



December 10, 2020

## **COURT-APPOINTED SPECIAL ADVOCATES**

This memorandum will address the current state of the Court-Appointed Special Advocate (CASA) system nationally and in Kansas. It will review the purpose of CASAs, Federal involvement in the CASA program, recent State legislative action regarding CASAs, and how the program is funded.

### **Overview**

CASAs are community volunteers serving the best interests of a child who is in out-of-home care due to abuse or neglect.<sup>1</sup> CASAs work to establish legal permanency for the child.<sup>2</sup>

[KSA 38-2206](#) stipulates that during any stage of a proceeding, pursuant to the revised Kansas code for care of children, the court may appoint a special advocate for the child. Once assigned, a CASA investigates the facts of the child's case by interviewing the child and family members, reading court records, and communicating with the relevant children welfare agencies. According to the Kansas CASA Association (KCA), the duties of a CASA include "visiting with the child in various settings, educating the child on the court process, providing the judge with objective information and recommendations in the form of court reports, and following-up with the child's case worker in the event the child is missing mental health services, medical services, or other needed care for the duration of the child's out of home placement." The judge-appointed volunteer does not, however, provide legal advice or services to the child or their family. As an advocate in court, the CASA must take into account the child's wishes. All CASAs receive training on the child welfare system, juvenile justice procedures, and family dynamics, among other topics.

According to Rule 110 of the Kansas Supreme Court, a CASA volunteer must be at least 18 years old and successfully complete screening procedures and a review by the local program staff.<sup>3</sup> Rule 110 also stipulates state district courts must adopt a local court rule governing the operation of that district's CASA program, if it has one.

The *Standards for Local CASA/GAL Programs (Standards)*, issued by the National CASA/Guardian *ad litem* (GAL) Association (NCASA), set minimum standards each member

- 1 Both CASAs and guardians *ad litem* can serve as court-appointed volunteers advocates. The latter may be an attorney.
- 2 According to the U.S. Children's Bureau, "permanency" refers to safe and legal living arrangements through adoption, reunification with biological parents, or placement with relatives.
- 3 If a local CASA program is a member of the National CASA/Guardian *ad litem* Association, the volunteer must be at least 21 years old per national standards.

CASA program must meet. Individual programs, however, may issue additional requirements and standards.

### *CASA Volunteer Standards*

According to the *Standards*, a CASA must, among other things:

- Meet with their assigned child once every 30 days at minimum;
- Seek cooperative solutions by acting as a facilitator among parties;
- Appear at all hearings and provide testimony when necessary;
- Determine if a permanent plan has been created for the child and make recommendations concerning permanency;
- Respect the child's right to privacy by maintaining confidentiality;
- Complete at least 30 hours of pre-service training on topics such as the court process, family dynamics, child development, and relevant federal and state laws; and
- Complete 12 hours of in-service training per year on topics such as cultural competency, disproportionality, disparity in outcome training and recognizing abuse.

### *CASA Program Standards*

According to the *Standards*, individual CASA programs must, among other things:

- Engage in activities to increase the awareness and understanding of staff and volunteers regarding issues of racial disproportionality within its local child welfare and court systems;
- Limit each staff supervisor to 30 active volunteers or 45 cases;
- Limit each volunteer to no more than two assigned cases at a time; and
- Hold regularly scheduled case conferences with volunteers to review case progress.

### **History of the CASA Program**

The first CASA program was established in Seattle in 1977 after King County Superior Court Judge David Soukup began to recruit fact-finding volunteers to ensure he was ruling in

the best interests of children. According to the NCASA, there were 948 CASA/GAL programs in 49 states and the District of Columbia in 2019.<sup>4</sup> In 1981, the first CASA program in Kansas was established in the City of Wichita. In 1986, Kansas Supreme Court Chief Justice Alfred Schroeder signed Rule 110, creating state CASA program standards and guidelines. In 2011, the Kansas Supreme Court revised the CASA program standards to mandate that volunteers be certified by their local programs and that each volunteer be given notice of a court hearing involving the child and access to any district court record within the state pertaining to the child.

## **CASAs and Permanency**

CASAs work to achieve permanency for children. For decades, child welfare researchers have studied the tendency for foster children to “drift” in the system for extended periods of time, moving from placement to placement with no structured plan for a return to permanency. Permanency planning aims to expedite the child’s exit from the foster care system while ensuring their safety.

Research consistently shows CASA programs contribute to permanency placements. According to evaluations of several programs, CASA involvement increases the likelihood a child will return to their biological family if deemed safe, limits the amount of time children spend in out-of-home care, reduces the number of placements, and increases permanency rates for children of color. Several studies have shown judges approve of the work of CASAs. According to a University of Chicago Chapin Hall survey, 92 percent of judges reported CASA volunteers promote long-term well-being. Additionally, in four out of five CINC cases considered in a study, all or almost all CASA recommendations were accepted in court.<sup>5</sup>

A 2006 [audit](#) of the National Court-Appointed Special Advocate Program conducted by the U.S. Department of Justice’s Office of the Inspector General found children with CASA volunteers spent on average more time in foster care than all children in foster care. However, since “cases assigned to a CASA volunteer frequently involve the most serious cases of maltreatment,” children in CASA-involved cases are more likely to end up in the foster care system in the first place.

## **Federal Support**

Several pieces of federal legislation encourage permanency for foster children. The 1980 Adoption Assistance and Child Welfare Act (Act) made permanency a national priority through the creation of, among other things, adoption incentives. The Act also mandated “reasonable efforts” be made to keep the child in question at home. The 1997 Adoption and Safe Families Act provided additional funding for services to assist families in crisis, including counseling and substance abuse treatment services. It also reduced to twelve months from eighteen the window within which a permanency planning hearing must take place after a child receives an out-of-home placement. The 2018 Family First Prevention Services Act authorized federal reimbursement for services to prevent a child’s entry into the foster care system.

---

4 North Dakota is the only state without volunteer CASA programs; instead, the state pays CASAs.

5 Caliber Associates, National CASA Association Evaluation Project, 2004.

The Victims of Child Abuse Act of 1990 authorized the Office of Juvenile Justice and Delinquency Prevention<sup>6</sup> (OJJDP) to administer CASA grant programs. The OJJDP provides the following program goals for the funds it distributes to nonprofits and agencies operating, or partnering with organizations operating, CASA programs:

- Improve outcomes for children in the foster care system and those who are dual system-involved (involved in both the foster care and the juvenile court systems);
- Provide effective advocacy for abused and neglected children, including child victims of human trafficking; and
- Fund training and technical assistance that support youth and family engagement, trauma-informed approaches, and effective strategies for youth who are dual-system involved.

OJJDP provides grants for CASA programs through several programs, including its Mentoring Opportunities for Youth Initiative, which supports the implementation and delivery of mentoring services to youth populations at risk for juvenile delinquency, victimization, and juvenile justice system involvement. NCASA is one of the primary beneficiaries of OJJDP's mentoring and CASA grants. In 2019, the organization received over \$10 million in grants from OJJDP and provided over \$4 million in pass-through grants to CASA programs across the nation.

## **CASAs in Kansas**

According to the KCA, as of August 2020, 23 of 31 Judicial Districts in the state have CASA programs, and 37 Kansas counties have no active CASA program. Of the more than 2,000 children served by Kansas CASAs in 2019, less than 2 percent experienced a recurrence of abuse or neglect. According to KCA testimony provided to the Special Committee on Foster Care Oversight, CASA programs saved the State over \$1.3 million in 2019. However, funding limits allow only 28 percent of CINC-designated<sup>7</sup> youth to receive CASA services.

## ***Recent Legislative Action***

The most recent bills considered by the Legislature considered were 2013 HB 2316 and 2015 HB 2113. Both bills would have allowed CASAs to charge a “reasonable fee for services,” which would have “been assessed as an expense in the proceedings,” to help fund the programs. The fees would have been deposited in a newly created “Court-Appointed Special Advocate Program Fund” in the state treasury. All moneys deposited in the fund would have been used to pay for CASA programs through vouchers approved by the Secretary for Children and Families. Both bills were referred to the House Judiciary Committee, but no further action was taken.

---

6 The Office of Juvenile Justice and Delinquency Prevention is a division of the Office of Justice Programs within the U.S. Department of Justice.

7 Child in Need of Care.

## Funding

Each district CASA program in the state receives funding from a variety of sources, including State funds, grants, and individual donations. District CASA programs receive State funds through the CASA program, a District Court subprogram in the Judicial Branch budget. For FY 2020, the 2019 Legislature added \$200,000, all from the Permanent Families Account of the Family and Children Investment Fund, for the CASA program. The Legislature then transferred the same amount from the Kansas Endowment for Youth Fund to the Permanent Families Account. The 2020 Legislature made the same appropriation for FY 2021, transferring the \$200,000 for the CASA program to the statewide administrative office for distribution to local CASA programs. KCA distributes the Permanent Families Fund through non-competitive formula grants based on each local program's number of children served, total district CINC cases, and expenditures. The total approved FY 2021 budget for the CASA and CRB (Citizen Review Board) programs was \$621,425. Additionally, in 2020, Governor Laura Kelly awarded nine grants to local CASA programs and one to the KCA.

Due to the NCASA standard limiting a full-time CASA supervisor to a maximum of 30 volunteers or 45 cases, funding for staff limits the number of cases a CASA program can carry. The 2018 Child Welfare System Task Force recommended the 2019 Kansas Legislature fund CASAs "to ensure the availability of CASA volunteers in all jurisdictions, without disrupting the current funding CASAs receive from the State of Kansas."<sup>8</sup>

---

8 2018 Child Welfare System Task Force Final Report.