and statutes have been revised to reflect changes in statutory and rule citations.

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution, and Arizona Revised Statutes (A.R.S.) §§ 8-221, 8-522 through 8-524,

IT IS ORDERED that the above captioned provision, attached hereto, is adopted as a section of the Arizona Code of Judicial Administration replacing Administrative Order No. 2000-85.

Dated this 31st day of October, 2001.



THOMAS A. ZLAKET
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 7: Administrative Office of the Court Programs
Chapter 1: Dependent Children's Services
Section 7-101: Court Appointed Special Advocate Program

A. **Definitions.** In this section, the following definitions apply:

"Assigned judge" means the judge who hears a particular dependency case to which a CASA volunteer is appointed.

"CASA" means Court Appointed Special Advocate.

"CPS" means Arizona Department of Economic Security, Child Protective Services Division.

"County program staff" means all county coordinators and county support staff of the CASA program.

"DCATS" means Dependent Children Automated Tracking System, a database system.

"DES" means the Arizona Department of Economic Security.

"DPS" means the Arizona Department of Public Safety.

"Director" means the administrative director of the Administrative Office of the Court and the director's designee.

"FBI" means the Federal Bureau of Investigation.

"*In camera inspection*" means a judge's inspection in chambers of a document which is the subject of a request for disclosure before ruling on its release.

"Manager" means the program manager of the CASA program administered by the Administrative Office of the Court.

"State program office" means the office responsible to administer the CASA program statewide.

B. Applicability.

1. The CASA program is established in the Administrative Office of the Court. Pursuant to A.R.S. § 8-523 the program shall establish local CASA programs in each county. The supreme court is to adopt rules prescribing the establishment of local programs and the minimum performance standards of these programs.
2. Pursuant to A.R.S. § 8-522(B) the supreme court shall certify special advocates pursuant to rules adopted by the court. Court rules for certification shall include compliance with qualification standards prescribed by the court.

C. Purpose. The purpose of the CASA program is to administer and monitor a community-based advocacy program in the juvenile court for abused and neglected children.

D. General Administration.

1. The supreme court shall administer and maintain the CASA program. The court shall adopt rules and procedures necessary to implement the program, including qualification standards.
2. The director shall prepare fiscal projections, create a budget, allocate and expend funds for administrative costs and projects associated with the CASA program. The director is authorized to execute funding agreements and approve distribution to local programs.
3. The director shall appoint a manager. The manager shall oversee the implementation and administration of the CASA program which includes the daily management and supervision of state program office staff. The manager shall oversee the development and maintenance of all program performance criteria to include policies, procedures, recommended job descriptions, manuals, and other necessary materials.
4. The manager shall oversee training for all staff to include state program office staff, county coordinators, county support staff, and volunteers.
5. The manager shall maintain a central list of all certified volunteers and issue them identification badges. The manager may conduct investigations as specified in the Complaint subsection of this code section.

6. The manager shall review all county programs. At a minimum the review shall assess each program's compliance with:
 - a. Arizona statutes, Rules of Procedure for the Juvenile Court, administrative orders, rules, this code, and program policies and procedures; and,
 - b. Case and volunteer file standards.
 7. The state and county program staff shall not solicit donations.
 8. All state and county program staff and volunteers shall comply with applicable statutes described in A.R.S. § 8-807, § 41-1959, Arizona Rules of Court, including, but not limited to Rule 123, Rules of the Supreme Court, and administrative rules regarding confidentiality.
- E. **Budget Request Preparation.** The presiding judge or designee shall submit in writing to the director or designee a budget request and program plan to establish and maintain a county program. The manager shall annually supply each presiding judge or designee a budget request and program plan together with instructions for applying for funds appropriated to the supreme court pursuant to A.R.S. § 8-524. To the extent funds are available, the director shall allocate funds to meet the need for certifying volunteers pursuant to A.R.S. § 8-522(B).
- F. **Program Plan and Financial Management.**
1. The county program shall:
 - a. Provide to the manager an annual budget request and program plan;
 - b. Submit quarterly progress reports to the state program office by the 5th day of the new quarter (October, January, April, and July);
 - c. Submit quarterly financial statements to the state program office by the 30th day of the new quarter (October, January, and April); and,
 - d. Submit a closing financial statement (year-end) to the state program office by August 15. Revertment shall be received annually at the state program office by August 31.
 2. The county program staff shall enter all DCATS statistical information on cases and volunteers on at least a monthly basis.

3. The county program staff shall reimburse volunteers for per diem and mileage costs for attending the mandatory initial orientation training, to the extent funds are available and according to state travel policies. The county coordinator may authorize reimbursement for volunteer training and extraordinary travel expenditures if funds are available, and according to state travel policies.

G. County Program Operations.

1. The county program shall give priority to appointment of volunteers in dependency matters over delinquency or incorrigibility matters. The program shall screen every dependency case to determine if the case is appropriate for assignment to a volunteer and to make effective matches of volunteers to cases.
2. An outside individual or agency (for example: DES, attorneys, private parties, law enforcement, etc.) shall not review any volunteer or case files unless a subpoena and an order of the presiding judge or designee has been issued.
3. Upon receipt of a subpoena, the county coordinator shall deliver a complete duplicate of the file to the presiding judge or designee for *in camera inspection*. The county coordinator shall not permit a file to be viewed without an order.
4. If county staff or volunteers suspect the safety and well-being of a child is at risk, they shall report that information immediately to CPS as mandated in A.R.S. § 13-3620.
5. The county coordinator shall ensure that upon voluntarily or involuntarily leaving the program, volunteers return identification badges and all case-related materials.
6. The county program shall submit completed applicant fingerprint cards to the DPS. Pursuant to A.R.S. § 41-1750, 28 CFR, Part 20, and any other applicable federal laws, DPS shall conduct applicant criminal history records checks. Pursuant to the above cited authority, DPS on behalf of the county coordinator shall exchange registration applicant fingerprint card information with the FBI for national criminal history records checks.
7. In the event that definitive fingerprints are not obtainable, the county coordinator shall require the applicant to sign a written statement, under oath, that the applicant has not been arrested, charged, indicted, been convicted of or pled guilty to any felony or misdemeanor, other than as disclosed on the application. The county coordinator has the option to recommend that certification of a volunteer be granted or denied, whether or not this statement is provided.

8. All county program staff and volunteers shall adhere to the CASA code of conduct as published in the program policies.
 - a. All county program staff and volunteers shall receive a copy of this code section and CASA program policies and procedures. Each county program staff and volunteer shall sign and date an acknowledgment of receipt and intention to comply with these documents. The signed acknowledgment shall be placed in the staff member or volunteer's file.
 - b. All county program staff and volunteers shall avoid any action which could adversely affect the confidence of the public in the integrity of the CASA program. They shall not conduct themselves in a manner that would reflect adversely on the judiciary, the courts, or other agencies involved in the administration of justice. If an ethical concern arises, the volunteer shall consult with the county coordinator to resolve the issue.

H. Initial Certification.

1. **Qualifications of the Volunteer.** A volunteer shall meet the following qualifications:
 - a. U.S. citizen or legal resident;
 - b. Not employed by DES, the juvenile court, or child welfare agencies, unless specifically authorized by the juvenile court judge; and,
 - c. At least twenty-one years of age.
2. **Volunteer Application Process.** A volunteer shall complete the following application process:
 - a. Complete an application;
 - b. Provide the program with a readable fingerprint card;
 - c. Complete a personal interview with the county coordinator;
 - d. Provide three nonrelative personal references;
 - e. Complete a polygraph examination;
 - f. Sign and date a written statement indicating the volunteer has read, understands, and shall comply with all policies and procedures of the CASA program; and,
 - g. Attend the initial orientation training.

3. Notification of Certification.

The county coordinator shall promptly notify the applicant accepted for certification in accordance with this code section.

I. Denial of Certification.

1. The county coordinator shall deny certification if, after ninety days from the application date, any of the following conditions exist:
 - a. The applicant has not completed any aspect of the application process.
 - b. The applicant has not been fingerprinted and the county coordinator has not received the criminal background analysis.
 - c. The applicant has not completed the training requirements.
 - d. The applicant materially misrepresented facts or committed fraud in the application process.
 - e. The applicant has been convicted of any of the following felony offenses listed in A.R.S. § 8-322(L) (1-23) as an adult:
 1. Sexual abuse of a minor
 2. Incest
 3. First or second degree murder
 4. Kidnaping
 5. Arson
 6. Sexual assault
 7. Sexual exploitation of a minor
 8. Felony offenses involving contributing to the delinquency of a minor
 9. Commercial sexual exploitation of a minor
 10. Felony offenses involving sale, distribution or transportation of, offer to sell, transport or distribute or conspiracy to sell, transport or distribute marijuana, dangerous drugs or narcotic drugs
 11. Felony offenses involving the possession or use of marijuana, dangerous drugs, or narcotic drugs
 12. Burglary
 13. Aggravated or armed robbery
 14. Robbery
 15. A dangerous crime against children as defined in § 13-604.01
 16. Child abuse

17. Sexual conduct with a minor
 18. Molestation of a child
 19. Manslaughter
 20. Assault or aggravated assault
 21. Exploitation of minors involving drug offenses
 22. A violation of § 28-1381, 28-1382, 28-1383
 23. Offenses involving domestic violence
- f. The applicant has charges pending for a felony or misdemeanor involving a sex offense, child abuse or neglect, or related acts that would pose risks to children served by the CASA program and the program's credibility.
 - g. The applicant has been found to have been convicted of a felony or misdemeanor involving a sex offense, child abuse or neglect or related acts that would pose risks to children served by the CASA program and the program's credibility.
 - h. The applicant has been convicted of any felony or misdemeanor crime against children.
2. The county coordinator may deny certification if one or more of the following is found:
 - a. The applicant has a record of any act constituting dishonesty or fraud;
 - b. The applicant has a record of conviction by final judgment of any felony;
 - c. The applicant has a record of conviction by final judgment of a misdemeanor involving moral turpitude; and,
 - d. The applicant has been found civilly liable in an action involving fraud, misrepresentation, material omission, misappropriation, or conversion.
3. Notification of Denial.
 - a. The county coordinator shall promptly notify the applicant denied certification in accordance with this code section. If the applicant is denied, only general reasons shall be given for the denial. If denial is due to a positive criminal history, that fact may be disclosed.
 - b. The applicant shall be advised that if the volunteer application is denied, the applicant may have the decision reviewed by the presiding juvenile court judge upon request.

J. Volunteer Status.

1. A volunteer serves at the pleasure of the court. The court may terminate the services of a volunteer without cause. The county coordinator shall take action toward any volunteer not adhering to the minimum performance standards of the CASA program, which may include limitations on types of cases, suspension, or termination.
2. A volunteer shall have access to documents and information pursuant to A.R.S. § 8-522(F):

A special advocate shall have access to all documents and information regarding the child and the child's family without obtaining prior approval of the child, the child's family or the court. All records and information the special advocate acquires or reviews during the course of the advocate's appointment and all work products and reports produced by the special advocate are confidential and may only be disclosed as provided for in § 41-1959.

3. A.R.S. § 8-522(G) provides for notice to the CASA volunteer as follows:

"The special advocate shall receive notice of all hearings, staffings, investigations and other matters concerning the child. The special advocate shall have a right to participate in the formulation of any agreement, stipulation or case plan entered into regarding the child."

4. A volunteer shall be on active status if:
 - a. Assigned to a dependency or juvenile probation case;
 - b. Involved in the administrative aspect of the county program office;
 - c. Serving as a mentor to other volunteers;
 - d. Otherwise regularly involved with the county program; and,
 - e. Complying with state program policies regarding performance-based assessment reviews.

5. A volunteer may be placed on inactive status if:
 - a. Approved by the county coordinator, for no longer than six months;
 - b. Not currently assigned to a dependency or juvenile probation case;
 - c. Not involved in the administrative aspect of the county program office;
 - d. Not a mentor to other volunteers;
 - e. Not otherwise regularly involved with the county program; and,
 - f. Not complying with state program policies regarding performance-based assessment reviews.

K. Volunteer Minimum Performance Standards.

1. The volunteer shall perform functions set out in A.R.S. § 8-522(E) and in state and local policies. A.R.S. § 8-522(E) provides:

A special advocate shall:

- a. Gather and provide independent, factual information to aid the court in making its decision regarding what is in the child's best interest and in determining if reasonable efforts have been made to prevent removal of the child from the child's home or in reunifying the child with the child's family.
 - b. Provide advocacy to ensure that appropriate case planning and services are provided for the child.
 - c. Perform other duties prescribed by the supreme court by rule.
2. A volunteer shall accept appointments in neglect, dependency, delinquency, and incorrigibility actions pursuant to Rule 3, Rules of Procedure for the Juvenile Court and A.R.S. § 8-522(A).
3. A volunteer shall accept appointments as guardians ad litem pursuant to A.R.S. § 8-221(I) and Rule 40, Rules of Procedure for the Juvenile Court and A.R.S. § 8-522(A).
4. A volunteer shall comply with Arizona statutes, Arizona Rules of Court, Rules of Procedure for the Juvenile Court, administrative orders, rules, this code, and program policies and procedures.

5. A.R.S. § 8-522(H) provides:

“A special advocate is immune from civil or criminal liability for the advocate’s acts or omissions in connection with the authorized responsibilities the special advocate performs in good faith.”

6. A volunteer shall comply with state program policies regarding training requirements.

L. Recertification Process. If a volunteer leaves the CASA program for up to one year and is eligible for return, the volunteer shall, at a minimum, attend the initial orientation training. If a volunteer leaves the program for more than one year and is eligible for return, the volunteer shall repeat the application process.

M. Complaint Process.

1. The nature of the CASA program allows complaints to come in at three different levels. Complaints may be made to the manager, presiding judge or designee, or the county coordinator.
2. All judicial officers and state and county program staff shall, and any person may, notify the county coordinator if it appears that a volunteer has violated Arizona statutes, Rules of Procedure of the Juvenile Court, administrative orders, rules and program policies, or this code section.
3. All complaints shall be in writing with sufficient specificity to warrant further investigation. The name and telephone number of the complainant shall also be provided.
4. Investigations may be conducted at any of the three levels designated in M(1) and may be for the following purposes:
 - a. To determine whether a person has violated this code section or other applicable statutes, rules, and policies;
 - b. To determine whether a complaint is valid; or,
 - c. To secure information useful in the administration of the program or this code section.
5. Any investigation under this provision shall be reported to all three levels designated in M(1).
6. Upon review of all evidence, the investigator shall make a report and recommendation to the presiding judge or designee for resolution of the complaint. The investigator, upon receiving judicial resolution of the complaint, shall inform the parties designated in M(1).

7. The county coordinator shall document any complaints in the volunteer's file and send a copy to the state program office. Information and documentation shall be confidential and available only for use in considering volunteer reapplication or for review by the manager.
8. If the complaint involves alleged criminal activity as listed in, but not limited to, this code section, or immediate or potential danger to a child, the investigator shall promptly forward the written complaint and all other investigative progress reports to the parties designated in M(1).