



## Report on Public Policy Position

**Name of Section:**

Family Law Section

**Contact Person:**

Kent Weichmann

**Email:**

[weichmann@earthlink.net](mailto:weichmann@earthlink.net)

**Bill Number:**

**SB 141** (Van Woerkom) Children; services; court-appointed special advocates; provide for. Creates new act.

**Date position was adopted:**

March 10, 2007

**Process used to take the ideological position:**

Position adopted after discussion and vote at a scheduled meeting

**Number of members in the decision-making body:**

21

**Number who voted in favor and opposed to the position:**

17 Voted for position

0 Voted against position

0 Abstained from vote

4 Did not vote

**Position:**

Oppose

**Explanation of the position, including any recommended amendments:**

SB 141 is a reintroduction of SB 379, the CASA volunteer bill which we opposed last session. Last year's comment was :“ this bill would establish a system of Court Appointed Special Advocates (CASA volunteers). To qualify as a CASA, a volunteer would have to be 21 years old, demonstrate an interest in children, and have at least 10 hours of training per year. The CASA would be empowered to interview the parties to the case and other witnesses, review relevant documents, perform investigations regarding the best interests of a child, determine the appropriateness and progress of case service plans under the probate code, make recommendations on placement, parenting time, and appropriate services for a child and family, appear as a witness in an action, and receive notice of all hearings, meetings or other proceedings in a case. The Family Law Council unanimously opposes this bill. The qualifications and training of the volunteers is vastly insufficient to allow them to intervene on child related issues, and the intervention of this type of additional participant would be an impediment, rather than an aid, to good decision-making. The enlistment of volunteers may save money, but motivation that brings someone to volunteer may be precisely the baggage that can cause a problem in the case. It may be very hard for a volunteer to separate personal judgment from professional judgment.

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://legislature.mi.gov/doc.aspx?2007-SB-0141>

**RECOMMEND STATE BAR ACTION ON THIS ISSUE:**

List any arguments against the position:

See position statement.

**FOR LEGISLATIVE ISSUES ONLY:**

This position falls within the following Keller-permissible category:

- The regulation and discipline of attorneys
- ✓ The improvement of the functioning of the courts
- The availability of legal services to society
- The regulation of attorney trust accounts
- The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.

**Keller- permissible explanation:**

The CASA program would affect the functioning of the courts by adding an additional participant/evaluator into child related issues.