



Report on Public Policy Position

Name of Section:

Children's Law Section

Contact Person:

Kathryn Fehrman

Email or Phone:

kathrynfehrman@yahoo.com

Bill Number:

SB 379 (Van Woerkom) Children; services; court-appointed special advocates; provide for. Creates new act.

Date position was adopted:

5/11/05

Process used to take the ideological position:

Referred to CLS Legislative Committee. Unanimous vote to recommend CLS Council oppose this bill.
Unanimous vote by Council to oppose.

Number of members in the decision-making body:

19

Number who voted in favor and opposed to the position:

16 to 0 to OPPOSE (1 abstention)

FOR SECTIONS ONLY:

- ✓ This subject matter of this position is within the jurisdiction of the section.
- ✓ The position was adopted in accordance with the Section's bylaws.
- ✓ The requirements of SBM Bylaw Article VIII have been satisfied.

If the boxes above are checked, SBM will notify the Section when this notice is received, at which time the Section may advocate the position.

Position:

The CLS voted 16 to 0 (with 1 abstention) to OPPOSE this bill for the following reasons:

- It would put CASA volunteers on the same level as L-GAL's, by requiring the two to "cooperate," making the CASA a party and allowing the CASA volunteer access to all the same information.
- There are "work product" concerns with mandating that L-GAL's grant CASA volunteers access to their files.
- CASA volunteers would have "the authority to ... interview parties involved with the case, including parents, other parties in interest, and other persons having significant information relating to the child." This will certainly include those who are represented by counsel.
- CASA volunteers do not have sufficient training to conduct "independent investigations."
- Allowing a CASA volunteer to be a party to an action to which he/she has no vested interest is dangerous.
- There are no educational requirements for CASA volunteers, as opposed to other parties making recommendations in the proceedings, such as L-GAL's and DHS caseworkers.
- There is a conflict because CASA volunteers are appointed by the court and would appear to be part of the judicial branch. Therefore the court is making its own representative a party to the proceedings.

The text (may be provided by hyperlink) of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report:

<http://www.legislature.mi.gov/mileg.asp?page=getObject&objName=2005-SB-0379>