

CHAPTER 2



GUIDING DOCUMENTS

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Introduction

The objective of Court Rules and Quality Assurance Standards is to set a minimum performance standard, ensuring consistent, quality advocacy for our most vulnerable children. Those items that are mentioned in either Court Rules, National CASA standards or CASANYS standards are concrete. The court rules set forth the conditions under which local Family Court judges may appoint a CASA volunteer to a case; per those rules, local CASA programs must comply with the specifics of the court rules in order to be eligible for appointment. Standards strengthen programs by providing a benchmark of quality which may provide funders with confidence in the programs in which they choose to invest.

National CASA Quality Assurance Standards state:

Standard 1.B.1. “The CASA program has been granted the legal authority to operate through state or local statutes, executive or judicial order or court rules.” *then . . .*

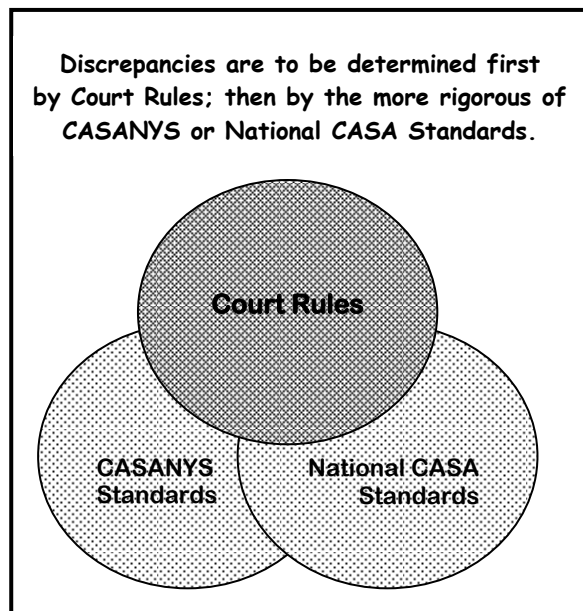
Standard 5.A.1. “The CASA program complies with all state laws, regulations, administrative and court rules.” *and . . .*

Standard 5.A.3. “The CASA program complies with state standards.” *and . . .*

Standard 5.A.4. “The CASA program acts in a manner consistent with any agreements made with the state organization.”

Thus, in order to comply with National CASA Quality Assurance Standards and remain (or become) a CASA program in good standing and use the trademark CASA name, a CASA program must first and foremost comply with the Court Rules of the Chief (and Administrative Chief) Judge of New York State; *and* with standards of CASA: Advocates for Children of New York State for local programs. Discrepancies are to be determined first by Court Rules; then by the more rigorous of CASANYS or National CASA Standards.

You will note there are areas where the guiding documents stand alone (being the only document specifically addressing that issue); or they may overlap with one, the other, or both.



The Court Rules set forth the conditions under which local Family Court judges may appoint a CASA program to a case. According to those rules, local CASA programs must comply with the Court Rules and Regulations promulgated by the Chief Administrator of the Courts (Part 117), in order to be eligible for appointment.

In an effort to clarify compliance with these three guiding documents, we offer the highlights beginning on Page 71. Please note that these are only highlighted issues of expanded specificity or discrepancy. National CASA Standards are quite extensive (see pages 11-59) and not all issues are discussed in these highlights.



RULES OF THE CHIEF JUDGE COURT APPOINTED SPECIAL ADVOCATES PROGRAMS

PART 43. COURT APPOINTED SPECIAL ADVOCATES PROGRAMS

Added February 16, 2006

§43.0. General. Recognizing the vital role that a Court Appointed Special Advocates program (“CASA program”) can perform in aiding Family Court efforts to further the health, safety and well-being of children, and the need to insure that each such program has adequate resources, this rule is promulgated to standardize use of CASA programs in the courts of this State and to establish a program of State assistance under the direction of the Chief Administrator of the Courts. For purposes of this rule, a CASA program shall mean a not-for-profit corporation affiliated with, and in compliance with, the standards set forth by the National and New York State Court Appointed Special Advocates Associations.

§43.1. Use of CASA programs. A CASA program may be appointed by Family Court in its discretion to provide assistance to the Court in cases regarding children in or at risk of out-of-home placement. The CASA program is not a party to the proceeding. To be eligible for such appointment, a program must meet regulations promulgated by the Chief Administrator of the Courts. Such regulations shall insure that each CASA program is capable of regularly providing thorough information about the health, safety, well-being and permanency plans of children and their families to the Court, the parties and law guardian; monitoring Family Court orders; meeting with children in the presence of, or with the consent of, their law guardians or as directed by the Family Court; working with legal and service providers assigned to their cases to facilitate collaborative solutions; and helping to promptly secure safe, stable homes and nurturing families for children so that they may thrive.

§43.2. State assistance. The Chief Administrator of the Courts may by rule establish a program for the provision of grants of State assistance to individual CASA programs within appropriations annually made available to the Judiciary.



RULES OF THE CHIEF ADMINISTRATOR COURT APPOINTED SPECIAL ADVOCATES PROGRAMS

PART 117. COURT APPOINTED SPECIAL ADVOCATES PROGRAMS

Added February 28, 2006

§117.0 General.

In order to be eligible for appointment by a Family Court to assist the Court, a CASA program must be in compliance with the provisions of section 117.2 of this Part.

§ 117.1 Definitions.

- (a) "CASA program" means a Court Appointed Special Advocate program structured and administered as provided herein.
- (b) "Grant recipient" means any organization receiving funds pursuant to this Part.
- (c) "Chief Administrator" means the Chief Administrator of the Courts or his or her designee.

§117.2 Program Requirements.

(a) Structure. A CASA program shall be a not-for-profit corporation affiliated with, and in compliance with, the standards set forth by the National and New York State CASA Associations. Such a program may be part of a legally incorporated not-for-profit organization or be incorporated (or in the process of being incorporated) as a free-standing not-for-profit organization.

(b) Administration.

(1) Each CASA program shall be governed by a board of directors, which hires and supervises the program's executive director and maintains legal and fiduciary responsibility for the program. The board shall meet a minimum of four times per year. All board members shall receive board training within six months of appointment, be apprised of all duties and responsibilities, sign written conflict of interest statements, and be guided by written bylaws approved by the full board. The board shall develop a written mission statement and shall implement a strategic plan to further its mission.

(2) Each CASA program housed within a multi-program not-for-profit agency shall have an advisory committee with sole responsibility for monitoring such program. A member of the advisory committee shall serve on the not-for-profit agency's board of directors.

(c) Record-keeping. Each CASA program shall have in written form the following:

- (1) Goals, objectives, policies, and procedures, including personnel policies, ethics and conflict of interest policies for staff, volunteers and board members;
- (2) Staff and volunteer job descriptions, qualification and evaluation forms;
- (3) Approved training curricula for a minimum of 30 hours of pre-service and 12 hours of annual in-service training;
- (4) A volunteer recruitment plan that encourages diversity of volunteers and that provides for the screening of volunteers;
- (5) A plan for the support and supervision of volunteers by qualified and trained supervisory staff;
- (6) Guidelines for record-keeping and data collection, including provisions for confidentiality of print and electronic files both at the program's main office and in all off-site locations in conformity with subdivision (d) of this section;
- (7) A resource development plan and, with respect to a CASA program housed within a multi-program not-for-profit organization, a fund-raising protocol outlining responsibilities;
- (8) Rules for staff and volunteers prohibiting ex parte communications with the Court and with represented parties except with the consent of or in the presence of such parties' attorneys;
- (9) A current program budget containing expenditure and income projections and the sources and amounts of income from each source; and
- (10) Internal financial control procedures.

(d) Confidentiality of Records. Each CASA program shall safeguard the confidentiality of all information and material in accordance with applicable state and federal laws, rules and regulations, including, but not limited to, court records and social services, health, educational, drug treatment and other records obtained from other agencies. Each CASA program shall ensure that all of its board members, officers, employees and volunteers are trained in, and comply with, these confidentiality requirements.

(e) Reporting. Each CASA program shall report annually and throughout the year on the operation of the program as directed by the Chief Administrator.

(f) Legal consultation. Each CASA program shall ensure that an attorney is available to provide its executive director and members of its board with legal consultation in matters regarding administration of the program.

(g) Liability protection. Each CASA program shall have liability protection for its Board, staff and volunteers and follow standards set by the New York State and National CASA Associations for participation in continual quality improvement.

(h) Screening Procedure for staff and volunteers. Each CASA program shall have a written screening procedure, approved by the local board and the Chief Administrator, for staff and volunteers and appropriate program responses to information obtained from the screening process. The procedure shall address at a minimum the following: written applications for volunteers and staff, screening by the New York State Central Register for child abuse and maltreatment, a criminal history records search, and personal interviews by the program director or other designated staff. Screening shall be accomplished pursuant to prescribed mechanisms

established by the Chief Administrator in conjunction with the New York State Office of Children and Family Services.

(i) Eligibility for appointment to assist in Family Court cases. In order to be eligible for appointment by the Family Court to provide assistance in cases, a CASA program shall, in addition to complying with this Part, comply with all statutes, and with all other court rules and standards adopted by the Chief Administrator.

§117.3 CASA Assistance Program.

(a) Funding. This section establishes a program for the provision of grants of state assistance to individual CASA programs, which shall be known as the CASA Assistance Program. This Program shall be administered by the Chief Administrator in order to disburse funds appropriated by the New York State Legislature, as well as funds received by the Unified Court System from any public or private agency or person, including the Federal government, to be used to assist CASA programs designated by a Family Court to assist the Court. Payment of funds pursuant to this section shall be made pursuant to contract entered into between the Unified Court System and the grant recipient.

(b) Application procedures. No CASA Assistance Program grant funds may be disbursed to any CASA program unless the Chief Administrator first approves an application as provided hereunder.

(1) Who may apply. To be eligible for funding pursuant to this section, a CASA program shall comply with the provisions of section 117.2 of this Part and it shall:

- (i) provide services without cost to the children and families served; and
- (ii) whenever reasonably possible, make use of public facilities at free or nominal cost.

(2) When and where to apply. To be eligible for funding pursuant to this section, the CASA program or the not-for-profit corporation of which it is a part must file its application with the Chief Administrator at such time as directed by the Chief Administrator.

(3) Contents of application. Each application for grant funding filed with the Chief Administrator pursuant to this section shall be in such form as the Chief Administrator shall prescribe and shall include, at a minimum, the following:

- (i) a specification of the amount of funding sought;
- (ii) a detailed description of the purpose or purposes to which the funding will be applied and the administrative capacity of the applicant to operate the program;
- (iii) a detailed description of the CASA program or programs that will benefit from the funding, including information as to numbers of staff and volunteers; qualifications, professional and employment backgrounds and education level of all staff and volunteers; caseload to be served in each county covered by the application; budget; availability of space and other operational support; facilities needs; information about the county or counties served; and the child protective and foster care populations in each county;

(iv) information concerning financial requirements, current available and anticipated resources, other sources of funding, from both private and government sources, and past applications for funding, if any.

(v) descriptions of: the past history, if any, of the CASA program to benefit from the funding sought, including such information concerning the program as may be specified by the Chief Administrator; the program's area of service; its staff; its sources of funding; its expenditures; and the number and types of Family Court proceedings in which the program has provided assistance and the results of that assistance; and

(vi) such other information as may be required by the Chief Administrator.

The Chief Administrator may, at any time following the filing of an application for funding, request that an applicant or applicants furnish additional information or documentation to support the application.

(c) Review of applications and approval of funding. In reviewing an application for funding pursuant to this section, the Chief Administrator shall consider the following factors, among others, in connection with the CASA program on whose behalf the application is made:

(1) the need for the program in the county or counties to be served;

(2) the structure and scope of the program;

(3) the program's caseload and the level of support for a CASA program or programs within the community to be served;

(4) the cost of operation;

(5) the capacity of the applicant to administer the program;

(6) the extent to which the program complies with the provisions of section 117.2 of this Part; and

(7) any other considerations that may affect the provision of CASA services.

An applicant for funding may be rejected if the Chief Administrator determines that the CASA program on whose behalf the application is made will be unable to comply with any of the requirements set forth in this Part. Nothing herein shall require the Chief Administrator to approve funding for any applicant.

(d) Program Review and Evaluation. The Chief Administrator shall monitor and evaluate each CASA program receiving funds pursuant to this section.

(1) Program Reports. Each CASA program receiving funding pursuant to this section shall provide the Chief Administrator with periodic reports summarizing its activities in a manner prescribed by the Chief Administrator. The reports shall include information as to:

(i) the amount of, and purposes for which, all funds received pursuant to this Part were expended;

(ii) the number and type of appointments by the Family Court and the nature of the assistance provided; and

(iii) any other matters as required by the Chief Administrator.

(2) Access to CASA Program Records. The State Comptroller and Chief Administrator shall be given complete access to inspect the program operations and financial records of any recipient of funding under this section at any time in order to determine whether the CASA program that benefits from such funding is complying with its contract, all court rules and all applicable federal, State and local laws and regulations.

(3) Rescission of Contract. Where the Chief Administrator determines that a CASA program that benefits from funding hereunder is not adequately meeting its responsibilities, is the subject of a bankruptcy or insolvency filing or is in violation of any provision of this Part or of any other rules, regulations or statutes, the Chief Administrator may rescind the contract for such funding forthwith. In other circumstances, the Chief Administrator may rescind the contract for funding upon 30 days' written notice to the program. A CASA program recipient may rescind the contract for funding upon 60 days' written notice to the Chief Administrator.

(e) Records Retention. Each CASA program that receives funding pursuant to this Part shall retain:

(1) all financial records for a minimum of four years after the expiration of the contract entered into with the Unified Court System for such funding pursuant to this Part.

(2) individual case files until the youngest child in the family in the case reaches the age of 18 or, if the child remains in foster care, until the child reaches 21.

(3) a fact sheet or summary of each case from which the program may compile the information required for purposes of program evaluation for a period of six years after termination of such case.

No other time requirements for records retention shall apply unless otherwise contracted by the parties, directed by the Family Court or required by statute, rule or regulation.



UNIFORM RULES FOR THE FAMILY COURT

Part 205 - Section 205.05 Privacy of Family Court records.

Subject to limitations and procedures set by statute and case law, the following shall be permitted access to the pleadings, legal papers formally filed in a proceeding, findings, decisions and orders and, subject to the provisions of CPLR 8002, transcribed minutes of any hearing held in the proceeding:

- (a) the petitioner, presentment agency and adult respondent in the Family Court proceeding and their attorneys;
- (b) when a child is either a party to, or the child's custody may be affected by, the proceeding:
 - (1) the parents or persons legally responsible for the care of that child and their attorneys;
 - (2) the guardian, guardian ad litem and law guardian or attorney for that child;
 - (3) an authorized representative of the child protective agency involved in the proceeding or the probation service;
 - (4) an agency to which custody has been granted by an order of the Family Court and its attorney;
 - (5) an authorized employee or volunteer of a Court Appointed Special Advocate program appointed by the Family Court to assist in the child's case in accordance with Part 43 of the Rules of the Chief Judge.
- (c) a representative of the State Commission on Judicial Conduct, upon application to the appropriate Deputy Chief Administrator, or his or her designee, containing an affirmation that the commission is inquiring into a complaint under article 2-A of the Judiciary Law, and that the inquiry is subject to the confidentiality provisions of said article;
- (d) in proceedings under articles 4, 5, 6 and 8 of the Family Court Act in which temporary or final orders of protection have been issued:
 - (1) where a related criminal action may, but has not yet been commenced, a prosecutor upon affirmation that such records are necessary to conduct an investigation of prosecution; and
 - (2) where a related criminal action has been commenced, a prosecutor or defense attorney in accordance with procedures set forth in the Criminal Procedure Law provided, however, that prosecutors may request transcripts of Family Court proceedings in accordance with section 815 of the Family Court Act, and provided further that any records or information disclosed pursuant to this subdivision must be retained as confidential and may not be redisclosed except as necessary for such investigation or use in the criminal action; and

(e) another court when necessary for a pending proceeding involving one or more parties or children who are or were the parties in, or subjects of, a proceeding in the Family Court pursuant to article 4, 5, 6, 8 or 10 of the Family Court Act. Only certified copies of pleadings and orders in, as well as information regarding the status of, such Family Court proceeding may be transmitted without court order pursuant to this section. Any information or records disclosed pursuant to this subdivision may not be redisclosed except as necessary to the pending proceeding.

Where the Family Court has authorized that the address of a party or child be kept confidential in accordance with Family Court Act, section 154-b(2), any record or document disclosed pursuant to this section shall have such address redacted or otherwise safeguarded.

NATIONAL CASA ASSOCIATION STANDARDS FOR LOCAL PROGRAMS

CASA: ADVOCATES FOR CHILDREN OF NEW YORK STATE PROGRAM STANDARDS for LOCAL AFFILIATES (revised)

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Introduction

CASA: Advocates for Children of New York State (formerly, the New York State CASA Association, Inc.) is guided by the following values and principles:

Mission Statement

The mission of CASA: Advocates for Children of New York State is to promote and support trained community volunteer advocacy programs that assist Family Courts in making crucial decisions affecting children.

Vision Statement

- ♥ We believe that all children have a right to a safe and permanent home.
- ♥ We believe that all children deserve the support and involvement of their community when their safety is at risk or their permanency is jeopardized.

Methods Statement

- ♥ CASA: Advocates for Children of New York State supports local CASA programs by providing training, technical assistance, information, and support.
- ♥ CASA: Advocates for Children of New York State promotes and assists in the development of new CASA programs throughout the state.
- ♥ CASA: Advocates for Children of New York State formulates and delivers regional and statewide training programs addressing the needs of CASA directors and volunteers and related service delivery agencies, continuing to improve the quality of CASA services statewide.

- ♥ CASA: Advocates for Children of New York State provides a voice for children among the public and its representatives.

What is a CASA affiliate?

- ♥ A local affiliate of CASA: Advocates for Children of New York State is one which has completed comprehensive planning for, and implementation of, a program embodying the above statement of purpose
- ♥ has legal authority to carry out the program
- ♥ has the recognition and support of the Court(s) in which its volunteers serve
- ♥ has agreed to abide by the Standards and Rules of the National and New York State CASA associations
- ♥ has obtained recognition by the National CASA Association as a provisional or full member

The Standards of CASA: Advocates for Children of New York State (CASANYs) are set forth below.

A. LOCAL AFFILIATE STRUCTURE

1. A CASA program should operate under the auspices of the state or local government, or a not-for-profit organization; or be incorporated (or in the process of incorporating) as a not-for-profit organization.
2. A CASA program should have an Advisory Board and/or Board of Directors. The Board should represent a cross section of the community, including but not limited to, representatives of the judiciary, local social services departments, human service agencies, attorneys, volunteers, and the business and philanthropic community.
3. Each program should have in written form the following:
 - a. Goals, objectives, policies, and procedures
 - b. Staff and volunteer job descriptions
 - c. Staff and volunteer evaluation forms
 - d. Approved training curriculum
 - e. In-service training program
 - f. Volunteer recruitment plan, which encourages diversity of volunteers, and which provides for the screening of volunteers
 - g. Plan for support and supervision of volunteers
 - h. Guidelines for record-keeping and data collection including use of COMET
 - i. Funding plans, if appropriate
 - j. Appropriate personnel policies
 - k. Appropriate conflict of interest policy for staff, volunteers and Board

B. VOLUNTEERS

1. **Qualifications:**
 - a. Volunteers should be at least 21 years of age and possess good judgment, maturity, good communication skills, a high degree of responsibility, and the time to speak for the best interests of a child. However, volunteers may be

considered between the ages of 18 years and 21 years based on individualized circumstances, for example, when local programs utilize college students for internships.

- b. The volunteer should have the ability to relate to people from all walks of life. A background in human services, education, or psychology is helpful but not essential.
- c. Volunteer must complete the screening process that includes a written application, a personal interview, a review of all references, as well as the training program.

2. **Role and Responsibilities:**

The CASA volunteer is an individual who has been screened and trained by a CASA program, and who has been appointed by a Judge to assist the court with children who have come before the court primarily as a result of abuse and/or neglect, or a voluntary placement agreement.

- a. The CASA volunteer should observe strict confidentiality of all case information.
- b. The CASA volunteer shall review court records and may review the Department of Social Services case records to determine if a permanency plan has been developed for the child, and if the appropriate services mandated by the court are being provided to the child and family. The volunteer should facilitate a working relationship among all service providers to insure the provision of services to the child and/or family.
- c. The CASA volunteer should meet with the child when necessary to determine if the child's essential needs are being met, and if the Judges orders are being complied with, after consultation with the Law Guardian and social services caseworker.
- d. To determine the facts of the case, the CASA volunteer should also interview other parties involved in the case, including social service caseworkers, as well as teachers, therapists, parents, foster parents, other family members, etc.
- e. The CASA volunteer shall not initiate ex parte communications with the court concerning active cases and in all other respects shall adhere to the rules of the court.
- f. Each volunteer should maintain complete, accurate, and written records for documentation of case information.
- g. To assure that a child's best interests are being represented, volunteers are to appear at all hearings, meetings, and conferences that involve the child. CASA staff or another volunteer may substitute for the assigned volunteer.
- h. The CASA volunteer presents the court with a confidential, written report when ordered by the court, or when deemed appropriate by the program director. Copies of CASA reports shall be given to all parties involved in the proceeding.
- i. The volunteer is to report any observed incidents of child abuse and/or neglect to the CASA Director or supervisor, and to the appropriate authorities.
- j. The CASA volunteer should not become inappropriately involved in a case by engaging in activities which jeopardize the safety of the child, the integrity of the program, or the objectivity of the volunteer; or activities which are likely to result in conflict of interest or expose the program or the volunteer to criminal or civil liability.
- k. A CASA volunteer should not be related to any parties or attorneys involved in the case, or be employed in a position and/or agency that might result in a conflict of interest.

- l. There may be reimbursement of expenses incurred in the performance of the CASA duties in accordance with the resources and policy of each individual CASA program.
- m. A CASA volunteer must refer all inquiries from the media (print, radio, television, internet) about the CASA program, a pending case, or a closed case to the program director.
- n. A CASA volunteer remains actively involved in the case until released by the Court, or until the case assignment is complete.

3. **Screening**

All programs must have a written clearance procedure, approved by the local board, and filed with the State Association. The procedure should include but not be limited to the following:

- a. Potential volunteers must complete a written application, which includes educational background, employment history, personal experience with children, at least two references (non-family), and a release of information for appropriate law enforcement checks.
- b. All potential volunteers should be cleared by the New York State Central Register for Child Abuse and Neglect or other appropriate procedure approved by the local board.
- c. Director, or designated staff, will conduct a personal interview to further determine the appropriateness of the volunteer to be in the program.
- d. A criminal records check should be conducted for each volunteer.
- e. After the volunteer has completed the training a second interview should be held to discuss the suitability of the volunteer for the program and any other concerns the volunteer might have about the CASA program. Any volunteers found to be unsuited to the program should be referred to alternate volunteer opportunities.

4. **Training:**

Volunteers should receive a minimum of 30 hours of training using the National CASA Training Curriculum, CASANYS Addendum, and local information.

- a. Topics to be covered in the training should include:
 - i. Applicable state and federal laws and regulations
 - ii. Roles and responsibilities of CASA volunteer
 - iii. Confidentiality
 - iv. Review of the responsibilities of the local DSS and, where applicable, private agencies in relation to child protective services, preventative care, foster care, and adoption
 - v. Review of court system, including the roles of attorneys, judges, caseworkers, and other agencies
 - vi. Dynamics of child abuse and neglect, and domestic violence
 - vii. Child development, including attachment and separation
 - viii. Cultural awareness and diversity
 - ix. Permanency planning
 - x. Interviewing and report writing
 - xi. Advocacy
 - xii. Resources in the community

- b. Training should also include at least six hours of observation in the courtroom, when approved by the judge.
- c. Each training participant should receive the following:
 - i. Copies of pertinent laws, regulations, and policies
 - ii. A “Statement of Commitment” from clearly defining the minimum expectations of a trained volunteer
 - iii. A CASA training manual
- d. Training should be done by program staff, attorneys, judges, DSS representatives, private agency representatives, and other qualified volunteers from the community.
- e. Director, or designated staff, should provide ongoing training for attorneys, private agencies, and DSS caseworkers on the CASA program.
- f. In-Service training for volunteers should be held at least eight times a year. Volunteers should attend a minimum of six sessions to maintain their volunteer status. The in-service should cover a broad spectrum of the child welfare system with topics that expand and reinforce the initial training topics. Presenters from the community should be utilized as often as possible.

5. **Selection and Appointment:**

- a. Volunteers are sworn-in by the Judges to observe strict confidentiality with all information received in their capacity as CASA volunteers.
- b. All case referrals should be made to the Agency by an appropriate order of the Court; the Staff Director should promptly assign an appropriate volunteer.
- c. Directors should be conscious of the ethnic, cultural, and religious background of a child when assigning a volunteer to a specific case, selecting a volunteer who has the experience, understanding, and skills to deal with the child’s situation.

6. **Termination/Discharge:**

- a. The Staff Director may, pursuant to procedures approved by the local Board, terminate or discharge a volunteer. Appropriate grounds for termination or discharge are:
 - i. Volunteer takes action without the court’s or Director’s approval, or which endangers the child, or which is outside the role or responsibility of the CASA program.
 - ii. Volunteer violates a program policy, court rule, or law.
 - iii. Volunteer demonstrates an inability to effectively carry out CASA duties.
 - iv. Volunteer fails to complete the required on-going training.
 - v. Volunteer falsifies the application or misrepresents the facts during the screening process.
- b. The local Board should develop a written procedure for the settlement of a grievance of a volunteer who is subject to termination or discharge.

C. PROGRAM OPERATIONS

1. STAFF DIRECTOR

a. Qualifications

- i. Director should have an MSW or a law degree, or a BS or BA degree (preferably in Social Services), PLUS experience in child welfare, family law, or related human services. Life experience may be substituted for the educational requirement, but work experience must be related to child welfare, family law, or related human services.
- ii. Director should have a familiarity of the court system and the delivery of social services within the community.

b. Job Description and Responsibilities:

- i. Each CASA program shall have a Director, chosen by the governing body, paid or volunteer, who is responsible, directly or indirectly, for the following:
 - A) Recruitment and screening of volunteers
 - B) Training of volunteers and the development of the training curriculum
 - C) Supervision of volunteers, including frequent case conferences to review the progress of the case
 - D) Providing each CASA volunteer with appropriate documents identifying him/her as a CASA volunteer
 - E) Reviewing volunteer's reports to court to determine facts of case and to review volunteer's concerns and/or recommendations, as requested by the court
 - F) Keeping copies of reports given to the court as well as correspondence concerning cases, and notes of consultations with volunteer and/or other parties involved
 - G) Conduct annual evaluations of the volunteers' performance and effectiveness, including comments from the Judges and other agencies, when possible
 - H) Program administration
 - I) Public relations
 - J) Fund raising, if necessary
 - K) Participate in State and National CASA Associations
 - L) Data collection
 - M) Availability of reference materials including current statutes and regulations in the foster care area
 - N) Remaining current with statutory changes, research findings in areas related to child welfare services and new developments in child/family treatment and casework practices.
- ii. Director should practice on-going volunteer recognition through written and verbal acknowledgement at In-Service programs, in program newsletters, and in the media.
- iii. Director should provide volunteers with written copies of program policies, practices, and procedures.
- iv.

2. **PROCEDURES**

- a. The CASA Director and/or the court should notify all parties, attorneys, and involved agencies of the CASA volunteer's appointment. The CASA Director, or the volunteer, should contact the attorneys and request permission to speak with their client.
- b. CASA programs should keep detailed data on children/cases assigned. Data should include, but not be limited to:
 - i. Number of children/cases served per year, and to date
 - ii. Number of children/cases assigned by judges per year
 - iii. Demographic information about children served (age, ethnicity, sex)
 - iv. Types of cases assigned to program
 - v. Number of volunteers assigned to cases per year, and number of volunteer hours per year
 - vi. Number of cases closed per year, to date, and case outcomes
 - vii. Length of time child in foster care
 1. prior to CASA involvement
 2. during CASA involvement
 - viii. Any other data required by the funding sources of the program.
- c. Individual files should be maintained on assigned cases to assure that reviews, extension, and reports by appropriate agencies are filed when required by law. Court dates should also be included to assure that CASA reports are prepared on time.
- d. When possible, CASA programs should have an office in the court building with a locked cabinet for CASA files. If the office is located elsewhere, a policy must be developed for the security of case material that may be developed. **ANY CASA RECORDS KEPT OUTSIDE THE COURT BUILDING MUST BE IN A LOCKED FILE.**
- e. CASA case records and reports may be taken from the CASA office only with the Program Director's expressed permission.
- f. When case materials must be transported by staff and/or volunteers, all appropriate precautions should be taken to protect the confidentiality of the material.
- g. CASA programs must have written procedures for addressing situations, which may occur outside of business hours, and for reporting to the court and/or the appropriate agencies situations, which the CASA volunteer believes to be dangerous for the child.
- h. CASA programs should prepare an annual report, including, but not limited to the number of active volunteers, number of hours provided by volunteers, number of children/cases served, and achievement of goals and objectives. This report should be distributed to CASANYS, funding sources, and the community.
- i. A CASA program should have liability protection for staff and volunteers through the court, state statute, or private coverage and follow standards set by NCASSAA for participation in continual quality improvement.

D. CONFLICT OF INTEREST

The policy adopted by a local Board shall, at a minimum, include the following criteria:

1. Staff, volunteers and members of the local Board shall refrain from positions or activities which present a conflict of interest, or the appearance of a conflict, and shall not use their relationships with CASA for personal or professional gain.
2. In the event a staff member or volunteer is presented with a *potential* conflict of interest, this should be disclosed to the staff director as soon as possible, and the staff director should instruct the individual as to an appropriate response.
3. A member of the Board should disclose any conflict or potential conflict of interest to the President before any Board discussion of the matter, or as soon as possible. A member with a potential conflict may participate in the discussion, but should not vote on the matter; a member who needs to abstain from voting should be excused before the vote, unless asked to remain by a majority of those present.

E. DEVELOPMENT/FUND-RAISING

CASA: Advocates for Children of New York State Development Policy

The following principles will guide development/fund-raising efforts by CASANYS and local CASA programs:

1. Fund-raising is essential to support the efforts of CASA at national, state, and local levels.
2. CASANYS and local CASA programs will not, to the best of their ability, undertake any activity that undermines the financial resources of another local CASA program, the State Association, or the State Association's efforts to secure statewide funding.
3. CASANYS shall act as a resource and vehicle for communication, and sharing ideas for CASA fund-raising efforts.

Guidelines

When CASANYS or a local CASA program intends to pursue a funder who resides in the program service area of another CASA program, the following general procedures should be followed. For these purposes, "program service area" is defined as the county or counties of operation for a local program and as state agencies or statewide regional entities for CASANYS.

1. The initiator must let the local CASA know that the outreach is planned.

2. If the local CASA has a request pending or is a grant recipient of the funder, the local CASA may temporarily request delay of application by the initiator.
3. If NCASAA is the initiator, CASANYS or the local CASA has the right to ask NCASAA to allow the initiative to be made jointly with CASANYS and/or the local CASA program.

Following are specific guidelines for approaches to the legislature, corporations, foundations, and individual donors.

New York State Legislature

In the case of appeals directly to the NYS Legislature, programs must notify the State Association they are making the request. When contacting a state legislator, programs must coordinate their requests jointly with other CASA programs in that legislator's district. If their representative is a legislative leader or a statewide legislation or appeal is before the legislature, the program will be asked to coordinate their appeal with the State Association.

Corporations and Private Foundations

1. Direct Giving at the Corporate Branch Level
Many corporations offer direct giving programs in the communities where they are located and have funds set aside specifically for this purpose. Local CASA programs are free to approach the local branch of any corporation that is within their program service area. If the location of the corporation is on the boundary of two or more program service areas, the initiator must first contact the other CASA Program Director (s) to work out an agreed upon strategy.
2. Corporate and Private Foundations
 - a. Corporate and Private Foundations generally have clearly defined geographic areas of giving specified in the giving guidelines. Local CASA Programs are free to approach Foundations whose geographic area of giving is limited to their respective program service area.
 - b. When the Foundation guidelines specify larger geographic areas of giving, contact the other CASA Program Director(s) in these areas as well as the State Association first to work out an agreed upon strategy. This means that regional, state, and national foundations should not be approached without prior communication with other CASA Program Directors and CASANYS.
 - c. If you have difficulty reaching an agreed upon strategy, CASANYS for assistance.
 - d. If you are unclear about a Foundation's geographic giving area, always check first with other Program Directors and CASANYS before proceeding.

Individual Giving

Individual donors have a right to give to any program they wish and thus their gifts cannot be restricted by organizational guidelines. Because individual contributions depend to such a large extent upon personal relationships, each CASA Program is free to actively approach

and solicit the individual networks of their Board of Directors, staff, volunteers, donors, and other key stakeholders without regard to geographic boundaries.

When soliciting individuals who are not within these networks (i. e., the general public or purchased mailing lists) – whether in person, by phone or mail – each CASA program should only contact individuals residing within their program service area.

*Policy adopted by Association members October 23, 1991.
Revised and accepted April 26, 2004.*

F. POLICY STATEMENTS

Revised NYS CASA Association Policy on State and National Budget and Policy Issues

*Revised and accepted 3/23/98
Revised 6/04/01*

Programs having concerns regarding state or national policies and legislation should bring these first to the State Association or National CASA's attention prior to taking a public stance or approaching state representatives.

The New York State Court Appointed Special Advocates (CASA) Association, Inc. will make every effort to represent the substantial majority of programs when taking positions on budget or policy issues at the state and national level.

If a local program opposes an Association position, the following disclaimer must appear on every public statement issued regarding that issue:

“This letter represents a position taken by the _____ program and does not in any way represent the position taken by the NYS CASA Association or other CASA programs statewide (or nationally, if applicable).”

HIGHLIGHTED ENHANCEMENTS

UCS COURT RULES: CASANY'S STANDARDS FOR LOCAL PROGRAMS: NATIONAL CASA QUALITY ASSURANCE STANDARDS

The following pages highlight references to areas of overlap between the three guiding documents. Please note this document refers only to areas of overlap. In no way does this reference eliminate compliance with any other references in any of the guiding documents.

*The **bold**, first reference under each item is that which offers the most specific direction on that particular issue.*

Please refer to the full content of each of these documents elsewhere in this chapter for further information. Note that each authoritative document covers many additional areas not identified as overlapping.

1. Local Affiliate Structure: Advisory Boards

Court Rule §117.2 b(2) “Each CASA program housed within a multi-program not-for-profit agency **shall have an advisory committee** with sole responsibility for monitoring such program. A member of the advisory committee shall serve on the not-for-profit agency’s board of directors.”

CASANY'S Standard A.2. “A CASA program should have an Advisory Board and/or Board of Directors.”

National CASA does not specifically address an Advisory Board, however the closest reference is that of Standard 2, referring to a “governing body” however, does not define said body. “The CASA/GAL program has a governing body responsible for overseeing the program’s compliance with all applicable laws and regulations, adoption of policies, definition of services and guidance of program development assuring the program’s accountability to the courts and community.”

2. Volunteer Role and Responsibilities: Ex parte communications

Court Rule §117.2 c.(8) “Each program shall have in written form the following . . . rules for staff and volunteers **prohibiting ex parte communications** with the Court and with represented parties except with the consent of or in the presence of such parties’ attorneys.”

National CASA Standard 7.F.2 “**Appropriate grounds for dismissal include . . . 6. Engaging in ex parte communication** with the court.”

CASANY'S Standard B.2.F. “The CASA volunteer shall not initiate ex-parte communications with the court concerning active cases and in all other respects shall adhere to the rules of the court.”

3. Volunteer Role and Responsibilities: Volunteer Relationship with Child

National CASA Standard 7.7. “The CASA program’s volunteer policies and procedures include but are not limited to the following: . . . b. **The CASA volunteer does not engage in the following activities: Taking a child to the volunteer’s home or any home other than the child’s; giving legal advice or therapeutic counseling; making placement arrangements for the child; giving money or expensive gifts to the child, the child’s family or caregivers.**”

CASANYS Standard B.2.K. “The CASA volunteer **should not become inappropriately involved** in a case by engaging in activities which jeopardize the safety of the child, the integrity of the program, or the objectivity of the volunteer; or activities which are likely to result in conflict of interest or expose the program or the volunteer to criminal or civil liability.”

Court Rule Part §117.2.c.1 “Each CASA program shall have in **written form** the following: . . . Goals, objectives, **policies, and procedures**, including personnel policies, ethics and conflict of interest policies for staff, **volunteers** and board members;”

4. Volunteer Role and Responsibilities: Conflict of Interest

CASANYS Standard B.2.L. “A CASA volunteer **should not be related to any parties or attorneys** involved in the case, or be employed in a position and/or agency that might result in a conflict of interest.”

National Standard 7.7.f. does not specify attorneys. “A CASA volunteer should not be related to any parties involved in the case or be employed in a position or with an agency that might result in a conflict of interest.”

Court Rule §117.2.c.1 “Each CASA program shall have in **written form** the following: . . . Goals, objectives, **policies, and procedures**, including personnel policies, ethics and conflict of interest policies for staff, **volunteers** and board members;”

5. Volunteer Role and Responsibilities: Reimbursement

CASANYS Standard B.2.M. “**There may be reimbursement** of expenses incurred in the performance of the CASA duties **in accordance with the resources and policy** of each individual CASA program.”

National CASA Standards do not offer specificity other than compliance with Court Rules and State Standards.

Court Rule §117.2.c.1 “Each CASA program shall have in **written form** the following: . . . Goals, objectives, **policies, and procedures**, including personnel policies, ethics and conflict of interest policies for staff, **volunteers** and board members;”

6. Volunteer Role and Responsibilities: Media Contact

CASANYS Standard B.2.N. “A CASA volunteer **must refer all inquiries from the media** (print, radio, television) about the CASA program, a pending case, or a closed case **to the Program Director.**”

National CASA Standards are silent as to media contact although National CASA has an extensive Communications Manual. <http://www.casenet.org/download/guides-manuals/national-casa-communications-manual-04.pdf>

Court Rule §117.2.c.1 “Each CASA program shall have in **written form** the following: . . . Goals, objectives, **policies, and procedures**, including personnel policies, ethics and conflict of interest policies for staff, **volunteers** and board members;”

7. Volunteer Role and Responsibilities: Case Closing

CASANYS Standard B.2.O. “A CASA **volunteer remains actively involved** in the case **until released by the Court, or until the case assignment is complete.**”

National Standard 7.E.5 “Written roles and responsibilities shall include the following The volunteer will: . . . p. **Return case files to the program** after the case is closed.”

Court Rule §117.2.c.1 “Each CASA program shall have in **written form** the following: . . . Goals, objectives, **policies, and procedures**, including personnel policies, ethics and conflict of interest policies for staff, **volunteers** and board members;”

8. Volunteer Screening: Clearances and Interviews

Court Rule §117.2.h. “Each CASA program shall have a **written screening procedure**, approved by the local board and the Chief Administrator, for staff and volunteers and appropriate program responses to information obtained from the screening process. The procedure shall address at a minimum the following: **written applications** for volunteers and staff, screening by the **New York State Central Register** for child abuse and maltreatment, a **criminal history** records search, and **personal interviews** by the program director or other designated staff. Screening shall be accomplished pursuant to prescribed mechanisms established by the Chief Administrator in conjunction with the New York State Office of Children and Family Services.”

CASANYS Standard B.3. E. “**After the volunteer has completed the training a second interview** should be held to discuss the suitability of the volunteer for the program and any other concerns the volunteer might have about the CASA program. Any **volunteers found to be unsuited** to the program **should be referred to alternate volunteer opportunities.**”

National CASA Standard 7.B.5 “All CASA volunteer applicants are required to: . . . d. Attend and participate in personal interviews with CASA program personnel.”

9. Volunteer Training: Time Requirements

Court Rule §117.2.c.3 “Each program shall have in written form the following: . . . Approved training curricula for a **minimum of 30 hours of pre-service and 12 hours of annual in-service training.**”

CASANYS Standard B.4.G. “**In-Service** training for volunteers should be **held at least eight times** a year. Volunteers should attend a minimum of six sessions to maintain their volunteer status.”

National CASA Standard 7.C.2. “The training consists of at least 30 hours of required pre-service training and 12 hours of required in-service training per year.”

10. Volunteer Training: Observations

CASANYS Standard B.4.C. “Training **should also include at least six hours of observation in the courtroom**, when approved by the judge.”

National CASA Standard 7.C.7 “In addition to the 30 hours of pre-service training, if allowed by the court, the program requires each volunteer to visit the court served by the CASA program while the court is in session to observed abuse/neglect proceedings before appearing in court for an assigned case.”

Court Rule §43.0 “For purposes of this rule, a CASA program shall mean a not-for-profit corporation affiliated with and **in compliance with the standards** set forth by the National and New York State Court Appointed Special Advocates Associations.”

11. Volunteer Training Tools

CASANYS Standard B.4.D. “Each training participant **should receive the following**:

1. Copies of pertinent laws, regulations, and policies;
2. A “Statement of Commitment” form clearly defining the minimum expectations of a trained volunteer;
3. A CASA training manual.”

National CASA Standard 7.C.7.1 “The CASA program delivers training to volunteers using the National CASA Volunteer Training Curriculum or its equivalent.”

Court Rule §43.0 “For purposes of this rule, a CASA program shall mean a not-for-profit corporation affiliated with and **in compliance with the standards** set forth by the National and New York State Court Appointed Special Advocates Associations.”

12. CASA Appointment and Volunteer Selection

Court Rule §43.1 states “A **CASA program may be appointed by Family Court** in its discretion to provide assistance to the Court in **cases regarding children in or at risk of out-of-home placement**. The CASA program is not a party to the proceeding. To be eligible for such appointment, a program must meet regulations promulgated by the Chief Administrator of the Courts. “

CASANYS Standard B.5.B. “**All case referrals should be made to the Agency** by an appropriate order of the Court; the Staff **Director should promptly assign an appropriate volunteer.**”

National CASA Standard 7.E.6 “A volunteer will **not be assigned more than two cases** at a time.”
and

National CASA Standard 11.B. “1. The CASA program has procedures for the acceptance and assignment of case. . . . 3. **Cases are accepted by the program without discrimination** based on a child’s gender, sexual orientation, race, ethnicity, nationality,

disability or religion.” . . . 6. All appointments and assignments are made by an appropriate written order of the Court.”

13. Volunteer Termination/Discharge/Grievance

CASANYS Standard B.6.B. “The **local Board** should develop a **written procedure for the settlement of a grievance of a volunteer** who is subject to termination or discharge.”

National CASA Standard 7.F.3. “The CASA program’s policies and procedures specify the person or persons with authority to dismiss a volunteer.”

Court Rule §43.0 “For purposes of this rule, a CASA program shall mean a not-for-profit corporation affiliated with and **in compliance with the standards** set forth by the National and New York State Court Appointed Special Advocates Associations.”

14. Director Qualifications

CASANYS Standard C.1.A. “Qualifications

1. Director should have **an MSW or a law degree, or a BS or BA** degree (preferably in Social Services), **PLUS experience in child welfare, family law, or related human services.** Life experience may be substituted for the educational requirement, but work experience must be related to child welfare, family law, or related human services.
2. **Director should have a familiarity of the court system and the delivery of social services** within the community.”

National CASA Standard 6.A.2 “The chief executive officer or designee has the following qualifications: a. Education and/or training in a related field. b. management skills and experience to effectively administer the organization’s personnel and financial resources. c. Effectively coordinate services with the court and other community agencies.”

Court Rule §43.0 “For purposes of this rule, a CASA program shall mean a not-for-profit corporation affiliated with and **in compliance with the standards** set forth by the National and New York State Court Appointed Special Advocates Associations.”

15. Director Job Description

CASANYS Standard C.1.B. “Each CASA program shall have a Director, chosen by the governing body, paid or volunteer, who is responsible, directly or indirectly, for the following: . . .” and **elaborates a fourteen point job description.**

Court Rule §117.2.c.2. “Each CASA program shall have **in written form** the following . . . **staff and volunteer job descriptions, qualifications, and evaluation forms.**”

National CASA Standard 6.F.1 g. “The CASA program provides new employee orientation introducing its mission and purpose, policies and services including, but not limited to: g. Employee’s job responsibilities and description.”

Samples from National CASA may be found in their guide, Achieving Our Mission.

16. Volunteer Recognition

CASANYS Standard C.1.B. “Director should practice **on-going volunteer recognition through written and verbal acknowledgement** at in-service programs, in program newsletters, and in the media.”

National CASA Standard 7.D.5 “The CASA program has in place mechanisms for volunteer recognition.”

Court Rule §43.0 “For purposes of this rule, a CASA program shall mean a not-for-profit corporation affiliated with and **in compliance with the standards** set forth by the National and New York State Court Appointed Special Advocates Associations.”

17. Record Keeping Procedures

Court Rule §117.2.c. 6 “Each CASA program shall have **in written form** the following: . . .6. **Guidelines for record-keeping and data collection, including provisions for confidentiality** of print and electronic files both at the program’s main office and in all off-site locations in conformity with subdivision (d) of this section.”

Subdivision (d): “Confidentiality of Records. Each CASA program shall safeguard the confidentiality of all information and material in accordance with applicable state and federal laws, rules and regulations, including, but not limited to, court records and social services, health, educational, drug treatment and other records obtained from other agencies. Each CASA program shall ensure that all of its board members, officers, employees and volunteers are trained in and comply with these confidentiality requirements.”

CASANYS Standard C.1.B. “CASA programs should keep detailed data on children/cases assigned. Data should include, but not be limited to:

1. **Number of children/cases served per year, and to date;**
2. **Number of children/cases assigned by judges per year;**
3. **Demographic information about children served (age, ethnicity, sex);**
4. **Types of cases assigned to program;**
5. **Number of volunteers assigned to cases per year, and number of volunteer hours per year;**
6. **Number of cases closed per year, to date, and case outcomes;**
7. **Length of time child in foster care**
 - a. **prior to CASA involvement**
 - b. **during CASA involvement”**

National CASA Standard 10.A enumerates further data collection but do not include #2 or #7a or #7b above. The Standard further adds “**any other data required by funding sources.**”

18. File Content

CASANYS Standard C.1.C. “Individual files should be maintained on assigned cases to assure that reviews, extension, and reports by appropriate agencies are filed when required by law. **Court dates should also be included to assure that CASA reports are prepared on time.**”

National Standard 11.A. enumerates other file contents.

Court Rule §43.0 “For purposes of this rule, a CASA program shall mean a not-for-profit corporation affiliated with and **in compliance with the standards** set forth by the National and New York State Court Appointed Special Advocates Associations.”

19. File Storage and Transportation

CASANYS Standard C.1.D. “When possible, CASA programs should have an office in the court building with a **locked cabinet for CASA files**. If the office is located elsewhere, a policy must be developed for the security of case material that may be developed. **ANY CASA RECORDS KEPT OUTSIDE THE COURT BUILDING MUST BE IN A LOCKED FILE.**”

CASANYS Standard C.1.F. “When case **materials must be transported** by staff and/or volunteers, **all appropriate precautions should be taken to protect the confidentiality** of the material.”

Court Rule §43.0 “For purposes of this rule, a CASA program shall mean a not-for-profit corporation affiliated with and **in compliance with the standards** set forth by the National and New York State Court Appointed Special Advocates Associations.”

National CASA Standard 10.D.5 “All electronic and hard copy correspondence, files and records are safely and securely maintained.”

20. Situations Outside of Business Hours

CASANYS Standard C.1.G. “CASA programs must have **written procedures for addressing situations, which may occur outside of business hours**, and for reporting to the court and/or the appropriate agencies situations, which the CASA volunteer believes to be dangerous for the child.”

National CASA Standard 7.D.2. “Supervisors are easily accessible and provide timely and thorough guidance to CASA volunteers.”

Court Rule §43.0 “For purposes of this rule, a CASA program shall mean a not-for-profit corporation affiliated with and **in compliance with the standards** set forth by the National and New York State Court Appointed Special Advocates Associations.”

21. Annual Report

CASANYS Standard C.1.H. “CASA programs should prepare an annual report, including, but not limited to the number of active volunteers, number of hours provided by volunteers, number of children/cases served, and achievement of goals and objectives. This report should be distributed to the State Association, funding sources, and the community.”

National is silent as to an annual report.

Court Rule §43.0 “For purposes of this rule, a CASA program shall mean a not-for-profit corporation affiliated with and **in compliance with the standards** set forth by the National and New York State Court Appointed Special Advocates Associations.”

22. Development/Fundraising

Court Rule §117.2.c.7 “Each CASA program shall have in **written form** the following . . . **a resource development plan** and, with respect to a CASA program housed within a multi-program not-for-profit organization, **a fund-raising protocol outlining responsibilities.**”

CASANYS Standard E “CASA: Advocates for Children of New York State sets forth a development policy intended to guide development and fundraising efforts by both the state association and local programs.”

National CASA Standard 8.E. enumerates resource development standards. Their extensive Resource Development Protocol is available at <http://www.casenet.org/program-management/resource-dev/ncasa-resource-dev-protocol.htm>.

