

**IN THE SUPREME COURT OF THE STATE OF KANSAS**

**Administrative Order**

2022-RL-071

FILED

September 28, 2022

DOUGLAS T. SHIMA  
CLERK OF APPELLATE COURTS

**Standards for Kansas Court Appointed Special Advocate Programs**

The attached Standards for Kansas Court Appointed Special Advocate Programs are hereby adopted effective January 1, 2023.

These standards supersede those adopted by 2011-AD-256 on October 4, 2011, which are rescinded effective January 1, 2023.

Dated this 28th day of September 2022.

FOR THE COURT



MARLA LUCKERT  
Chief Justice

**STANDARDS  
FOR  
KANSAS COURT APPOINTED SPECIAL ADVOCATE  
PROGRAMS**

Supreme Court Task Force on Permanency Planning  
Office of Judicial Administration  
301 SW 10<sup>th</sup>  
Topeka, KS 66612-1507  
(785) 296-4859

Adopted 1987

Revised  
October 1991  
September 2011  
January 2023

# Table of Contents

Definitions .....	5
I. CERTIFICATION OF CASA VOLUNTEERS .....	6
A. Certification requirements .....	6
B. Screening conducted by the program.....	6
C. Record checks .....	6
D. Prior contact with juvenile justice or criminal justice systems.....	8
E. Screening conducted by OJA.....	8
F. Screening conducted by the Department for Children and Families (DCF).....	9
G. Request for exception .....	9
H. Maintenance of volunteer certification .....	9
I. Notification of criminal charges to program.....	10
J. Continued screening.....	10
K. Retention of applicant and volunteer records .....	10
L. CASA volunteers' access to records.....	10
M. Request for certification and decertification to OJA .....	10
N. Acknowledgment of duty as a volunteer .....	11
II. TRAINING OF CASA VOLUNTEERS .....	11
A. Pre-service training requirement.....	11
B. Required topics .....	11
C. Court and Citizen Review Board observation .....	12
D. Training manual .....	12
E. Continuing education.....	12
III. CASA PROGRAM POLICIES GOVERNING ADMINISTRATION .....	13
A. Supreme Court Rule 110.....	13
B. Program membership with the National CASA Association.....	13
C. Program membership with the Kansas CASA Association.....	13
D. Management and personnel policies and procedures.....	13
E. Communications policy .....	13
F. Photo policy .....	13
G. Maintenance of required case information .....	14
H. Case file return.....	14
I. Case file record retention .....	15
J. Case destruction policy .....	15
K. Case closure documentation .....	15
L. Notification of volunteer appointment and removal.....	15
M. Files and information sharing .....	15
N. Reporting suspected abuse.....	15
O. Statement of confidentiality.....	16
P. Screening requirements.....	16
Q. Transportation policies and procedures .....	16
R. Training requirement for program leadership.....	16
S. Program attorney.....	17
T. CASA case limit policy .....	17
U. Conflict of interest policy .....	17

V.	Annual written report.....	18
W.	Annual budget.....	18
X.	Fundraising policy .....	18
Y.	Communication with OJA .....	18
Z.	Volunteer case assignment.....	18
AA.	Programs operating under or as an umbrella organization .....	18
BB.	Policy and procedure manual.....	19
CC.	Written agreement.....	19
DD.	Case supervision limit.....	19
IV.	PROGRAM POLICIES GOVERNING CASA VOLUNTEERS.....	19
A.	Approval .....	19
B.	Applicant’s signed acknowledgment of receipt.....	19
C.	Certification, decertification, and case assignment decisions.....	19
D.	Case conference requirements .....	20
E.	Conflict of interest policy .....	20
F.	Prohibition of weapons .....	20
G.	Gathering and release of information .....	20
H.	Prohibited activities .....	21
I.	Emergency procedures.....	21
J.	Reporting abuse or neglect.....	21
K.	Required in-person contact with child .....	21
L.	Confidentiality .....	22
M.	Inactive status.....	22
N.	Suspension for a crime pending resolution.....	22
O.	Transfer .....	22
P.	Decertification.....	22
V.	COURTESY CASA APPOINTMENT.....	23
A.	Intrastate assistance.....	23
B.	Memorandum of Understanding.....	23
C.	Interstate assistance.....	23
VI.	CERTIFICATION OF THE CASA PROGRAM.....	23
A.	Certification forms and timeframes .....	23
B.	Annual Audit.....	24
C.	Written certification report .....	24
VII.	PROGRAM COMPLAINTS .....	25
A.	Form.....	25
B.	Process .....	25
C.	Notice of compliance .....	27
D.	Extensions.....	27
E.	Discretionary audit.....	27
VIII.	PROGRAM EVALUATION .....	27
A.	Initiation.....	27
B.	Process; timeframes; onsite evaluation; onsite report; written determination.....	27
IX.	APPEALS PROCEDURE .....	28

A. Program requirements and timeframes .....	28
B. Review panel.....	29
C. Hearing and report timeframes; findings; final decision .....	29

**STANDARDS FOR KANSAS  
COURT APPOINTED SPECIAL ADVOCATE PROGRAMS**

**Definitions**

1. **Applicant:** a person who has applied to become a Court Appointed Special Advocate (CASA) volunteer, CASA program volunteer, member of a CASA program board of directors, a CASA program intern, or a CASA program employee or a CASA volunteer, member of the board of directors, employee, CASA program volunteer, or intern who has been submitted for re-screening.
2. **Electronic Signature:** handwritten and scanned signature or a verified digital signature obtained with signing software.
3. **Files:** volunteer and case files may be electronic or in paper format.
4. **Program (the program):** a CASA program certified by the Office of Judicial Administration (OJA). Duties assigned to a CASA program in these standards must be fulfilled by the CASA program executive director or the executive director's designee unless otherwise noted
5. **Program Volunteer:** a person who volunteers for the program in a capacity other than as a CASA volunteer
6. **Chief Judge:** The chief judge of the judicial district.

## **I. CERTIFICATION OF CASA VOLUNTEERS**

### **A. Certification requirements**

Applicants must be certified as volunteers prior to assignment as a court appointed special advocate. CASA program applicants are certified upon successful completion of the following:

1. screening procedures,
2. training requirements (see Section II of these standards),
3. written request to OJA as outlined in Section I.M.; and
4. written notification from OJA to the program when a volunteer is certified.

### **B. Screening conducted by the program**

The program must consider at least the following information:

1. the individual's written application must include the following information:
  - a. educational background and training;
  - b. employment history;
  - c. experience working with children;
  - d. personal experience with child abuse and neglect; and
  - e. prior contact with the juvenile justice and criminal justice systems;
2. three written references from persons unrelated to the applicant;
3. personal interview; and
4. results of records checks.

### **C. Record checks**

1. The program must obtain the applicant's fingerprints on a fingerprint card provided by OJA. The program must perform the following record checks no sooner than ninety (90) days before the certification request is sent to OJA and then every four years starting from the date on the record check results:
  - a. Criminal History Record Inquiry (CHRI) and Kansas Bureau of Investigation (KBI) criminal record;

- b. criminal history records from the court jurisdiction in which the applicant currently lives and works;
  - c. criminal history records from any county, state, or country in which the applicant has lived or worked the last seven years;
  - d. Child Abuse and Neglect Central Registry or equivalent for any state or country the applicant has lived or worked in the last seven years;
  - e. National Sex Offender Registry; and
  - f. Social Security Number Verification.
2. If the applicant has not been a resident of the United States, Kansas, or current county of residence for the past seven years, the program must make inquiries of the criminal history records of all countries, states, and counties where the applicant has lived and worked in the seven years prior to application. Certification will not be denied if another state, county, or country does not respond in a reasonable amount of time to the record check inquiry after a minimum of two attempts to obtain the information. If the program receives information that indicates a volunteer has a criminal history equivalent to section I.E.2., the volunteer must be decertified.
3. The applicant must complete the following record check authorizations:
  - a. KBI Waiver Agreement and FBI Privacy Act Statement;
  - b. OJA CHRI form;
  - c. Child Abuse and Neglect Central Registry Release of Information form;
  - d. Social Security Number Verification form; and
  - e. any additional releases needed to complete a records check.
4. The applicant must be informed, in writing:
  - a. of the screening procedures which will be used;
  - b. that the CASA program executive director can determine an applicant ineligible for certification;



- c. that refusal to authorize the records checks will prohibit certification; and
  - d. of the convictions and adjudications that prohibit certification.
5. The program must comply with the Americans with Disabilities Act. The application must include language that notifies the applicant of the program's requirement to comply with the Americans with Disabilities Act.

**D. Prior contact with juvenile justice or criminal justice systems**

The program must make appropriate written inquiries to the applicant regarding any prior contact with juvenile justice or criminal justice systems. The program must furnish the information obtained to OJA.

**E. Screening conducted by OJA**

OJA must request a KBI records check for each applicant.

- 1. The program must provide information for the KBI records check to OJA on the CHRI form provided by OJA.
- 2. OJA must screen the applicant through the KBI criminal records check and determine the applicant's eligibility to be a CASA volunteer. An applicant is not eligible if the applicant:
  - a. was convicted as an adult of any felony;
  - b. was convicted as an adult of any misdemeanor which is a sex offense, a crime against public morals, a crime affecting family relationships and children, assault, battery, crime against the public peace, crimes against persons, crime against public safety, crimes involving controlled substances, or an attempt or conspiracy to commit any such misdemeanor;
  - c. was adjudicated a juvenile offender because of having committed an act, which if done by an adult, would constitute the commission of a felony;
  - d. was adjudicated a juvenile offender because of having committed an act which, if done by an adult, would constitute a misdemeanor as described in subsection I.E.2.b.;
  - e. entered into a diversion agreement involving a charge of child abuse or a sexual offense; or

- f. was convicted or adjudicated of any act that would pose a risk to children or to the credibility of the program.
3. An applicant with pending criminal charges is not eligible unless and until the charges have been dismissed or the individual is found not guilty.
4. The applicant cannot be certified if it is found that the applicant has a criminal history equivalent to section I.E.2. unless an exception is granted pursuant to section I.G.
5. OJA must give written notification to the program regarding an applicant's eligibility to serve as a CASA volunteer. Only applicants who are found eligible or are granted an exception by the chief judge or their judge designee may be certified as a CASA volunteer.

**F. Screening conducted by the Department for Children and Families (DCF)**

The program must complete a Child Abuse and Neglect Central Registry records check through for DCF and make inquiries of the equivalent registries of other states where the applicant has lived in the last seven (7) years. An applicant cannot be certified if DCF or a similar agency in another state lists the applicant as a substantiated perpetrator of an act of child abuse or child neglect. Certification will not be denied if the registry of another state refuses to give information in a timely manner. If documentation stating that the CASA volunteer is a perpetrator of an act of child abuse and neglect is received after certification is granted, the program must decertify the volunteer.

**G. Request for exception**

If an applicant's criminal history is equivalent to section I.E.2., the program executive director may seek an exception from the chief judge or their judge designee. If an exception is granted, the chief judge or their judge designee must state the justification in writing. The letter of exception must be placed in the applicant's file, and a copy of the letter must be provided to OJA.

**H. Maintenance of volunteer certification**

1. To remain a certified CASA volunteer, individuals must complete the following:
  - a. record check authorizations as outlined in I.C.3 every four years;
  - b. continuing education requirements as outlined in section II.E;
  - c. written acknowledgment of conflict of interest every four years; and
  - d. written acknowledgment of confidentiality every four years.

2. The program must submit background checks to maintain a volunteer's certification as outlined in I.C.1.a-f. If a volunteer's background check results in section I.C.1.a-f. are not received by the program within the four-year timeframe, the volunteer must cease all case related activities until background check results are received by the program.

**I. Notification of criminal charges to program**

Applicants and volunteers must immediately notify the program of any citations or criminal charges filed against them. Failure to notify the program could result in decertification.

**J. Continued screening**

The program must continue to assess an applicant during the training process until certification is granted. If during the screening or training process the program executive director determines an applicant cannot be certified, the applicant must be notified in writing, and the notice placed in the applicant's file. The program executive director may determine an applicant ineligible for certification.

**K. Retention of applicant and volunteer records**

Written records pertaining to each applicant's screening procedures and training must be maintained by the program. The program must maintain records for an applicant for a minimum of three years. If certified, a program must maintain records on a CASA volunteer for a minimum of five years after a volunteer has been decertified.

**L. CASA volunteers' access to records**

The program must have written policies and procedures for access, review, and response to requests for information contained in CASA volunteer files. Policies and procedures must include a CASA volunteers' access to their records.

**M. Request for certification and decertification to OJA**

1. Within thirty (30) days of completion, the program must send a list of volunteers who have met all the requirements to OJA and request certification.
2. If a program determines that a volunteer must be decertified, the request to decertify the volunteer must be sent to OJA within fourteen (14) days, and the program must provide the reason for decertification. If a volunteer is assigned to a case at the time of decertification, the program must obtain a court order discharging the CASA's appointment.
3. OJA may decertify a volunteer on its own if deemed appropriate.
4. Program requests for certification and decertification must be submitted on forms provided by OJA.

5. OJA must notify the program when a volunteer is certified or decertified.

**N. Acknowledgment of duty as a volunteer**

All applicants must be provided with a job description which clearly outlines the duty of the CASA volunteer. Prior to certification, the applicant must sign a form acknowledging the expectations of a CASA volunteer and agreeing to fulfill duties as outlined. The acknowledgment must include:

1. duties as outlined in Supreme Court Rule 110;
2. Kansas CASA standards; and
3. conduct expectations.

**II. TRAINING OF CASA VOLUNTEERS**

**A. Pre-service training requirement**

All applicants must complete pre-service training approved by The National CASA/GAL Association and OJA prior to being certified as a CASA volunteer. Credit hours may not be given for education or professional training obtained prior to the individual's application. Volunteers must be sworn in prior to case assignment.

**B. Required topics**

The program may allow applicants to participate in pre-service training provided by other Kansas CASA programs. The program must deliver approved pre-service training. Each applicant must participate in at least four hours of training designed to provide information specific to the certifying program as outlined in subsection II.B.14.

The training must include the following topics:

1. roles and responsibilities of CASA volunteers;
2. child welfare system;
3. relevant Child In Need of Care (CINC) state and federal laws and regulations;
4. relevant Juvenile Offender (JO) state and federal laws and regulations;
5. child abuse and neglect;
6. child development;

7. dynamics of families (including mental health, trauma, substance abuse, domestic violence, and poverty);
8. permanency planning;
9. CINC court process;
10. domestic relations (including custody and divorce, and Kansas laws pertaining to domestic relations);
11. diversity and disparate outcomes;
12. effective advocacy;
13. confidentiality; and
14. four hours of training must include information specific to the local program and must include:
  - a. communication, information gathering, and record keeping;
  - b. local program policies and procedures; and
  - c. the local courts,
  - d. report writing, and
  - e. community resources available to meet the needs of children and families.

**C. Court and Citizen Review Board observation**

The CASA volunteer pre-service training must include observation of juvenile court proceedings. Pre-service training may include observation of a Citizen Review Board (CRB) proceeding. The program must establish and follow procedures to obtain court approval prior to observation of court hearings, pursuant to K.S.A. 38-2247. A statement of confidentiality must be signed by the trainee prior to observing court or CRB.

**D. Training manual**

Trainees must be provided a training manual and synopsis of pertinent Kansas laws.

**E. Continuing education**

The program must provide or assist in providing a minimum of twelve (12) hours of continuing education annually. Programs must require individual CASA volunteers to complete a minimum of twelve (12) hours of continuing education

annually. Volunteers continuing education hours must be prorated based on their certification date. Volunteers' continuing education hours must be completed by December 31<sup>st</sup>. An extension may be granted by the program coordinator for up to 30 days. If the program coordinator grants an extension, the extension must be documented in the volunteer file.

### **III. CASA PROGRAM POLICIES GOVERNING ADMINISTRATION**

#### **A. Supreme Court Rule 110**

Program staff and certified CASA volunteers must comply with Supreme Court Rule 110.

#### **B. Program membership with the National CASA Association**

The program must be a program member in good standing with the National CASA/GAL Association and in compliance with current Standards for Local CASA/GAL Programs set forth by the National CASA/GAL Association.

#### **C. Program membership with the Kansas CASA Association**

The program must be a program member in good standing with the Kansas CASA Association.

#### **D. Management and personnel policies and procedures**

The program must have written management and personnel policies and procedures including a written transition plan for the executive director, and any staff who supervise cases in the event of a vacancy.

#### **E. Communications policy**

The program must have a written communication policy that addresses:

1. social media conduct for CASA volunteers, staff, and members of the board of directors;
2. communication between CASA volunteers and current or formerly served youth on social media;
3. appropriate contact with the media regarding who communicates on behalf of the program in crisis situations including: addressing issues that may have a significant impact on the program's credibility, reputation, or funding at the local, state, or national level; and
4. information sharing between national, state, and local organizations.

#### **F. Photo policy**

The program must have a policy regarding the use, distribution, storage, and destruction of photos, including after case closure.

**G. Maintenance of required case information**

The program must maintain the following:

1. complete case assignment records;
2. list of certified CASA volunteers and contact information;
3. calendar of scheduled court hearings; and
4. case files, including:
  - a. copies of all CASA volunteers' monthly reports and court reports,
  - b. case related documents filed with the court in the official and social files,
  - c. documents obtained by the program or volunteer during the course of appointment,
  - d. documentation of calls, hearings attended, in-person consultations, and other correspondence,
  - e. name of CASA volunteer,
  - f. name of CASA child,
  - g. date of CASA volunteer assignment,
  - h. date of CASA volunteer discharge
  - i. affidavit, petition, and amendments thereto,
  - j. court orders, and
  - k. journal entries;
5. if the program is unable to procure a written copy of required information, attempts to obtain the information must be documented in the case file, along with the reason the information was not obtained.

**H. Case file return**

The CASA volunteer must return all case files, notes, and case related materials to the program within 30 days of discharge or case closure. The program must notify the court and OJA immediately if case related materials have not been returned.

**I. Case file record retention**

At the closing of a case, all CASA materials, including CASA volunteer and staff notes, monthly reports, reports to the court, and any documents not found in the court's files must be maintained until the child reaches eighteen (18) years of age and the case is closed. The document releasing the CASA as outlined in section III.K. must be maintained in the file. After the child reaches the age of eighteen (18), the closed case file may be destroyed.

**J. Case destruction policy**

The program must develop a case destruction policy which establishes the procedure for tracking and destroying case files.

**K. Case closure documentation**

The program must maintain a record of each case closed to the program including the date of the program's discharge and the permanency outcome pursuant to K.S.A. 38-2203(c). Documentation of case closure must be maintained in the case file and must include a court order discharging CASA or terminating the court's jurisdiction and a database entry.

**L. Notification of volunteer appointment and removal**

The program must notify the following individuals, in writing, of an appointment or removal of a CASA volunteer:

1. attorneys for parties to the case; and
2. other interested parties.

**M. Files and information sharing**

The program may retain files and records in paper or electronic format. If electronic files and records are maintained, the program must have policies and procedures to address the secure back-up and maintenance of files and records as well as a policy regarding the destruction of electronic information.

The program must establish policies and procedures to address the secure exchange of electronic information.

The program may utilize electronic signatures. Signatures must be verified by the applicant or volunteer at the time of signing.

Electronic files are subject to retention, destruction, and closure procedures outlined in sections III.H-K.

**N. Reporting suspected abuse**

Program employees should report to DCF or law enforcement any incident of child abuse or neglect or any situation in which the employee has reason to



believe that a child served by the program is in imminent danger. Documentation of any reports made by a program employee must be filed in the case file.

**O. Statement of confidentiality**

Prior to employment or service as a member of the board of directors, individuals must sign a statement of confidentiality. Members of the board of the directors do not have access to case records in accordance with K.S.A. 38-2211.

**P. Screening requirements**

The program must ensure that employees, members of the board of directors, and any volunteer who may have access to confidential information undergo record checks as outlined in sections I.B. through I.I. The program must repeat the required screenings every four years.

**Q. Transportation policies and procedures**

The program may allow CASA volunteers and employees to transport a child. The program must establish policies and procedures for transportation that include the following:

1. a copy of valid personal automobile insurance must be maintained in the volunteer's file;
2. written authority from the custodial agency and the CASA supervisor to transport children must be obtained on a form provided by OJA;
3. written acknowledgement of the potential risk of being held personally liable must be obtained;
4. annual motor vehicle record checks must be completed and reviewed; and
5. a copy of the volunteer's valid driver's license must be maintained in the volunteer's file.

**R. Training requirement for program leadership**

The program executive director must attend training provided or approved by OJA within twelve (12) months of their initial hire date. The program's president of the board of directors must attend the training within the first year of their term. The training must include:

1. Supreme Court Rule 110; and
2. Standards for Kansas CASA Programs, including OJA requirements and timeframes.

**S. Program attorney**

The program must ensure that an attorney is available for legal consultation with the program, its employees, or its volunteers on any case in which the program executive director deems it appropriate. The program's attorney must not consult with the program, its employees, or its volunteers on any case in which the attorney is serving in any capacity, or in any case in which there appears to be a conflict of interest. The program must have a current written agreement with the program attorney.

**T. CASA case limit policy**

1. CASA volunteers may serve on two cases. A case is defined as one child. An exception may be granted by the program executive director to allow a volunteer to serve on more than two cases. The program executive director may not grant an exception to allow any CASA volunteer to serve more than 5 children at one time. The program must document the exception in the CASA volunteer's file on a form provided by OJA. The program may request an exception from OJA, on a form provided by OJA, to allow a volunteer to serve as the CASA more than 5 children. OJA must provide a written response to the request, and the program must file the response in the case file.
2. The program may allow program employees to serve in the CASA volunteer role. If a program employee serves in the role of a CASA volunteer Kansas CASA Standards and relevant procedures concerning CASA volunteers must be applied.

**U. Conflict of interest policy**

The program must maintain a written conflict of interest policy approved by the board of directors. This policy must govern the conduct of members of the board of directors, program employees, program volunteers, and interns. Members of the board of directors, program employees, program volunteers, CASA volunteers, and interns must sign the conflict of interest policy every 4 years. The conflict of interest policy must:

1. identify, define, and prohibit conduct and transactions in which a conflict of interest exists or has the potential to exist and warrants disclosure;
2. prohibit members of the board of directors, program employees, program volunteers, interns, and CASA volunteers from having direct or indirect financial interest in the assets, leases, business transactions, or professional services of the program;
3. establish the requirement that members of the board of directors, program employees, program volunteers, interns, and CASA volunteers disclose a conflict of interest or potential for conflict of interest upon discovery;

4. include a procedure for recusal from the transaction or decision by the members of the board of directors, program employees, interns, and CASA volunteers with a conflict of interest or potential conflict of interest; and
5. include a procedure for dismissal or other appropriate discipline upon failure to disclose the conflict of interest.

**V. Annual written report**

The program must submit an annual written report to OJA and the chief judge of the judicial district where the program is located. The written report must be submitted on a form provided by OJA.

**W. Annual budget**

The program must prepare and submit to OJA an annual budget reflecting actual and projected income and expenses.

1. The program must prepare the annual budget using accounting software.
2. The CASA program must re-submit the budget to OJA if it deviates more than 10% from the previously submitted budget. The revised budget must be submitted within 30 days of deviation discovery.

**X. Fundraising policy**

Programs must comply with the Kansas Attorney General opinions and local district or county attorney's guidance on fundraising.

**Y. Communication with OJA**

The program must respond timely to OJA communications. The program must inform OJA immediately if the program is either no longer serving children or if the program is out of compliance with these standards. The program must adhere to all timeframes and deadlines established by OJA.

**Z. Volunteer case assignment**

An individual, certified CASA volunteer must be appointed by the court with a court order to have access to the file. The program may access the court file prior to volunteer appointment with an order from the court.

**AA. Programs operating under or as an umbrella organization**

Only CASA program employees and interns may have access to CASA case files, volunteer files, and the CASA database or electronic information about cases or volunteers. CASA program employees may perform any duties related to case supervision or volunteer management for the CASA program. If the program shares administrative functions with another entity such as a child advocacy center or a citizen review board, the CASA program's financial information including grant income and expenses, payroll, and program expenses must be

clearly separated from other programs. Program employees may not share information across programs without first obtaining a release or a court order. Background checks submitted by the program must only pertain to CASA volunteers, CASA program employees, CASA board members, or interns for the CASA program.

**BB. Policy and procedure manual**

The program must submit a complete copy of program policies and procedures as of the effective date of these standards. Each time a policy or procedure is amended, a complete copy of the manual must be submitted to OJA.

**CC. Written agreement**

The program must have a memorandum of understanding with the local district court. The term of the written agreement may not exceed two years and must be renewed following any change of the program's executive director or the chief judge of the local court. The agreement governs operation of the privately administered program and must include all requirements as outlined in Supreme Court Rule 110.

**DD. Case supervision limit**

Program employees supervising volunteers full-time must not supervise more than 30 active volunteers. If the employee is required to perform duties other than supervision of volunteers, the number of volunteers to be supervised must be reduced pro rata.

**IV. PROGRAM POLICIES GOVERNING CASA VOLUNTEERS**

**A. Approval**

The program policies under section IV must be approved by the chief judge or the chief judge's designee of the judicial district where the program is located and the program board of directors.

**B. Applicant's signed acknowledgment of receipt**

Prior to certification, the program must provide a copy of all policies under section IV to applicants. The program must obtain a signed acknowledgement of receipt. Any revision to policies under section IV must be provided to CASA volunteers and an acknowledgment of receipt must be obtained within sixty (60) days of the adoption of the policy revision.

**C. Certification, decertification, and case assignment decisions**

The program executive director is responsible for requesting certification and decertification of volunteers and making case assignment decisions of CASA volunteers.

**D. Case conference requirements**

The program's volunteer supervisor must hold regularly scheduled case conferences with the CASA volunteer assigned to a case to review case progress. The volunteer supervisor must be accessible to provide case specific guidance.

**E. Conflict of interest policy**

The program must maintain a written conflict of interest policy. The conflict of interest policy must govern the conduct of CASA volunteers and must include language that:

1. identifies, defines, and prohibits conduct and transactions where conflict of interest exists or may exist and warrants disclosure;
2. prohibits CASA volunteers from having direct or indirect financial interest in the assets, leases, business transactions, or professional services of the program;
3. requires the CASA volunteer to disclose upon discovery a conflict of interest or potential for conflict of interest;
4. allows for recusal from a transaction or decision with a conflict of interest or potential conflict of interest;
5. dismisses or disciplines an individual upon failure to disclose a conflict of interest;
6. prohibits certification of a CASA applicant if the CASA applicant is currently employed in the juvenile division of the district court, the youth services division of DCF, child welfare providers, Department of Corrections Juvenile Services, Community Corrections, or any agency that could result in a conflict of interest; and
7. prohibits the assignment of a CASA volunteer to a specific case if connected to the family in a professional capacity or in a close personal relationship.

**F. Prohibition of weapons**

Members of the board of directors, program employees, program volunteers, interns, and CASA volunteers must not possess a weapon, as defined in K.S.A. 72-6131, while on program premises or while conducting business on behalf of CASA.

**G. Gathering and release of information**

The program must develop a policy pertaining to the gathering and release of information by a CASA volunteer, that includes:

1. circumstances or conditions for questioning a parent if the parent has an attorney;
2. situations in which an individual asks the CASA volunteer not to reveal information to anyone else;
3. circumstances whereby a CASA volunteer should report suspected child abuse or neglect and procedures for making such reports; and
4. confidentiality of information and records which are collected by the CASA volunteer as part of the CASA volunteer duties.

**H. Prohibited activities**

The program must develop a policy about prohibited CASA volunteer activities. Prohibited activities include:

1. taking a child to the CASA volunteer's home or any location unless pre-approved by the CASA supervisor and the child's parent or legal guardian;
2. giving legal advice or therapeutic counseling;
3. making placement arrangements for the child; and
4. giving money or expensive gifts to the child, the child's family, or caregiver.

**I. Emergency procedures**

The program must develop a policy about emergency procedures to cover situations affecting a child's welfare which come to the CASA volunteer's attention at any time when the CASA office is not open.

**J. Reporting abuse or neglect**

The program must develop a policy which states when CASA volunteers should report incidents of suspected child abuse or neglect to DCF or law enforcement or situations in which the child is believed to be in imminent danger.

Documentation of any reports made by CASA volunteers must be filed in the case file.

**K. Required in-person contact with child**

Programs must develop policies that require volunteers to submit monthly contact reports to document in-person contact with their assigned child(ren) once every thirty (30) days at a minimum. An exception may be granted by the program if a CASA volunteer is unable to meet with the child. The exception must be documented on a form provided by OJA.

**L. Confidentiality**

The program must require CASA volunteers to maintain confidentiality for assigned cases. The CASA volunteer must:

1. take an oath of confidentiality upon completion of pre-service training to be retained in the volunteer's file,
2. sign the Kansas Judicial Council's Oath of Court Appointed Special Advocate specific to each case assigned to be retained in the case file, and
3. sign a statement of confidentiality every four years to be retained in the volunteer's file.

**M. Inactive status**

CASA volunteers who are not assigned to a case are considered inactive. The program must develop policies pertaining to inactive CASA volunteer status, including the decertification of CASA volunteers who have been inactive for a year and circumstances under which a volunteer would have to be retrained. The program executive director may grant an exception to decertification of an inactive volunteer. If an exception is granted, the justification must be documented. A CASA volunteer may not be inactive for more than two consecutive years. Inactive volunteers must complete annual continuing education as required in section II.E.

**N. Suspension for a crime pending resolution**

The program must develop policies about suspension of volunteers due to crimes pending resolution. A CASA volunteer's certification must be suspended if the CASA volunteer is arrested for, charged with, or convicted of a crime. If the program is made aware that a volunteer is under investigation for a crime listed in section I.E.2, the volunteer's certification must be suspended. The volunteer must remain suspended pending resolution of the case. If convicted of a crime listed in section I.E.2., the volunteer must be removed from the case and decertified immediately. If convicted of any other crime(s), the volunteer may be decertified.

**O. Transfer**

The program must develop policies about the transfer of a volunteer to another program. A CASA volunteer who transfers to another CASA program must complete the full application and screening process, and a minimum of four hours of local training as outlined in section II.B.14. A copy of the CASA volunteer's file must be sent to the receiving program. After the receiving program completes the certification process the transferring program must decertify the CASA volunteer.

**P. Decertification**

The program must establish policies and procedures for CASA volunteer decertification. The request for decertification must be sent to OJA on a form

provided by OJA within fourteen (14) days of the volunteer's resignation or termination. OJA must provide the program with notification that the volunteer has been decertified. Documentation of decertification must be retained in the volunteer's file.

## **V. COURTESY CASA APPOINTMENT**

### **A. Intrastate assistance**

CASA programs may provide intrastate courtesy advocate assistance to Kansas CASA programs. The appointed courtesy advocate must comply with the policies and procedures of their certifying CASA program.

### **B. Memorandum of Understanding**

If a program director finds that an intrastate courtesy CASA is appropriate, the program where the case originated and the program where the volunteer was certified must complete a memorandum of understanding which states:

1. the program in the jurisdiction where the case originated is using a volunteer from another program;
2. the courtesy CASA volunteer must be appointed to the case in the jurisdiction where the case originated;
3. the program in the jurisdiction where the case originated is the only CASA program that may have access to any files or information related to the case unless other orders are made by the court;
4. the courtesy CASA's casework will be supervised by the program in the jurisdiction where the case originated, and;
5. the program in the jurisdiction where the case originated will count the case and the volunteer in their statistics until the courtesy CASA is discharged from the case.

### **C. Interstate assistance**

CASA programs shall not request or provide courtesy advocate assistance to CASA programs outside of Kansas.

## **VI. CERTIFICATION OF THE CASA PROGRAM**

### **A. Certification forms and timeframes**

1. Before being appointed to a case, each new program must apply to OJA and be certified. Each year after initial certification, the program must:
  - a. submit an annual certification application to OJA on forms provided by OJA;



- b. include all required documents with the application;
  - c. submit the application to OJA within the established timeframe;  
and
  - d. participate in an annual audit as described in Section VI.B.;
2. The certification year is from January 1 through December 31.
  3. Materials and statistics provided in the application must cover the prior certification year.

**B. Annual Audit**

As part of the certification process, OJA must schedule an annual audit of the program which may be conducted in-person or virtually, at the discretion of OJA.

1. The annual audit must take place during the calendar year certification forms and materials were submitted.
2. If additional materials are required, OJA must inform the program in writing.
3. In addition to program employees, OJA may ask others to participate in the annual audit process.
4. During the audit, OJA must review program records.

**C. Written certification report**

OJA must issue a preliminary written certification report to the program executive director and the president of the board of directors following the site visit. OJA may provide the preliminary report to the chief judge or their judge designee. Programs that disagree with the preliminary report have fifteen (15) days to provide written objections to OJA before it is finalized. The final certification report must be issued following the expiration of the fifteen (15) day discussion period. A copy of the final certification report must be sent to the program executive director, the chief judge or their judge designee, and the president of the board of directors. OJA may release the final report to the National CASA/GAL Association upon request.

1. In the report, OJA must rate the program based on each standard as follows:
  - a. meets standard, or
  - b. does not meet standard.

2. Any items which do not meet standards must be explained in a narrative section. The explanation must include the tasks to be done in order to upgrade the rating. The program has fifteen (15) days from the date of the final report to submit a program improvement plan (PIP). The PIP must include steps to correct items that did not meeting standards along with a timeframe for completion. OJA must approve the PIP. OJA may schedule additional audits to review the implemented improvements.
3. If no improvements are implemented, or if the improvements are determined to be inadequate, certification may be revoked. Notice of revocation of certification must be sent to the program executive director, chief judge or their judge designee, the president of the board of directors, and the executive director of the Kansas CASA Association. The notice must include a recommendation that an Order discharging a CASA volunteer be issued in all cases where a CASA volunteer has been appointed or assigned to a child. Upon certification revocation, the program must cease all operations, including fundraising, CASA volunteer training, CASA volunteer contact with children, and any other activity by which the program holds itself out to be a certified program. The certification revocation must not prohibit any person from appearing in court pursuant to a lawful subpoena. The program may apply for recertification following resolution of the items identified in the program improvement plan. Program employees, the chief judge or the chief judge's judge designee, and the president of the board of directors may engage in activities necessary to complete the certification process.

## **VII. PROGRAM COMPLAINTS**

### **A. Form**

If an individual believes that a program is not meeting these standards, the individual may file a complaint with OJA on a form provided by OJA.

### **B. Process**

If at any time OJA receives a written complaint that a program may be in noncompliance with the standards, the subsequent steps must be followed.

1. OJA must contact the CASA program and inform them, in writing, of the complaint within 15 days.
2. The program must respond in writing within thirty (30) days. The response must include verification that the program is in compliance with the standard outlined in the complaint.
3. If the program is not in compliance with the standard as alleged in the complaint, the response must include a plan to correct the deficiencies.

4. Within fifteen (15) days of receiving the response, OJA must inform the program in writing whether or not the response is sufficient.
5. If response is insufficient, the program must submit a program improvement plan within thirty (30) days addressing the areas of noncompliance. The program improvement plan must:
  - a. address areas of non-compliance;
  - b. list action steps correcting the items identified as non-compliant with Kansas CASA Standards; and
  - c. provide detail as to how the plan will be implemented within 18 months.
6. If a CASA program does not respond within 30 days of the written notice of the complaint, a program evaluation must be initiated.
7. Within 15 days of receiving the program improvement plan, OJA must either accept the plan or request revisions.
  - a. If the program improvement plan is accepted, OJA must monitor the plan's progress. OJA may revise or extend the program improvement plan.
  - b. If OJA requests revisions to the program improvement plan, the program must submit a revised plan within 15 days of the request. If a program does not submit a revised plan as requested, a program evaluation must be initiated.
8. If the program does not submit a program improvement plan, a program evaluation must be initiated.
9. If no improvements are implemented, or if the improvements are determined to be inadequate, certification may be revoked. Notification of the revocation of certification must be sent to the program executive director, the chief judge or the chief judge's designee, the president of the board of directors, and the executive director of the Kansas CASA Association. This notification must include a recommendation that an Order Discharging a CASA volunteer be issued in all cases where a CASA volunteer has been appointed or assigned to a child. Upon revocation of certification, the program must cease all operations, including fundraising, CASA volunteer training, CASA volunteer contact with children, and any other activity by which the program holds itself out to be a certified CASA program. The revocation of certification must not prohibit any person

from appearing in court pursuant to a lawful subpoena. The program may reapply for certification at the certification cycle following the resolution of items identified in the program improvement plan. CASA program employees, the chief judge or the chief judge's designee, the board president, and persons appointed by the chief judge, the chief judge's designee, or board president may engage in activities necessary to complete the certification process.

**C. Notice of compliance**

If at any time OJA determines that the program is in compliance with all standards, OJA must issue a written notice of compliance.

**D. Extensions**

OJA may grant extensions to timeframes listed in Sections VI and VII.

**E. Discretionary audit**

OJA may review the program's compliance with these standards at any time.

**VIII. PROGRAM EVALUATION**

**A. Initiation**

OJA may initiate a program evaluation at any point during the certification cycle and complaint process.

**B. Process; timeframes; onsite evaluation; onsite report; written determination**

If OJA initiates a program evaluation, it must follow the subsequent steps.

1. Notify, in writing, the chief judge or the chief judge's judge designee, program executive director and the president of the board of directors, within 15 days of initiation.
2. Schedule the onsite review with the chief judge or the chief judge's judge designee, the program executive director, and president of the board of directors or the president of the board of directors' designee. OJA will identify an onsite team to conduct the program evaluation. The onsite team members must not reside or work in the judicial district where the program under evaluation is located. The team may include:
  - a. a court administrator;
  - b. a court services officer;
  - c. a CASA program executive director;
  - d. a CRB director;

- e. the executive director of the Kansas CASA Association or the executive director's designee; and
  - f. any other representative identified by OJA as necessary to complete the program evaluation.
3. The onsite evaluation must be completed within 60 days of the notice and may include:
    - a. interviews with the chief judge, chief judge's judge designee, the program executive director, members of the board of directors, and any additional community members with knowledge of the program;
    - b. review of program records pertaining to members of the board of directors, employees, program volunteers, CASA volunteers, and case files; program policies and procedures; memorandum of agreements;
    - c. local court rules; and
    - d. any additional items required by Supreme Court Rule 110 and these standards.
  4. The onsite team will issue a report to the judicial administrator. The report must include the review team's findings and recommendations on the program's compliance with these standards. A copy of the report will be provided to the chief judge, the program executive director, president of the board of directors, the chairperson of the Supreme Court Task Force on Permanency Planning, and the Kansas Supreme Court.
  5. The judicial administrator must make a written determination within thirty (30) days of receipt of the report. The judicial administrator may determine:
    - a. no further action is required of the program; or
    - b. the program's certification is revoked.

## **IX. APPEALS PROCEUDRE**

### **A. Program requirements and timeframes**

1. The program may appeal the certification denial or revocation decision to the Supreme Court. The appeal must:

- a. be in writing; and
  - b. be sent to the Supreme Court within 45 days of the final certification report or certification revocation.
2. The program must cease operations pending the appeal unless otherwise ordered by the Supreme Court.

**B. Review panel**

Appeals may be reviewed by a panel of three members appointed by the chief justice of the Supreme Court. The panel must include at least one program executive director of a certified Kansas CASA program. Panel members must not reside or work in the judicial district where the program being reviewed is located or have served as a member of the onsite review team.

**C. Hearing and report timeframes; findings; final decision**

The panel must convene a hearing within 45 days of the receipt of the request by the Kansas Supreme Court. The program's executive director and the board president or board president's designee are required to attend the hearing. Additional required attendees include: an OJA representative, a district court representative from the district which has entered into the memorandum of agreement with the program, and any other individuals identified by the panel.

1. Any persons in attendance may present documentation, testimony, and witnesses at the hearing. The panel may set time limits for such presentations.
2. The panel must prepare a report of its findings within 30 days of the hearing. If the panel recommends the certification denial or revocation, it must include any conditions it recommends be satisfied before the program may reapply for certification.
3. The findings of the panel are advisory to the Kansas Supreme Court.
4. The Kansas Supreme Court will issue the final decision on the appeal.
5. OJA will provide a copy of the Kansas Supreme Court's final decision to the chief judge, the president of the board of directors, the Kansas CASA Association, and the National CASA Association.