

**FINAL REPORT OF THE  
JOINT SUBCOMMITTEE STUDYING**

**The Feasibility of  
Establishing a Statewide  
Court Appointed Special  
Advocate Program**

**TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



**HOUSE DOCUMENT NO. 56**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
1990**



**Final Report of the Joint Subcommittee Studying  
The Feasibility of Establishing a Statewide  
Court Appointed Special Advocate Program  
To  
The Governor and the General Assembly of Virginia  
Richmond, Virginia  
January, 1990**

**To: Honorable L. Douglas Wilder, Governor of Virginia,  
and  
The General Assembly of Virginia**

**AUTHORITY FOR THE STUDY**

The joint subcommittee was established by HJR 261, agreed to by the 1989 General Assembly, to study the feasibility of establishing a statewide court appointed special advocate (CASA) program in the Commonwealth. The joint subcommittee is composed of five members representing the House Committees on Health, Welfare and Institutions and on Appropriations and the Senate Committees on Rehabilitation and Social Services and on Finance.

**BACKGROUND**

The CASA concept involves the use of specially trained volunteers to assist the court in making dispositional decisions regarding children within its jurisdiction and to provide advocacy for abused, neglected or abandoned children. The CASA volunteers investigate alternative dispositions available for children whose placement is at issue and provide recommendations to the court as to the most appropriate disposition for the child's safety and welfare. The volunteers also monitor the implementation of orders of the court.

The CASA volunteer's services are nonlegal in nature and supplement the roles of the guardian ad litem, the social worker and the judge, to ensure that the child's needs are thoroughly understood and represented. The volunteer functions as an advocate for the best interests of the child as does a guardian ad litem. A guardian ad litem, however, while skilled in representing the legal best interests of the child, is not necessarily skilled in determining what dispositional alternative is most appropriate for the child, nor does he have the time to investigate thoroughly or monitor cases after adjudication. The services of a guardian ad litem are also expensive. Social workers are expected to serve the interests of the family unit and not necessarily to solely represent the child's best interests. The CASA volunteer also assists social service agencies by gathering information which helps a caseworker develop an effective case plan for a child. The judge is to be an impartial participant and cannot advocate for the child. The CASA, therefore, can augment the effectiveness of all these participants in the judicial process at a minimal cost.

To carry out his investigative responsibilities, the CASA volunteer interviews the child and his parents, teachers, therapists, social workers, doctors and others who have insight into the child's situation and needs. The volunteer reviews the records of the court and the department of social services. He submits a written report to the court on his findings and may be asked to testify in court.

The CASA volunteer can expedite case processing at a time when high caseloads in both the courts and the social service system have resulted in the devotion of less time and attention to child abuse and neglect cases. The CASA volunteer usually handles only one to three cases at a time and can devote more time to each case than can a guardian ad litem, social worker, or judge.

CASA volunteers receive training which includes instruction on the law relating to and the dynamics of child abuse and neglect. They are briefed on courtroom procedure, child behavior, services available for the child and family, and interviewing techniques.

### History of the CASA Concept

The CASA program was conceived in Seattle, Washington, in 1977, in response to the court's perception that in child abuse and neglect cases it was not getting the information it needed to determine the placement which best met each child's needs. The guardian ad litem had traditionally advocated for the child, but, with the rise in the number of child abuse and neglect cases, few had the time and training needed to provide adequate information to the court. Social workers were equally overburdened. The Seattle court began recruiting and training volunteers to serve as guardians ad litem for children in dependency cases.

The Seattle model was reviewed by the Children in Placement Committee of the National Council of Juvenile and Family Court Judges in late 1977 as it developed guidelines to assist the juvenile justice system in securing safe and permanent placements for children. The committee incorporated the Seattle program as one of its models, designating the volunteers for the first time as "court appointed special advocates."

In a 1978 study conducted for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the U.S. Department of Justice to evaluate volunteer programs in juvenile courts, the Seattle program was praised as successful and innovative. In that same year, the National Center for State Courts cited the Seattle program as an outstanding example of citizen participation in the juvenile justice system. The Edna McConnell Clark Foundation provided a grant at this time to encourage replication of the Seattle CASA program around the country.

In 1982, the National CASA Association was formed to direct the growth of the local programs. The Association has been supported by grants from the National Council of Juvenile and Family Court Judges under the direction of OJJDP, from the U.S. Department of Health and Human Services and from the Edna McConnell Clark Foundation. OJJDP continues to provide funding to the National CASA Association; funds for 1989 amounted to \$499,985, or about 92% of the Association's total budget.

CASA programs have continued to proliferate around the country since 1978. There are currently about 340 programs in 45 states. Florida, Delaware, North Carolina, South Carolina, Iowa, and Rhode Island operate statewide programs.

The CASA concept has also been endorsed by the American Bar Association, the National Council of Juvenile and Family Court Judges, and the National Association of Public Child Welfare Administrators.

### THE CASA PROGRAM IN VIRGINIA

The CASA program in the Commonwealth grew out of efforts directed at family reunification and permanency planning for youth in foster care. Authorities formed a statewide task force in 1984 to monitor the state's compliance with the provisions of the Adoption Assistance and Child Welfare Act (P.L. 96-276), passed by Congress in 1980. In 1985, the task force, under the auspices of the Supreme Court of Virginia, provided training for circuit and juvenile court judges in permanency planning. The state also implemented legislative and administrative reform at this time. While these activities resulted in substantial progress toward implementing P.L. 96-276, authorities believed that localities were in need of additional support to enhance their permanency planning efforts. To serve this need, the task force was reconvened in 1987 with the goal of implementing strategies to increase judicial and public awareness of programs which enhance the court's ability to conduct case reviews and to provide technical assistance for program development for CASA programs.

Since 1987, the task force, with funds provided by a grant from OJJDP through the National Council of Juvenile and Family Court Judges' Permanent Families for Children Project, has sponsored a statewide conference to promote interest in development of CASA programs in Virginia and has provided training and technical assistance to localities throughout the state to assist in the development of CASA programs. The task force developed a CASA volunteer training manual which has been approved by OJJDP. The task force's efforts have resulted in the formation of several new CASA programs.

Programs are now in operation in the counties of Chesterfield, Hanover, Spotsylvania, and Fairfax, and the cities of Newport News, Alexandria, Roanoke, Virginia Beach, Lynchburg, and Norfolk. The existing programs are administered and funded in a variety of ways. Some are managed directly by the court and administrative costs are included in the court's budget. Some programs are funded with local government funds, and others are supported by private funds.

### EFFECTIVENESS OF CASA PROGRAMS

The evaluations of programs using the most objective applicable research methodologies have shown that CASA programs using well-trained volunteers are superior to programs using attorneys to advocate for the best interests of the child.

One of the most extensive reviews evaluated the Iowa program. Completed in 1988 by the National Center for State Courts, the evaluation included a review of documents, including court case files, to compare outcomes of cases in which CASAs were used to outcomes in other cases. The evaluators also interviewed judges, juvenile court officers and administrators, social workers, attorneys, program staff and CASA volunteers. The review showed that judges depended on the work of the volunteers to help them make difficult placement decisions, that social workers and court officers benefited from the assistance on difficult cases, and that attorneys were relieved of the duty of investigating and monitoring cases. As a result, children represented by CASA volunteers had their cases processed more quickly, received more and better treatment and entered permanent placements more quickly than did children who did not have CASA volunteers assigned to their cases.

The study concluded that the CASA program provides a valuable service not readily available through alternative approaches. Programs exclusively using attorneys to provide advocacy services were inferior to the volunteer programs. Social workers and probation officers were also unable to provide the same services because of high caseloads. Although the evaluators were unable to demonstrate cost-effectiveness empirically, the study showed a consensus among those questioned that the same amount of money would not buy the same quality of services from attorneys or social service agencies. In fact, the evaluators concluded that the services of the volunteers were superior regardless of cost. The study findings noted that additional funds would be needed to continue the CASA program on a long-term basis.

The Iowa study corroborated the findings of other program evaluations involving reviews of court records and interviews by independent researchers. A national evaluation of guardian ad litem programs conducted by CSR, Inc., in 1988 concluded that of five different program models, those using lay volunteers conducting thorough investigations and monitoring each case were the most effective at ensuring that services were provided leading to family reunification. A comparative evaluation of programs for representation of children in abuse and neglect cases performed in Michigan found that cases handled by CASA volunteers were in the court system less time and the children involved were more likely to stay at home or with relatives. These results were attributed to the thorough investigation of the case and the superior monitoring of court orders and treatment plans. An evaluation of the Norfolk CASA program reviewed 65 cases involving 85 children and determined that in 85% of those cases, the children had been reunited with their families within 6 to 18 months.

A number of studies using only surveys of opinions of persons involved in the programs were found to be less objective than those cited above, but their findings generally confirm those of the Iowa evaluation. A Kentucky study surveyed professionals with whom CASAs work; responses indicated a mean rating of their work as 4.2 on a scale of 1 (poor) to 5 (excellent). A Seattle program evaluation surveyed judges on the roles of guardians ad litem and on the performance of volunteers in this role. All the judges supported the program and a majority approved of volunteers performing in the role of guardian ad litem.

Because CASA is a relatively new program in Virginia, no extensive figures on cost-effectiveness are available. However, other states with programs of longer standing have attempted to document savings effected by implementation of the CASA concept. North Carolina conducted a study of foster care in 1987, finding that children served by CASA volunteers stayed in foster care on the average eight months less than children without CASA assistance. Houston, Texas, programs claimed a seven-month reduction in time children spent in foster care as a result of CASA services. While the foster care savings that other states have shown cannot necessarily be expected in Virginia, where foster care caseloads have already been reduced significantly through other efforts, House Appropriations Committee staff estimated that if these estimates are accurate and can be projected for Virginia, the Houston CASA model could save about \$550,000 in state money and over \$1 million in combined federal, state and local money, and the North Carolina model could effect \$2.9 million total savings and savings of \$1.4 million of state money. These estimates exclude residential placements for emotionally disturbed children because of the large financial outlay for this group and the minimal impact that the CASA program would have on these children. The figures also are affected by the number of older children in foster care in Virginia; the CASA program may be less likely to help these children.

Other states have shown savings by the reduction of payments to guardians ad litem. Virginia law does not permit CASAs to replace such attorneys; therefore, this reduction would not be realized. Multiplying the number of hours worked by CASAs by the hourly rate of payment to guardians ad litem to determine cost effectiveness of CASA services is not necessarily helpful because of Virginia's low rate of reimbursement of these attorneys when compared to other states.

#### ACTIVITIES OF THE JOINT SUBCOMMITTEE

Representatives of the operating Virginia CASA programs, the judiciary utilizing CASA services, and local departments of social services briefed the joint subcommittee on the operations, cost, and effectiveness of their programs and provided technical information and recommendations for the future of the CASA program in Virginia. The joint subcommittee gratefully acknowledges the valuable assistance provided by these representatives throughout the study.

Cost data was provided by the Virginia CASA programs, representatives from other states with statewide CASA programs, and by staff of the Division of Legislative Services and the House Appropriations Committee. The Office of the Attorney General provided information on liability issues.

The joint subcommittee received testimony and materials on programs in other states in order to determine the most effective methods for delivery of CASA services on a statewide basis.

All state agencies with a role or an interest in the adjudication of children's court cases and the CASA program participated throughout the study. These included the Department for Children, the Department of Youth Services, the Department of Social Services, the Department of Criminal Justice Services, the Department of Volunteerism, and the Office of the Executive Secretary of the Supreme Court.

## RECOMMENDATIONS

### Statewide Program

The joint subcommittee determined that CASA programs are an effective method of expediting the judicial process in cases involving dependent children and of ensuring that the disposition ordered by the court in any such case will be the most appropriate one for the child and will best contribute to the development of a permanent plan for the child. The joint subcommittee recommends that the state provide financial and programmatic support to encourage the development of a statewide system of CASA programs. The joint subcommittee agreed that localities should have the option of instituting CASA programs. A centralized state office should coordinate the program, and individual local programs should be managed in each locality by a full-time director.

### Population Served

In Virginia, some CASA programs work with abused and neglected children who are victims in civil cases. Some programs have expanded to provide services to children who are victims in cases in criminal proceedings, to all children in dependency cases, to children whose parents are involved in custody conflicts, or to status offenders or "children in need of services." The joint subcommittee agreed that legislation authorizing a statewide CASA program should not specify the population to be served. Flexibility allows local programs to tailor their program to meet their specific needs. The joint subcommittee agreed that the juvenile court judge should have discretion to determine which cases can benefit from the services of a CASA.

### Coordination at the State Level

The joint subcommittee agreed that the Department of Criminal Justice Services can most effectively coordinate the statewide CASA program, as the Department's functions include program planning and implementation and the allocation and subgranting of funds available to the Commonwealth and to local governments. In addition, the Department provided technical assistance in the development of several of the CASA programs now operating in Virginia. This expertise is specifically applicable to the services required in the development of new CASA programs, the coordination of existing programs, and the distribution of state funds to local programs.

### Qualifications of Advocates

Advocates should be at least 21 years of age, be screened for any criminal record or record of investigation for child abuse or neglect, have no associations which create a conflict of interests with his duties as an advocate, and complete a prescribed training program. Advocates currently serving should meet minimum requirements as set forth by statute by the effective date of such legislation.



## Training of Advocates

Currently, the training program for CASA volunteers is conducted by the program director, who calls in assistance from the staff of appropriate agencies and other experts, such as judges, attorneys, social workers, guardians ad litem, and community resource representatives. The joint subcommittee agreed that minimum training standards should be set by regulation. The curriculum should include instruction on the juvenile justice and social service systems, the role and duties of advocates, child development, dynamics of child abuse and neglect and dysfunctional families, law governing adjudication of child abuse and neglect, and interviewing techniques. Local programs can supplement training as appropriate.

## Liability

Virginia and other states with CASA programs have considered methods of limiting exposure of the Commonwealth and CASA volunteers to liability. In Virginia, some of the programs supported by private nonprofit organizations are covered through a private officers' and directors' policy. Programs which are part of the court system are covered under the court.

The National CASA Association periodically issues a legal liability report. The latest available report, issued in 1987, indicates that a number of states have passed immunity legislation either limiting the liability of CASA volunteers specifically or protecting volunteers and nonprofit organizations in general. Some states provide insurance coverage through their state governments or through insurance coverage purchased by the program. Some localities are self-insured, and coverage includes their CASA programs. A number of programs do not have insurance because they could not find an insurance carrier, had been denied coverage, or could not afford insurance. A number of programs reported that a lack of insurance affected the willingness of people to serve as either volunteers or board members or affected funding sources. In some instances, case law has recently provided qualified or absolute immunity from civil liability for guardians ad litem.

Virginia law provides three potential sources of immunity to CASA programs. Officers' and directors' immunity protects them to the limits of their compensation, but no protection is afforded volunteers. The sovereign immunity of the Commonwealth limits recovery against the Commonwealth and its agents to \$75,000. Its applicability is complicated, and it neither guarantees protection nor provides an absolute shield. The common law doctrine of judicial immunity, of benefit to CASA volunteers, would protect them if they are acting under the direct supervision of and order of a court. To the extent that a volunteer's actions deviated from the specific orders of the court, the claim to judicial immunity would be weakened. Most effective would be a specific provision providing immunity to CASA volunteers from liability while acting within the scope of their duties.

The Commonwealth is self-insured and has funded a trust fund to pay the costs of its self-insurance plan. The addition of coverage of CASA volunteers to this plan is estimated by the Department of General Services' Bureau of Risk Management to be about \$12 per advocate for 600 or more advocates and about \$15 per advocate if fewer than 600 are covered.

The joint subcommittee recommends that immunity be statutorily provided for CASA volunteers and that insurance coverage be provided for the advocates. The joint subcommittee also recommends that the defense of CASA volunteers by the Commonwealth be statutorily authorized.

### Funding

CASA programs utilize unpaid volunteers, but funding is needed for administrative costs of the program, including the salary of a professional coordinator and overhead costs depending on where the program is housed and how it is administered. Virginia's existing programs are now unable to expand significantly because of limited financial resources. All the programs compete with each other for the same finite amount of money. All programs have requested funding this year from the Junior League, the Virginia Law Foundation, and available federal grants. As new programs begin, these same funding sources will be further strained. Some of these funding sources are intended only to provide start-up funds and therefore cannot be relied upon as support to maintain the programs on a long-term basis. The CASA program in Virginia requires a consistent source of funding both to maintain existing programs and to enable localities without programs to start them.

Both North Carolina and South Carolina operate mandatory statewide CASA programs. South Carolina began in 1984 with \$100,000 in state general funds for three pilot programs. The budget has increased about \$300,000 each year and in FY 88 amounted to \$1,081,076 to fund 45 local programs. The program is requesting an additional \$481,000 for FY 89. North Carolina began its program in 1983 with \$809,000 from the indigent defense fund. Until that time, those funds were being used to pay attorneys to perform the function of guardians ad litem; the program was initiated to provide cost savings by use of volunteers. The program now is operating in 34 judicial districts with a budget of \$1.2 million, \$540,000 of which continues to be used to pay attorneys to perform this function.

The joint subcommittee examined and compared the CASA budgets for the statewide programs operating in Iowa, Arizona, South Carolina, North Carolina, and Florida. All of those programs except Arizona are funded totally with state appropriations which range from \$180,000 in Iowa, which has three local programs utilizing 98 volunteers, to \$2 million in Florida, where 2,000 volunteers serve 13,000 children in 20 local programs. Staff managing the CASA program at the state level in these states number from 2.5 to 82 employees.

The existing programs in Virginia operate with budgets ranging from \$12,433 to \$83,061. Based on funding information from other states and budgets provided by the Virginia programs, the joint subcommittee estimates that approximately \$1,000-2,000 per volunteer is required to maintain a CASA program. About 250 volunteers are now providing CASA services in Virginia. Liability insurance provided under the Division of Risk Management's program is estimated by the Department of General Services to cost about \$12 per advocate to insure 600 advocates. If fewer advocates are insured, the cost will increase slightly.

Based on these estimated requirements, the joint subcommittee recommends that for FY 90-91 \$400,000 be appropriated from the general fund to provide financial support to local programs and that an additional \$75,000 be provided to the Department of Criminal Justice Services to fund a state coordinating office. The Department, under the direction of the Criminal Justice Services Board and with the assistance of the Advisory Committee on Juvenile Justice, shall develop policy and procedures governing allocation of funds to existing and new local CASA programs.

Legislation implementing the joint subcommittee's recommendations is included in the appendices to this report.

Respectfully submitted,

Delegate Jerrauld C. Jones, Chairman  
Senator Virgil H. Goode, Jr., Vice-chairman\*  
Delegate Jay W. DeBoer  
Delegate Arthur R. Giesen, Jr.  
Senator Robert C. Scott

\* See attached correspondence

## REFERENCES

CASA: Court Appointed Special Advocate for Children...A Child's Voice in Court. Juvenile Justice Bulletin. U.S. Department of Justice.

Fletcher, Paul. "Program Offers Abused Children Second Advocate." Virginia Lawyers Weekly, March 27, 1989.

Moray, C.J. Legal Liability Report; May, 1987. National CASA Association, 1987.

Vandiver, R.D., and others. Report of Evaluation of Court Appointed Special Advocate (CASA) Program in Iowa. National Center for State Courts, 1988.

Virginia CASA Training Manual.

APPENDIX I

COMMONWEALTH OF VIRGINIA



VIRGIL H. GOODE, JR  
20TH SENATORIAL DISTRICT  
CARROLL, FRANKLIN, HENRY AND PATRICK  
COUNTIES, CITY OF MARTINSVILLE  
124 ORCHARD AVENUE  
ROCKY MOUNT, VIRGINIA 24151

COMMITTEE ASSIGNMENTS:  
LOCAL GOVERNMENT (CHAIRMAN)  
COURTS OF JUSTICE  
FINANCE  
TRANSPORTATION  
RULES

SENATE

January 11, 1990

Mrs. Susan C. Ward, Staff Attorney  
The Joint Subcommittee Studying CASA Programs  
Division of Legislative Services

Dear Susan:

Thank you for submitting the CASA Study Report to me. I am in agreement with the report, but I want it stated that my position on funding as provided for in the report is contingent upon revenues and the budgetary situation allowing for enough funds to fund the two items presented. You may simply add the language in that statement to the report with my name on it.

Sincerely yours,

A handwritten signature in cursive script that reads "Virgil".

Virgil H. Goode, Jr.

VHGJr:eg

APPENDIX II

**GENERAL ASSEMBLY OF VIRGINIA -- 1989 SESSION**

**HOUSE JOINT RESOLUTION NO. 261**

*Establishing a joint subcommittee to evaluate statewide Court Appointed Special Advocate (CASA) Programs in the Commonwealth.*

Agreed to by the House of Delegates, February 6, 1989

Agreed to by the Senate, February 23, 1989

WHEREAS, child abuse and neglect are serious and growing problems with twenty-seven deaths reported in 1987 in the Commonwealth; and

WHEREAS, the present system cannot respond adequately due to the high volume of children at risk and limited resources available to those agencies charged with their protection; and

WHEREAS, Court Appointed Special Advocate (CASA) Programs use trained volunteers to provide advocacy for children who are victims of child abuse and neglect, who monitor the relief ordered by the court to ensure that timely and appropriate assistance is being provided, with the goal being a permanent, nurturing home for the child victim; and

WHEREAS, the use of Court Appointed Special Advocate (CASA) volunteers has proven to be a cost-effective means of meeting the needs of these child victims in numerous localities nationwide and in eight localities within the Commonwealth by consistently reducing the amount of time these children spend in foster placement, thereby removing one of the major factors identified as contributing to the rise in juvenile delinquency; and

WHEREAS, the future of the eight established Court Appointed Special Advocate (CASA) Programs is uncertain due to rapidly diminishing funding sources; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to evaluate the feasibility of funding a statewide Court Appointed Special Advocate (CASA) Program for the Commonwealth of Virginia.

The joint subcommittee shall be composed of five members to be appointed in the following manner: two members from the House Health, Welfare and Institutions Committee and one member from the House Appropriations Committee, all to be appointed by the Speaker; and one member each from the Senate Committees on Rehabilitation and Social Services and Finance, all to be appointed by the Senate Committee on Privileges and Elections.

The joint subcommittee shall complete its work in time to submit its recommendations to the 1990 Session of the General Assembly.

The indirect costs of this study are estimated to be \$10,650; the direct costs shall not exceed \$3,600.

**1990 SESSION**

LD0198494

APPENDIX III

**HOUSE BILL NO. 389**

Offered January 19, 1990

*A BILL to amend and reenact §§ 2.1-121, 9-168, and 16.1-274 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 27 of Title 9 an article numbered 1.4, consisting of sections numbered 9-173.6 through 9-173.13, relating to Court-Appointed Special Advocate Program.*

Patrons—Jones, J.C., Cunningham, J.W., Ealey, Maxwell, Christian, Giesen, DeBoer, Croshaw, Jackson, Grayson, Stump and Cooper; Senators: Scott, Miller, Y.B. and Goode

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-121, 9-168, and 16.1-274 of Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 27 of Title 9 an article numbered 1.4, consisting of sections numbered 9-173.6 through 9-173.13, as follows:

§ 2.1-121. Legal service in civil matters.—All legal service in civil matters for the Commonwealth, the Governor , and every state department, institution, division, commission, board, bureau, agency, entity, official, court , or judge, including the conduct of all civil litigation in which any of them are interested, shall be rendered and performed by the Attorney General, except as hereinafter provided in this chapter and except for any litigation concerning a justice or judge initiated by the Judicial Inquiry and Review Commission. No regular counsel shall be employed for or by the Governor or any state department, institution, division, commission, board, bureau, agency, entity , or official. The Attorney General, in his discretion, may represent personally or through one or more of his assistants any number of state departments, institutions, divisions, commissions, boards, bureaus, agencies, entities, officials, courts , or judges which are parties to the same transaction or which are parties in the same civil or administrative proceeding and may represent multiple interests within the same department, institution, division, commission, board, bureau, agency , or entity. The Attorney General , in his discretion , may represent personally or through one of his assistants any of the following persons who are made defendant in any civil action for damages arising out of any matter connected with their official duties: any member, agent , or employee of the Alcoholic Beverage Control Board; agent, inspector , or investigator appointed by the State Corporation Commission; agent, investigator , or auditor employed by the Department of Taxation; member, agent , or employee of the State Mental Health, Mental Retardation and Substance Abuse Services Board, the Department of Mental Health, Mental Retardation and Substance Abuse Services, the State Board of Health, the State Department of Health, the Department of General Services, the State Board of Social Services, the Department of Social Services, the State Board of Corrections, the Department of Corrections, the State Board of Youth Services, the Department of Youth Services, the Virginia Parole Board , or the Department of Agriculture and Consumer Services; any person employed by the Commonwealth Transportation Board; any person employed by the Commissioner of Motor Vehicles; any person appointed by the Commissioner of Marine Resources; any police officer appointed by the Superintendent of State Police; any game warden appointed by the Department of Game and Inland Fisheries; or any third impartial panel member appointed to hear a teacher's grievance pursuant to § 22.1-312 ; or any staff member or volunteer participating in a court-appointed special advocate program pursuant to Article 1.4 (§ 9-173.6 et seq.) of Chapter 27 of Title 9 . If, in the opinion of the Attorney General, it is impracticable or uneconomical for such legal service to be rendered by him or one of his assistants, he may employ special counsel for this purpose, whose compensation shall be fixed by the Attorney General.

The Attorney General, in his discretion, may represent personally or through one of his assistants any emergency medical service agency that is a licensee of the Department of

1 Health in any civil matter.

2 The compensation for such special counsel shall be paid out of the funds appropriated  
3 for the administration of the board, commission, division, or department whose members,  
4 officers, inspectors, investigators, or other employees are defended pursuant to this section.  
5 Notwithstanding any provision of this section to the contrary, the Supreme Court, in its  
6 discretion, may employ its own counsel in any matter arising out of its official duties in  
7 which it, or any justice, is a party.

8 § 9-168. Board, Committee on Training and Advisory Committee on Juvenile Justice  
9 established; appointment; terms; vacancies; members not disqualified from holding other  
10 offices; designation of chairmen; expenses; meetings.—A. There is hereby created the  
11 Criminal Justice Services Board. The Board shall be composed of twenty-four members as  
12 set out below. Seven members of the Board shall be as follows: the Chief Justice of the  
13 Supreme Court of Virginia, or his designee; the Attorney General of Virginia, or his  
14 designee; the Superintendent of the Department of State Police; the Director of the  
15 Department of Corrections; the Director of the Department of Youth Services; the  
16 Chairman of the Parole Board; and the Executive Secretary of the Supreme Court of  
17 Virginia. In those instances in which the Executive Secretary of the Supreme Court of  
18 Virginia, the Superintendent of the Department of State Police, the Director of the  
19 Department of Corrections, the Director of the Department of Youth Services, or the  
20 Chairman of the Parole Board will be unavoidably absent from a board meeting, he may  
21 appoint a member of his staff to represent him at the meeting. Twelve members shall be  
22 appointed by the Governor from among residents of this Commonwealth who are  
23 representative of the broad categories of state and local governments, criminal justice  
24 systems, and law-enforcement agencies, including but not limited to, police officials,  
25 sheriffs, attorneys for the Commonwealth, defense counsel, the judiciary, correctional and  
26 rehabilitative activities, and other locally elected and appointed administrative and  
27 legislative officials. Among these twelve members there shall be two sheriffs representing  
28 the Virginia State Sheriffs Association selected from among names submitted by the  
29 Association; two representatives of the Chiefs of Police Association selected from among  
30 names submitted by the Association; one attorney for the Commonwealth selected from  
31 among names submitted by the Association for Commonwealth's Attorneys; one person who  
32 is a mayor, city or town manager, or member of a city or town council representing the  
33 Virginia Municipal League selected from among names submitted by the League; and one  
34 person who is a county executive, manager, or member of a county board of supervisors  
35 representing the Virginia Association of Counties selected from among names submitted by  
36 the Association. Four members of the Board shall be members of the General Assembly  
37 appointed by the chairmen of legislative committees as follows: one member of the  
38 Appropriations Committee of the House of Delegates; one member of the Committee on  
39 Finance of the Senate; one member of the Committee for Courts of Justice of the House of  
40 Delegates, and one member of the Committee for Courts of Justice of the Senate. The  
41 legislative members shall serve for the terms for which they were elected and shall serve  
42 as ex officio members without a vote. In addition, one member representing the Virginia  
43 Crime Prevention Association shall be appointed by the Governor and selected from among  
44 names submitted by the Association.

45 B. There is further created a permanent Committee on Training under the Board which  
46 shall be the policy-making body responsible to the Board for effecting the provisions of  
47 subdivisions 2 through 12 of § 9-170. The Committee on Training shall be composed of  
48 eleven members of the Board as follows: the Superintendent of the Department of State  
49 Police; the Director of the Department of Corrections; the Executive Secretary of the  
50 Supreme Court of Virginia; the two sheriffs representing the Virginia State Sheriffs  
51 Association; the two representatives of the Chiefs of Police Association; the attorney for the  
52 Commonwealth representing the Association for Commonwealth's Attorneys; the  
53 representative of the Virginia Municipal League; the representative of the Virginia  
54 Association of Counties; and one member designated by the Chairman of the Board from



1 among the other appointments made by the Governor. The Committee on Training shall  
2 annually elect its chairman from among its members.

3 B1. There is further created a permanent Advisory Committee on Juvenile Justice which  
4 shall have the responsibility for advising and assisting the Board, the Department, all  
5 agencies, departments, boards and institutions of the Commonwealth, and units of general  
6 local government, or combinations thereof, on matters related to the prevention and  
7 treatment of juvenile delinquency and the administration of juvenile justice in the  
8 Commonwealth. The Advisory Committee shall consist of no less than fifteen and no more  
9 than twenty-five members appointed by the Governor. The membership of the Advisory  
10 Committee shall include representatives of state and local governmental agencies and  
11 institutions who provide services to children, juvenile and domestic relations district courts,  
12 and private organizations, associations, and citizens interested in juvenile justice,  
13 delinquency prevention and children's rights. The majority of the Advisory Committee shall  
14 be private citizens and at least three members of the Advisory Committee, including the  
15 Chairman, and two other private citizens shall also be members of the Board. The Advisory  
16 Committee shall have the following specific duties and responsibilities:

17 1. To review the operation of the juvenile justice system in the Commonwealth,  
18 including facilities and programs, and prepare appropriate reports;

19 2. To review statewide plans, conduct studies, and make recommendations on needs and  
20 priorities for the development and improvement of the juvenile justice system in the  
21 Commonwealth; and

22 3. To advise on all matters related to the federal Juvenile Justice and Delinquency  
23 Prevention Act of 1974 (P.L. 93-415, as amended), and recommend such actions on behalf  
24 of the Commonwealth as may seem desirable to secure benefits of that or other federal  
25 programs for delinquency prevention or the administration of juvenile justice ; and

26 4. *To advise on all matters related to the Court-Appointed Special Advocate Program*  
27 *(§ 9-173.6 et seq.) and recommend such actions as may seem desirable with respect to*  
28 *such program.*

29 Each administrative entity or collegial body within the executive branch of the state  
30 government as may be requested to do so shall cooperate with the Advisory Committee as  
31 it carries out its responsibilities.

32 C. The members of the Board and Advisory Committee appointed by the Governor shall  
33 serve for terms of four years, provided that no member shall serve beyond the time when  
34 he holds the office or employment by reason of which he was initially eligible for  
35 appointment. Appointed members of the Board and Advisory Committee shall not be  
36 eligible to serve as such for more than two consecutive full terms. Three or more years  
37 within a four-year period shall be deemed a full term. Any vacancy on the Board and  
38 Advisory Committee shall be filled in the same manner as the original appointment, but for  
39 the unexpired term.

40 D. The Governor shall appoint a Chairman of the Board and a Chairman of the  
41 Advisory Committee, and the Board shall designate one or more vice-chairmen from among  
42 its members, who shall serve at the pleasure of the Board.

43 E. Notwithstanding any provision of any statute, ordinance, local law, or charter  
44 provision to the contrary, membership on the Board shall not disqualify any member from  
45 holding any other public office or employment, or cause the forfeiture thereof.

46 F. Members of the Board and Advisory Committee shall be entitled to receive  
47 reimbursement for any actual expenses incurred as a necessary incident to such service  
48 and to receive such compensation as is provided in § 2.1-20.3.

49 G. The Board and Advisory Committee shall each hold no less than four regular  
50 meetings a year. Subject to the requirements of this subsection, the respective Chairman  
51 shall fix the times and places of meetings, either on his own motion or upon written  
52 request of any five members of the Board or Advisory Committee.

53 H. [Repealed.]

54 I. The Board and Advisory Committee may adopt bylaws for their operation.

**Article 1.4.*****Court-Appointed Special Advocate Program.***

**§ 9-173.6. Established; powers of Director.—A.** *There is hereby established a Court-Appointed Special Advocate Program, hereinafter referred to as the Program. The Program shall be administered by the Department of Criminal Justice Services. The Program shall provide services in accordance with this article to children involved in judicial proceedings and for whom the judge determines such services are appropriate. The Department shall promulgate regulations necessary and appropriate for the administration of the Program.*

**B.** *The Director of the Department is authorized to employ such personnel, establish such offices, acquire such equipment, and use such available equipment as shall be necessary to carry out the purposes of this article.*

**§ 9-173.7. Local court-appointed special advocate programs; program director; powers and duties.—A.** *The Department shall provide a portion of such funding as shall be appropriated for this purpose to applicants seeking to establish and operate a local court-appointed special advocate program in their respective judicial districts. The Department shall issue regulations governing selection of recipients of such funds and the amount of funding to be provided. Only local programs operated in accordance with this article shall be eligible to receive such state funds.*

**B.** *Each local program shall employ a program director whose duties include but are not limited to the following:*

**1.** *Conducting the recruitment, screening, training, and supervision of program volunteers.*

**2.** *Developing procedures for maintaining case records.*

**3.** *Developing procedures for maintaining management information systems.*

**4.** *Serving as a professional liaison to personnel of the court and of agencies serving children.*

**5.** *Planning program growth and development, such planning to include development of special projects, budgets, and annual work plans; analysis of trends in program services; and the seeking and procurement of funds from public and private sources.*

**6.** *Representing the program to community organizations addressing child welfare issues.*

**7.** *Assigning a court-appointed special advocate to each case as requested by the court.*

*As appropriate, the program director may delegate duties to a staff member designated as a volunteer coordinator.*

**§ 9-173.8. Volunteer court-appointed special advocates; powers and duties; assignment; qualifications; training.—A.** *Services in each local court-appointed special advocate program shall be provided by volunteer court-appointed special advocates, hereinafter referred to as advocates. The advocate's duties shall include:*

**1.** *Investigation of the case to which he is assigned to provide independent factual information to the court. Such investigation shall include interviewing and observing the child and other appropriate individuals and reviewing appropriate records and reports.*

**2.** *Submission to the court of a written report of such investigation in compliance with the provisions of § 16.1-274. Such report may include recommendations as to the child's welfare.*

**3.** *Assisting the guardian ad litem appointed to represent the child in providing effective representation of the child's needs and best interests.*

**4.** *Monitoring the case to which he is assigned to ensure compliance with the court's orders.*

*The advocate is not a party to the case to which he is assigned and shall not call witnesses or examine witnesses. The advocate shall not, with respect to the case to which he is assigned, provide legal counsel or advice to any person, appear as counsel in court or in proceedings which are part of the judicial process, or engage in the unauthorized practice of law. The advocate may testify if called as a witness.*

*B. The program director shall assign an advocate to a child when requested to do so by the judge of the juvenile and domestic relations district court having jurisdiction over the proceedings. The advocate shall continue his association with each case to which he is assigned until relieved of his duties by the court or by the program director.*

*C. The Department shall promulgate regulations governing the qualifications of advocates. Such regulations shall provide for screening of applicants through personal interviews and review of references and criminal records. Such regulations shall require that advocates be at least twenty-one years of age and successfully complete a prescribed training program. Each applicant shall provide, at his own cost, (i) a copy of his criminal history record or certification that no conviction data is maintained on him, in accordance with § 19.2-389 and (ii) a copy of information from the central registry maintained pursuant to § 63.1-248.8 on any investigation of child abuse or neglect undertaken on him or certification that no such record is maintained on him. Advocates selected prior to the promulgation of regulations governing qualifications shall meet the minimum requirements as set forth in this article and in regulation.*

*D. An advocate shall have no associations which create a conflict of interests or the appearance of such a conflict with his duties as an advocate. No advocate shall be assigned to a case of a child whose family has a professional or personal relationship with the advocate.*

*E. All volunteers shall successfully complete a training program prior to assignment to a case and shall participate in ongoing training. The Department shall promulgate regulations governing the training of advocates. Regulations shall provide for a curriculum which includes but is not limited to instruction on the juvenile justice and social service systems, the role and duties of advocates, child development, dynamics of child abuse and neglect and dysfunctional families, law governing adjudication of child abuse and neglect, and interviewing techniques.*

*F. The Department of Volunteerism shall advise the Department on the recruitment, screening, training, utilization, and supervision of advocates.*

*§ 9-173.9. Notice of hearings and proceedings.—Provisions of § 16.1-264 regarding notice to parties shall apply to ensure that the advocate is notified of hearings and other proceedings concerning the case to which he is assigned.*

*§ 9-173.10. Immunity.—Staff of or volunteers participating in a program, whether compensated or not, shall be subject to personal liability while acting within the scope of their duties only for gross negligence or intentional misconduct.*

*§ 9-173.11. Confidentiality of records and information.—An advocate shall not disclose the contents of any document or record to which he might become privy, which is otherwise confidential pursuant to the provisions of this Code, except upon order of a court of competent jurisdiction.*

*§ 9-173.12. Inspection of records; copies.—Upon presentation by the advocate of the order of his appointment and upon specific court order, any state or local agency, department, authority, or institution, and any hospital, school, physician, or other health or mental health care provider shall permit the advocate to inspect and copy, without the consent of the child or his parents, any records relating to the child involved in the case.*

*§ 9-173.13. Cooperation of state and local entities.—All state and local departments, agencies, authorities, and institutions shall cooperate with the Department and with each local court-appointed special advocate program to facilitate its implementation of the Program.*

*§ 16.1-274. Time for filing of reports; copies furnished to attorneys; amended reports; fees.—A. Whenever any court directs an investigation pursuant to § 16.1-237 A or § 16.1-273, or 9-173.8 or an evaluation pursuant to § 16.1-279 C1, the probation officer, court-appointed special advocate, or other agency conducting such investigation shall file such report with the clerk of the court directing the investigation. The clerk shall furnish a copy of such report to all attorneys representing parties in the matter before the court no later than seventy-two hours, and in cases of child custody, five days, prior to the time set*

1 by the court for hearing the matter. If such probation officer or other agency discovers  
 2 additional information or a change in circumstance after the filing of the report, an  
 3 amended report shall be filed forthwith and a copy sent to each person who received a  
 4 copy of the original report. Whenever such a report is not filed or an amended report is  
 5 filed, the court shall grant such continuance of the proceedings as justice requires. All  
 6 attorneys receiving such report or amended report shall return such to the clerk upon the  
 7 conclusion of the hearing and shall not make copies of such report or amended report or  
 8 any portion thereof.

9 B. Notwithstanding the provisions of §§ 14.1-112, 14.1-113 , and 14.1-125, when the court  
 10 directs the appropriate department of social services to conduct an investigation pursuant to  
 11 § 16.1-273 in adjudicating matters involving a child's custody, visitation , or support, the  
 12 court may assess a fee against the petitioner, the respondent , or both, in accordance with  
 13 regulations and fee schedules established by the State Board of Social Services. The State  
 14 Board of Social Services shall establish regulations and fee schedules, which shall include  
 15 (i) standards for determining the paying party's or parties' ability to pay and (ii) a scale  
 16 of fees based on the paying party's or parties' income and family size and the actual  
 17 statewide average cost of the services provided. The fee charged shall not exceed the  
 18 actual cost of the service. The fee shall be paid as prescribed by the court to the  
 19 department of social services which performed the service, unless payment is waived.

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