

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
AMENDING ARIZONA CODE OF)	
JUDICIAL ADMINISTRATION §7-101:)	Administrative Order
COURT APPOINTED SPECIAL)	<u>No. 2005 - 13</u>
ADVOCATE PROGRAM)	(Affecting Administrative
)	Order No. 2001-108)
_____)	

An amendment to the above captioned section of the Arizona Code of Judicial Administration having come before the Arizona Judicial Council on December 10, 2004, and having been approved and recommended for adoption,

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that Arizona Code of Judicial Administration §7-101 is amended as indicated on the attached document. All other provisions of §7-101, as originally adopted, remain unchanged and in effect.

Dated this 3rd day of February, 2005.

CHARLES E. JONES
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 7: Administrative Office of the Courts Programs
Chapter 1: Dependent Children's Services
Section 7-101: Court Appointed Special Advocate Program

A. Definitions. In this section, the following definitions apply:

"Assigned judge" means the judge who hears a particular dependency case to which a CASA volunteer is appointed.

"CASA" means Court Appointed Special Advocate.

~~"CPS" means Arizona Department of Economic Security, Child Protective Services Division.~~

"County program staff" means all county coordinators and county support staff of the CASA program.

"DCATS" means Dependent Children Automated Tracking System, a database system.

"DISPOSITION" MEANS THE FINAL OUTCOME OF A CRIMINAL CHARGE.

~~"DES" means the Arizona Department of Economic Security.~~

~~"DPS" means the Arizona Department of Public Safety.~~

"Director" means the administrative director of the Administrative Office of the Courts and the director's designee.

~~"FBI" means the Federal Bureau of Investigation.~~

"*In camera inspection*" means a judge's inspection in chambers of a document which is the subject of a request for disclosure before ruling on its release.

"Manager" means the program manager of the CASA program administered by the Administrative Office of the Courts.

~~"NCASAA" MEANS THE NATIONAL CASA ASSOCIATION~~

"State program office" means the office responsible to administer the CASA program statewide.

B. Applicability.

1. The CASA program is established in the Administrative Office of the Courts. Pursuant to A.R.S. § 8-523 the program shall establish local CASA programs in each county. The

supreme court is to adopt rules prescribing the establishment of local programs and the minimum performance standards of these programs.

2. Pursuant to A.R.S. § 8-522(B) the supreme court shall certify special advocates pursuant to rules adopted by the court. Court rules for certification shall include compliance with qualification standards prescribed by the court.

C. Purpose. The purpose of the CASA program is to administer and PROVIDE OVERSIGHT TO a community-based VOLUNTEER advocacy program in the juvenile court for abused and neglected children.

D. General Administration.

1. The supreme court shall administer and maintain the CASA program. The court shall adopt rules and procedures necessary to implement the program, including qualification standards.
2. The director shall prepare fiscal projections, create a budget, allocate and expend funds for administrative costs and projects associated with the CASA program. The director is authorized to execute funding agreements and approve distribution to local programs.
3. The director shall appoint a manager. The manager shall oversee the implementation and administration of the CASA program which includes the daily management and supervision of state program office staff. The manager shall oversee the development and maintenance of all program performance criteria to include policies, procedures, recommended job descriptions, manuals, and other necessary materials.
4. The manager shall oversee training for all staff to include state program office staff, county program staff, and volunteers.
5. THE STATE PROGRAM OFFICE SHALL OBTAIN AND REVIEW ALL APPLICANT CRIMINAL HISTORY RECORDS FROM THE DEPARTMENT OF PUBLIC SAFETY (DPS). BASED UPON THIS REVIEW THE STATE PROGRAM OFFICE SHALL:
 - a. INDICATE THE APPLICANT HAS SUCCESSFULLY COMPLETED THIS ASPECT OF THE SCREENING PROCESS;
 - b. FORWARD THE INFORMATION TO THE COUNTY PROGRAM OFFICE WHERE THE APPLICANT IS REQUIRED TO PROVIDE ADDITIONAL INFORMATION BEFORE CONTINUING THE SCREENING PROCESS;
 - c. RECOMMEND DENIAL OF CERTIFICATION OF THE APPLICANT IF THE APPLICANT HAS NOT SUCCESSFULLY COMPLETED THIS ASPECT OF THE SCREENING PROCESS.
6. THE STATE PROGRAM OFFICE SHALL OBTAIN, REVIEW, AND MAKE

RECOMMENDATIONS TO THE COUNTY PROGRAM OFFICE REGARDING ALL APPLICANT DEPARTMENT OF MOTOR VEHICLE (MVD) RECORD INFORMATION.

7. THE STATE PROGRAM OFFICE OBTAINS, REVIEWS, AND MAKES RECOMMENDATIONS REGARDING CERTIFICATION BASED ON THE REVIEW OF THE DEPARTMENT OF ECONOMIC SECURITY (DES) CENTRAL REGISTRY.
8. The manager shall maintain a central list of all certified volunteers and issue them identification badges.
9. The manager may conduct investigations as specified in 7-101(N) of this code section.
10. The manager shall review all county programs. At a minimum the review shall assess each program's compliance with:
 - a. Arizona statutes, Rules of Procedure for the Juvenile Court, administrative orders, rules, this code, and program policies and procedures; and,
 - b. Case and volunteer file standards.
11. The state and county program staff shall not solicit donations.
12. All state and county program staff and volunteers shall comply with applicable statutes described in A.R.S. § 8-807, § 41-1959, Arizona Rules of Court, including, but not limited to Rule 123, Rules of the Supreme Court, and administrative rules regarding confidentiality.

E. Budget Request Preparation. The presiding judge or designee shall submit in writing to the director or designee a budget request and program plan to establish and maintain a county program. The manager shall annually supply each presiding judge or designee a budget request and program plan together with instructions for applying for funds appropriated to the supreme court pursuant to A.R.S. § 8-524. To the extent funds are available, the director shall allocate funds to meet the need for certifying volunteers pursuant to A.R.S. § 8-522(B).

F. Program Plan and Financial Management.

1. The county program shall:
 - a. Provide to the manager an annual budget request and program plan;
 - b. Submit quarterly progress reports to the state program office by the 5th day of the new quarter (October, January, April, and July);
 - c. Submit quarterly financial statements to the state program office by the 30th day of the new quarter (October, January, and April);

- d. Submit a closing financial statement (year-end) to the state program office by August 15. Revertment shall be received annually at the state program office by August 31; and
 - e. PROVIDE ADDITIONAL FINANCIAL REPORTS AS DIRECTED BY THE MANAGER (FOR EXAMPLE, "MID-YEAR VACANCY SAVINGS REPORT").
2. The county program staff shall enter all DCATS statistical information on cases and volunteers on at least a monthly basis.
 3. The county program staff shall reimburse volunteers for per diem and mileage costs for attending the mandatory initial orientation training, to the extent funds are available and according to state travel policies. The county coordinator may authorize reimbursement for volunteer training and extraordinary travel expenditures if funds are available, and according to state travel policies.

G. County Program Operations.

1. The county program shall give priority to appointment of volunteers in dependency matters over delinquency or incorrigibility matters.
2. The program shall screen every dependency case, AND ANY DELINQUENCY CASE IF REFERRED, to determine if the case is appropriate for ~~assignment~~ APPOINTMENT to a volunteer and to make effective matches of volunteers to cases.
3. An outside individual or agency (for example: DES, attorneys, private parties, law enforcement, etc.) shall not review any volunteer or case files unless a subpoena and an order of the presiding judge or designee has been issued.
4. Upon receipt of a subpoena, the county coordinator shall deliver a complete duplicate of the file to the presiding judge or designee for *in camera* inspection. The county coordinator shall not permit a file to be viewed without an order.
5. IF A CASA VOLUNTEER TESTIFIES AT A HEARING BEFORE A JUDGE OR AT A JURY TRIAL AND USES CONTACT LOGS OR ANY PORTION OF THE VOLUNTEER'S FILE THAT HAVE NOT BEEN THE SUBJECT OF A SUBPOENA, ANY DISCLOSURE TO THE PARTIES SHALL BE ORDERED BY THE COURT.
56. If county staff or volunteers suspect the safety and well-being of a child is at risk, they shall report that information immediately to CPS as mandated in A.R.S. § 13-3620.
67. The county coordinator shall ensure that upon voluntarily or involuntarily leaving the program, volunteers return identification badges and all case-related materials.
78. THE COUNTY COORDINATOR SHALL NOT ACCEPT APPOINTMENT AS A CASA VOLUNTEER.

89. THE COUNTY PROGRAM SHALL REVIEW, MAINTAIN, AND TAKE ACTION REGARDING MVD RECORDS AS REQUIRED BY THE STATE PROGRAM OFFICE.
910. The county program shall submit completed applicant fingerprint cards to the DEPARTMENT OF PUBLIC SAFETY FOR A CRIMINAL HISTORY RECORDS CHECK, PURSUANT TO A.R.S. § 41-1750, 28 CFR, Part 20, and any other applicable federal laws. ~~DPS shall conduct applicant criminal history records checks. Pursuant to the above cited authority, DPS on behalf of the county coordinator shall exchange registration applicant fingerprint card information with the FBI for national criminal history records checks.~~
1011. In the event that definitive fingerprints are not obtainable, the county coordinator shall require the applicant to ~~sign~~ make a written statement, under oath, that the applicant has not been arrested, charged, indicted, ~~been~~ convicted of or pled guilty to any felony or misdemeanor, other than as disclosed on the application, THROUGH THE INTERVIEW PROCESS, OR POLYGRAPH EXAM. The county coordinator has the option to recommend that certification of a volunteer be granted or denied, ~~whether or not~~ EVEN IF this statement is provided.
1112. IF A VOLUNTEER HAS A RECORD OF CONVICTION OF A VIOLATION OF A.R.S. § 28-1381, § 28-1382, OR § 28-1383 DRIVING UNDER THE INFLUENCE (DUI), THE COUNTY PROGRAM SHALL PROHIBIT THE VOLUNTEER FROM DRIVING ANY VEHICLE TO TRANSPORT CHILDREN, STAFF, OR ANY OTHER INDIVIDUALS IN THE COURSE AND SCOPE OF CASA DUTIES FOR A PERIOD OF NO LESS THAN FIVE (5) YEARS.
1213. All county program staff and volunteers shall adhere to the ACJA § 7-101, THE CASA code of conduct ATTACHED HERETO AND INCORPORATED HEREIN AS APPENDIX A, ~~as published in~~ AND the program policies. ~~AND NCASAA STANDARDS.~~
- a. All county program staff and volunteers shall receive a copy of this code section and CASA program policies and procedures. Each county program staff and volunteer shall sign and date an acknowledgment of receipt and ~~intention~~ AGREEMENT to comply with these documents. The signed acknowledgment shall be placed in the staff member or volunteer's file.
 - b. All county program staff and volunteers shall avoid any action which could adversely affect the confidence of the public in the integrity of the CASA program. They shall not conduct themselves in a manner that would reflect adversely on the judiciary, the courts, or other agencies involved in the administration of justice. ~~If an ethical concern arises, the volunteer shall consult with the county coordinator to resolve the issue.~~
14. ALL COUNTY PROGRAM STAFF SHALL IMMEDIATELY NOTIFY THE COUNTY COORDINATOR OR SUPERVISOR AND VOLUNTEERS SHALL IMMEDIATELY

NOTIFY THE COUNTY COORDINATOR IF:

- a. THEY ARE THE SUBJECT OF AN ALLEGATION OR INVESTIGATION IN ANY CRIMINAL MATTER;
 - b. THEY HAVE BEEN ARRESTED OR CHARGED IN ANY CRIMINAL MATTER;
 - c. IT IS ALLEGED IN A CIVIL, PROBATE, DOMESTIC RELATIONS, OR DEPENDENCY MATTER OR OTHER COURT CASE THAT THEY HAVE SEXUALLY ASSAULTED, EXPLOITED, OR PHYSICALLY ABUSED ANY CHILD OR VULNERABLE ADULT;
 - d. THEY HAVE BEEN FOUND IN ANY PROFESSIONAL LICENSING DISCIPLINARY BOARD'S FINAL DECISION TO HAVE SEXUALLY OR PHYSICALLY ABUSED OR EXPLOITED ANY MINOR, DEVELOPMENTALLY DISABLED PERSON, OR VULNERABLE ADULT.
 - e. THEY HAVE ENGAGED IN AN ACT LISTED IN I (2) (a)(d).
 - f. THEY ARE CURRENTLY AWAITING TRIAL FOR CRIMINAL OFFENSES LISTED IN I(1)(e)(f)(g)(h) AND I (2)(b)(c)(e) IN THIS STATE OR IN ANOTHER STATE OR JURISDICTION.
 - g. THEY HAVE BEEN CONVICTED OF A CRIMINAL OFFENSE LISTED IN I (e)(f)(g)(h). THEY HAVE ENGAGED IN ANY BEHAVIOR LISTED IN I(1)(h)(i)(j)(k)(l)(m)(n) and (o).
15. EITHER THE COUNTY COORDINATOR OR SUPERVISOR SHALL IMMEDIATELY NOTIFY THE STATE PROGRAM OFFICE IF:
- A. THEY ARE THE SUBJECT OF ANY ACTION LISTED IN 14 (A-G) ABOVE; AND
 - B. COUNTY PROGRAM STAFF OR VOLUNTEERS HAVE REPORTED TO THE COUNTY COORDINATOR THAT THEY ARE THE SUBJECT OF AN ACTION LISTED IN 14 (A-G) ABOVE.
- ~~16. All county program staff and volunteers shall avoid any action which could adversely affect the confidence of the public in the integrity of the CASA program. They shall not conduct themselves in a manner that would reflect adversely on the judiciary, the courts, or other agencies involved in the administration of justice.~~
- ~~16. If an ethical concern arises, the volunteer shall consult with the county coordinator to resolve the issue.~~

17. ~~County program staff and volunteers shall serve and respond to requests without bias of race, religion, sex, age, national origin, or physical impairment.~~
 18. ~~Before assignment to a case, a volunteer shall disclose to the court any pre-existing relationship with a child or the child's family that could be perceived as a conflict of interest.~~
 19. ~~County program staff and volunteers shall not use or attempt to use their official position to secure unwarranted privileges or exemptions.~~
 20. ~~County program staff and volunteers shall not request or accept any fee or compensation, beyond that received by them in their official capacity, for advice or assistance given in the course of their public employment and/or service.~~
 21. ~~County program staff and volunteers shall use public resources, property, and funds under their control responsibly and for the public purpose intended by law and not for any private use.~~
2216. County program staff using county computers shall adhere to the ACJA §1-503; Electronic Communications. ~~with specific reference to III.B.6, confidentiality; IV.B., security and privacy.~~ CASA volunteers shall not transmit confidential information via home computers UNLESS TRANSMISSION IS THROUGH THE ADMINISTRATIVE OFFICE OF THE COURTS (AOC) SECURE WEB SERVER.

H. Initial Certification AND APPLICATION PROCESS.

1. Qualifications of the Volunteer. A volunteer shall meet the following qualifications:
 - a. U.S. citizen or legal resident;
 - b. Not employed by DES, the juvenile court, or child welfare agencies, unless specifically authorized by the juvenile court judge; and,
 - c. At least twenty-one years of age.
2. Volunteer Application Process. A volunteer shall complete the following application process WITHIN NINETY (90) DAYS OF THE APPLICATION DATE UNLESS A GOOD CAUSE EXTENSION IS OBTAINED FROM THE COUNTY COORDINATOR:
 - a. Complete an application;
 - b. Provide the program with a readable fingerprint card OR A NOTORIZED CRIMINAL DISCLOSURE STATEMENT AS PROVIDED IN SUBSECTION (G)(11) IF DEFINITIVE FINGERPRINTS ARE NOT OBTAINABLE. IF THE CRIMINAL HISTORY RESULTS DO NOT SHOW A DISPOSITION, IT IS THE APPLICANT'S OBLIGATION TO OBTAIN DOCUMENTATION REGARDING THE DISPOSITION WHICH IS

ACCEPTABLE TO THE PROGRAM.

- c. Complete a personal interview with the county coordinator;
 - d. Provide three non-relative personal references;
 - e. Complete a polygraph examination;
 - f. Sign and date a ~~written~~ statement indicating the volunteer has read, understands, and shall comply with all STATUTES, ARIZONA RULES OF COURT, THIS CODE, ADMINISTRATIVE ORDERS, AND policies and procedures of the CASA Program;
- G. SIGN AND DATE A PRE-SCREENING CRITERIA FORM;
- h. Attend 30 HOURS OF initial Orientation Training (OT);
 - I. AUTHORIZE THE CASA PROGRAM TO SECURE A CRIMINAL HISTORY RECORD CHECK, MVD RECORD CHECK, AND DEPARTMENT OF ECONOMIC SECURITY (DES) CENTRAL REGISTRY INFORMATION CHECK AS PERMITTED BY STATE AND FEDERAL LAWS;
3. THE CASA PROGRAM SHALL REJECT THE APPLICANT IF THE APPLICANT REFUSES TO AUTHORIZE A RELEASE OF INFORMATION TO COMPLETE BACKGROUND CHECKS;
- 3 4. Notification of Certification. The county coordinator shall promptly notify the applicant accepted for certification in accordance with this code section.
5. VOLUNTEERS WHO HAVE BEEN CERTIFIED TO ENTER THE PROGRAM AND WHO TRANSPORT CHILDREN SHALL AT ALL TIMES MAINTAIN CURRENT AUTOMOBILE COVERAGE. VOLUNTEERS SHALL PROVIDE PROOF OF AUTOMOBILE INSURANCE AND ANY ADDITIONAL REQUIREMENTS SET BY THE ADMINISTRATIVE OFFICE OF THE COURTS (AOC) TO THE COUNTY PROGRAM OFFICE ON AN ANNUAL BASIS.
6. ACCESS TO RECORDS OF APPLICANTS AND VOLUNTERS. UNLESS OTHERWISE PROVIDED BY LAW, THE FOLLOWING SHALL APPLY TO APPLICANT AND VOLUNTEER RECORDS:
- A. PROGRAM RECORDS REGARDING APPLICANTS AND VOLUNTEERS SHALL NOT BE OPEN TO APPLICANTS, VOLUNTEERS, OR THE PUBLIC. THIS INCLUDES, BUT IS NOT LIMITED TO, THE APPLICATION, POLYGRAPH EXAMINATION, INTERVIEW NOTES, CRIMINAL HISTORY RECORD INFORMATION, DES CENTRAL REGISTRY INFORMATION CHECK, PERSONAL REFERENCES, ~~OR~~ AND MVD RECORD CHECK.

- B. UPON REQUEST, THE COUNTY PROGRAM SHALL PROVIDE AN APPLICANT OR VOLUNTEER WITH A COPY OF THE APPLICANT'S OR VOLUNTEER'S INDIVIDUAL APPLICATION. NOTES OR WORK PRODUCT OF COUNTY STAFF SHALL BE REDACTED.
- C. THE COUNTY COORDINATOR SHALL NOTIFY APPLICANTS OR VOLUNTEERS OF THE GENERAL FACTS REGARDING A FINDING WITHOUT PROVIDING SPECIFIC INFORMATION ON THE FOLLOWING:
 - 1. CRIMINAL RECORD;
 - 2. NEGATIVE MVD RECORD; OR
 - 3. RECORD IN THE DES CENTRAL REGISTRY.

I. Denial of Certification.

- 1. The county coordinator shall deny certification if ~~after ninety days from the application date~~ any of the following conditions exist:
 - a. The applicant has not completed any aspect of the application process;
 - b. The applicant has not been fingerprinted, ~~and~~ the county coordinator has not received the criminal background CHECK ~~analysis~~, MVD RECORDS CHECK, OR THE DES CENTRAL REGISTRY INFORMATION CHECK;
 - c. The applicant has not completed the training requirements;
 - d. The applicant materially misrepresented facts or committed fraud in the application process.
 - e. The applicant has been convicted of any of the following ~~felony~~ CRIMINAL offenses ~~listed in A.R.S. § 8-322(L) (1-23)~~ as an adult:
 - (1) Sexual abuse of a minor
 - (2) Incest
 - (3) First or second degree murder
 - (4) Kidnapping
 - (5) Arson
 - (6) Sexual assault
 - (7) Sexual exploitation of a minor
 - (8) Felony offenses involving contributing to the delinquency of a minor
 - (9) Commercial sexual exploitation of a minor
 - (10) Felony offenses involving sale, distribution or transportation of, offer to sell, transport or distribute or conspiracy to sell, transport or distribute marijuana, dangerous drugs or narcotic drugs

- (11) Felony offenses involving the possession or use of marijuana, dangerous drugs, or narcotic drugs
- (12) Burglary
- (13) Aggravated or armed robbery
- (14) Robbery
- (15) A dangerous crime against children as defined in § 13-604.01
- (16) Child abuse
- (17) Sexual conduct with a minor
- (18) Molestation of a child
- (19) Manslaughter
- (20) Assault or aggravated assault
- (21) Exploitation of minors involving drug offenses
- ~~(22) A violation of §§ 28-1381, 28-1382, 28-1383~~
- (22) Offenses involving domestic violence
- (23) SEXUAL ABUSE OF A VULNERABLE ADULT

- f. The applicant has charges pending for a felony or misdemeanor involving a sex offense, child abuse or neglect, or related acts that would pose risks to children served by the CASA program and the program's credibility.
- g. The applicant has been found to have been convicted of a felony or misdemeanor involving a sex offense, child abuse, neglect, or related acts OR ANY OTHER CRIMES AGAINST CHILDREN. ~~that would pose risks to children served by the CASA program and the program's credibility.~~
- ~~h. The applicant has been convicted of any felony or misdemeanor crime against children.~~
- h. THE APPLICANT HAS BEEN FOUND IN ANY CIVIL PROBATE, DOMESTIC RELATIONS, DEPENDENCY OR OTHER COURT MATTER TO HAVE:
 - (1) SEXUALLY ABUSED OR ASSAULTED;
 - (2) PHYSICALLY ABUSED OR ASSAULTED; OR
 - (3) FINANCIALLY EXPLOITED ANY CHILD OR VULNERABLE ADULT.
- i. THE APPLICANT HAS BEEN FOUND IN ANY PROFESSIONAL LICENSING DISCIPLINARY BOARDS FINAL DECISION TO HAVE:
 - (1) SEXUALLY ABUSED OR ASSAULTED;
 - (2) PHYSICALLY ABUSED OR ASSAULTED; OR
 - (3) FINANCIALLY EXPLOITED ANY CHILD OR VULNERABLE ADULT.
- j. THE APPLICANT IS CURRENTLY AWAITING TRIAL FOR CRIMINAL OFFENSES IN THIS STATE OR IN ANOTHER STATE OR JURISDICTION AS LISTED IN SUBSECTIONS I(1)(e)(f)(g)(h) AND I(2)(b)(c)(e).
- k. THE APPLICANT IS CURRENTLY USING OR HAS USED WITHIN THE PAST TWO (2) YEARS ANY NON-PRESCRIBED CONTROLLED SUBSTANCES AND/OR

ILLEGAL DRUGS, INCLUDING MARIJUANA.

- l. THE APPLICANT IS THE PARENT OR GUARDIAN OF A CHILD CURRENTLY IN THE DEPENDENCY PROCESS OR ADJUDICATED TO BE DEPENDENT.
 - m. THE APPLICANT OR VOLUNTEER HAS A RECORD IN THE DES CENTRAL REGISTRY OF SUBSTANTIATED ACTS OF ABUSE OR NEGLECT.
2. The county coordinator may deny OR RECOMMEND DENIAL OF certification if one or more of the following is found:
- a. The applicant has a record of any act constituting dishonesty or fraud;
 - b. The applicant has a record of conviction by final judgment of any felony;
 - c. The applicant has a record of conviction by final judgment of a misdemeanor involving moral turpitude; and
 - d. The applicant has been found civilly liable in an action involving fraud, misrepresentation, material omission, misappropriation, or conversion.
- E. APPLICANT HAS BEEN CONVICTED OF A VIOLATION OF A.R.S. § 28-1381, § 28-1382, § 28-1383.
- F. IN DETERMINING WHETHER TO ALLOW AN APPLICANT WITH THE CONDUCT OR CONVICTIONS LISTED IN SUBSECTIONS (I) (2) (A-E) ABOVE TO BE CERTIFIED, THE COUNTY COORDINATOR SHALL CONSIDER THE FOLLOWING:
1. The extent of the person's criminal OR CONDUCT RECORD;
 2. The length of time that has elapsed since the offense OR CONDUCT was committed;
 3. The nature of the offense OR CONDUCT;
 4. Any applicable mitigating circumstances;
 5. The degree to which the person participated in the offense OR CONDUCT;
 6. The extent of the person's rehabilitation, including:
 - a. Completion of probation, parole or community supervision;
 - b. Whether the person paid restitution or other compensation for the offense OR CONDUCT;
 - c. Evidence of positive action to change THE CONDUCT OR criminal behavior, such as completion of a drug treatment program or counseling; AND

d. Personal references attesting to the person's rehabilitation.

3. Notification of Denial.

- a. The county coordinator shall promptly notify the applicant denied certification in accordance with this code section. If the applicant is denied, only general reasons shall be given for the denial. If denial is due to a positive criminal history, that GENERAL fact may be disclosed.
- b. The applicant shall be advised that if the volunteer application is denied, the applicant may have the decision reviewed by the presiding juvenile court judge upon request.

J. Volunteer Status.

1. A volunteer serves at the pleasure of the court. The court may terminate the services of a volunteer without cause. The county coordinator shall take action toward any volunteer not adhering to the minimum performance standards of the CASA program, which may include limitations on types of cases, suspension, or termination.

2. A volunteer shall have access to documents and information pursuant to A.R.S. § 8-522(F):

“A special advocate shall have access to all documents and information regarding the child and the child's family without obtaining prior approval of the child, the child's family or the court. All records and information the special advocate acquires, ~~or reviews during the course of the advocate's appointment and all work products and reports produced by the special advocate are confidential and~~ OR PRODUCES may only be disclosed as provided for in § 41-1959.”

3. A.R.S. § 8-522(G) provides for notice to the CASA volunteer as follows:

“The special advocate shall receive notice of all hearings, staffings, investigations and other matters concerning the child. The special advocate shall have a right to participate in the formulation of any agreement, stipulation or case plan entered into regarding the child.”

4. A volunteer shall be on active status if THE VOLUNTEER ENGAGES IN ANY OF THE FOLLOWING ACTIVITIES:

- a. ~~Assigned~~ APPOINTED to a dependency or juvenile probation case;
- b. Involved in the administrative aspect of the county program office;
- c. Serving as a mentor to other volunteers; OR

d. Otherwise regularly involved with the county program.

~~5. WHILE ON ACTIVE STATUS THE VOLUNTEER SHALL:~~

~~a. Complying with state program policies regarding performance based assessment reviews;~~

~~B. MAINTAINING THE REQUIRED IN-SERVICE TRAINING HOURS PER CALENDAR YEAR.~~

65. VOLUNTEERS WHO ARE ACTIVE BUT NOT ASSIGNED CASES, SHALL PROVIDE A MINIMUM OF THREE HOURS PER MONTH IN ORGANIZED PROGRAM ACTIVITIES AND SHALL DOCUMENT THOSE ACTIVITIES MONTHLY.

56. A volunteer may be placed on inactive status if ALL OF THE FOLLOWING CONDITIONS ARE MET:

- a. Approved by the county coordinator, for no longer than six months;
- b. Not currently assigned APPOINTED to a dependency or juvenile probation case;
- c. Not involved in the administrative aspect of the county program office;
- d. Not a mentor to other volunteers; and
- e. Not otherwise regularly involved with the county program.

67. WHILE ON INACTIVE STATUS, THE VOLUNTEER SHALL:

a. ~~Not complying with~~ PROVIDE state program policies regarding performance-based assessment reviews.

B. COMPLY WITH THE REQUIRED IN-SERVICE TRAINING EACH CALENDAR YEAR.

K. Volunteer Minimum Performance Standards.

1. The volunteer shall perform functions set out in A.R.S. § 8-522(E) and in state and local policies. A.R.S. § 8-522(E) provides:

A special advocate shall:

A. MEET WITH THE CHILD.

B. ADVOCATE FOR THE CHILD'S SAFETY AS THE FIRST PRIORITY.

aC. Gather and provide independent, factual information to aid the court in making its decision

regarding what is in the child's best interest and in determining if reasonable efforts have been made to prevent removal of the child from the child's home or ~~in reunifying~~ TO REUNITE the child with the child's family.

~~b~~D. Provide advocacy to ensure that appropriate case planning and services are provided for the child.

~~e~~E. Perform other duties prescribed by the supreme court by rule.

2. A volunteer shall accept appointments in ~~neglect~~—dependency, GUARDIANSHIP, TERMINATION, delinquency, and incorrigibility actions pursuant to Rule 3, Rules of Procedure for the Juvenile Court and A.R.S. § 8-522(A).
3. A volunteer shall accept appointments as guardians ad litem pursuant to A.R.S. § 8-221(I) and Rule 40, Rules of Procedure for the Juvenile Court, and A.R.S. § 8-522(A).
4. A volunteer shall comply with Arizona statutes, Arizona Rules of Court, Rules of Procedure for the Juvenile Court, administrative orders, rules, this code, and program policies and procedures.
5. A.R.S. § 8-522(H) provides: "A special advocate is immune from civil or criminal liability for the advocate's acts or omissions in connection with the authorized responsibilities the special advocate performs in good faith."
6. A volunteer shall comply with state program policies regarding training requirements.
7. A VOLUNTEER SHALL ~~complying~~ with state program policies regarding performance-based assessment reviews.

L. Re-certification Process. If a volunteer leaves the CASA program for up to one year and is eligible for return, the volunteer shall, at a minimum, attend the initial orientation training. If a volunteer leaves the program for more than one year and is eligible for return, the volunteer shall repeat the application process.

M. ONGOING REQUIREMENTS FOR CONTINUING CERTIFICATION

1. ~~AFTER TWO CALENDAR YEARS IN THE PROGRAM~~, BY DECEMBER 31ST EVERY OTHER CALENDAR YEAR STARTING WITH 2005 VOLUNTEERS SHALL:
 - A. SIGN A STATEMENT UNDER OATH THAT THE VOLUNTEER HAS NOT BEEN ARRESTED, CHARGED, INDICTED, CONVICTED OF, OR PLED GUILTY TO, ANY FELONY OR MISDEMEANOR SINCE THE VOLUNTEER'S LAST CERTIFICATION;
 - B. SIGN A STATEMENT THAT THE VOLUNTEER HAS NOT ENGAGED IN ANY CONDUCT THAT WOULD BE GROUNDS TO DENY CERTIFICATION.

- C. AUTHORIZE THE CASA PROGRAM TO SECURE A CRIMINAL HISTORY RECORDS CHECK, MVD RECORDS CHECK, AND DES CENTRAL REGISTRY INFORMATION CHECK AS PERMITTED BY STATE AND FEDERAL LAWS; AND
 - D. PROVIDE PROOF OF AUTOMOBILE INSURANCE AND ANY ADDITIONAL REQUIREMENTS SET BY THE AOC IF THE VOLUNTEER IS DRIVING ANY VEHICLE TO TRANSPORT CHILDREN, STAFF, OR ANY OTHER INDIVIDUALS IN THE COURSE AND SCOPE OF CASA DUTIES.
2. THE COUNTY COORDINATOR MAY RECOMMEND THAT THE VOLUNTEER'S CERTIFICATION CONTINUE BASED ON THE VOLUNTEER STATEMENT PROVIDED IN COMPLIANCE WITH M (1)(A-D).

M N. Complaint Process.

1. The ~~nature~~ STRUCTURE of the CASA program allows complaints to come in at three different levels. Complaints may be made to the manager, presiding judge or designee, or the county coordinator.
2. All judicial officers and state and county program staff shall, and any person may, notify the county coordinator if it appears that a volunteer has violated Arizona statutes, Rules of COURT, INCLUDING RULES OF Procedure of the Juvenile Court, THIS CODE, administrative orders, rules, ~~and~~ program policies, or this code section.
3. All complaints shall be in writing with sufficient specificity to warrant further investigation. The name and telephone number of the complainant shall also be provided.
4. Investigations may be conducted at any of the three levels designated in N(1) and may be for the following purposes:
 - a. To determine whether a ~~person~~ VOLUNTEER has violated this code section or other applicable statutes, rules, and policies;
 - b. To determine whether a complaint is valid; or,
 - c. To secure information useful in the administration of the program or this code section.
5. WHILE AN INVESTIGATION IS PENDING, THE COUNTY COORDINATOR MAY SEEK A TEMPORARY ORDER FROM THE ASSIGNED JUDGE, THE PRESIDING JUVENILE COURT JUDGE, OR DESIGNEE, SUSPENDING THE VOLUNTEER FROM DUTIES AS A CASA VOLUNTEER.
56. Any investigation under this provision shall be reported to all three levels designated in N(1).
67. Upon review of all evidence, the investigator shall make a report and recommendation to the

presiding judge or designee for resolution of the complaint. The investigator, upon receiving judicial resolution of the complaint, shall inform the parties designated in N(1).

78. The county coordinator shall document any complaints in the volunteer's file and send a copy to the state program office. Information and documentation shall be confidential and available only for use in considering volunteer'S CONTINUING CERTIFICATION ~~re-application~~ or for review by the manager.
89. If the complaint involves alleged criminal activity as listed in, but not limited to, this code section, or immediate or potential danger to a child, the investigator shall promptly forward the written complaint and all other investigative progress reports to the parties designated in N(1).

O. DISMISSAL FROM CASE OR TERMINATION OF A VOLUNTEER FROM PROGRAM

1. UPON COMPLETION OF THE COMPLAINT PROCESS, THE COUNTY COORDINATOR SHALL REFER ANY RECOMMENDATION REGARDING DISCIPLINE TO THE PRESIDING JUDGE OR DESIGNEE. THE PRESIDING JUDGE OR DESIGNEE SHALL TAKE ACTION UP TO AND INCLUDING DISMISSAL FROM THE PROGRAM.
2. GROUNDS FOR DISMISSAL OR TERMINATION OF A VOLUNTEER FROM THE PROGRAM INCLUDE BUT ARE NOT LIMITED TO:
 - A. TAKING ACTION THAT ENDANGERS THE CHILD OR IS OUTSIDE THE ROLE OF THE STATUTORY AUTHORITY OF THE CASA PROGRAM;
 - B. FAILING TO ADHERE TO ARIZONA STATUTES, RULES OF COURT INCLUDING THE PROCEDURES OF THE JUVENILE COURT, ACJA, ADMINISTRATIVE ORDERS, RULES, AND PROGRAM POLICIES;
 - C. FAILING TO DEMONSTRATE AN ABILITY TO EFFECTIVELY CARRY OUT ASSIGNED DUTIES;
 - D. FALSIFYING THE APPLICATION OR MISREPRESENTING FACTS DURING THE SCREENING PROCESS;
 - E. A FINDING AGAINST THE VOLUNTEER OF CHILD ABUSE OR NEGLECT BY A COURT OR ANY AUTHORIZED GOVERNMENTAL AGENCY;
 - F. EXISTING CONFLICT OF INTEREST WHICH CANNOT BE RESOLVED;
 - G. ALLOWING THE APPOINTED CHILD TO VISIT THE VOLUNTEER'S HOME OR STAY OVERNIGHT WITH THE VOLUNTEER UNLESS SPECIFICALLY ORDERED BY THE COURT.
 - H. ANY ACTION THAT WOULD HAVE REQUIRED INITIAL DENIAL OF

CERTIFICATION AS A CASA VOLUNTEER.

3. A VOLUNTEER SHALL BE SUSPENDED IMMEDIATELY FOLLOWING AN ALLEGATION OF EXISTING CHILD ABUSE AND NEGLECT AGAINST THE VOLUNTEER.
 - A. A VOLUNTEER SHALL BE SUSPENDED IMMEDIATELY PENDING A DETERMINATION OF ALLEGED CHILD ABUSE OR NEGLECT;
 - B. A VOLUNTEER SHALL BE SUSPENDED IMMEDIATELY PENDING AN INVESTIGATION OF AN ALLEGATION OF CONDUCT THAT WOULD BE GROUNDS FOR MANDATORY OR DISCRETIONARY DENIAL OF CERTIFICATION.
4. A VOLUNTEER SHALL BE DISMISSED IMMEDIATELY IF THERE HAS BEEN A JUDICIAL OR ADMINISTRATIVE DETERMINATION OF ABUSE OR NEGLECT.
5. A VOLUNTEER SHALL BE DISMISSED IMMEDIATELY IF THE VOLUNTEER USES ILLEGAL DRUGS OR ALCOHOL WHILE PERFORMING ~~THEIR~~ CASA DUTIES.

SECTION 7-101: COURT APPOINTED SPECIAL ADVOCATE PROGRAM
APPENDIX A
VOLUNTEER CODE OF CONDUCT

PREAMBLE. THIS CODE OF CONDUCT IS ADOPTED BY THE ARIZONA SUPREME COURT TO APPLY TO ALL CERTIFIED COURT APPOINTED SPECIAL ADVOCATES (CASA) VOLUNTEERS IN THE STATE OF ARIZONA. THE PURPOSE OF THIS CODE IS TO ESTABLISH MINIMUM STANDARDS FOR PERFORMANCE BY CERTIFIED CASA VOLUNTEERS.

1. THE VOLUNTEER SHALL PERFORM ONLY AUTHORIZED RESPONSIBILITIES PURSUANT TO A.R.S. § 8-522(E). THOSE RESPONSIBILITIES INCLUDE:
 - A. MEET WITH THE CHILD;
 - B. ADVOCATE FOR THE CHILD'S SAFETY AS THE FIRST PRIORITY;
 - C. GATHER AND PROVIDE INDEPENDENT, FACTUAL INFORMATION TO AID THE COURT IN MAKING ITS DECISION REGARDING WHAT IS IN THE CHILD'S BEST INTEREST AND IN DETERMINING IF REASONABLE EFFORTS HAVE BEEN MADE TO PREVENT REMOVAL OF THE CHILD FROM THE CHILD'S HOME OR ~~in~~ ~~reunifying~~ TO REUNITE THE CHILD WITH THE CHILD'S FAMILY;
 - D. PROVIDE ADVOCACY TO ENSURE THAT APPROPRIATE CASE PLANNING AND SERVICES ARE PROVIDED FOR THE CHILD;
2. THE VOLUNTEER WHO PERFORMS ACTIVITIES OTHER THAN THOSE AUTHORIZED IN (1)(A-D) ABOVE, SHALL ONLY DO SO PURSUANT TO SUPREME COURT RULE.
3. THE VOLUNTEER SHALL CONSULT WITH THE COUNTY COORDINATOR TO RESOLVE ANY ETHICAL ISSUES THAT ARISE.
4. THE VOLUNTEER SHALL SERVE AND RESPOND TO REQUESTS WITHOUT BIAS OF RACE, RELIGION, SEX, AGE, NATIONAL ORGIN, OR PHYSICAL IMPAIRMENT.
5. BEFORE APPOINTMENT TO A CASE THE VOLUNTEER SHALL DISCLOSE TO THE COUNTY COORDINATOR OR COURT ANY PRE-EXISTING RELATIONSHIP WITH A CHILD OR THE CHILD'S FAMILY THAT COULD BE PERCEIVED AS A CONFLICT OF INTEREST.
6. THE VOLUNTEER SHALL, AT ALL TIMES, PERFORM AUTHORIZED FUNCTIONS IN A PROFESSIONAL AND IMPARTIAL MANNER.

7. THE VOLUNTEER SHALL NOT USE OR ATTEMPT TO USE THE VOLUNTEER'S OFFICIAL POSITION TO SECURE UNWARRANTED PRIVILEGES OR EXEMPTIONS.
8. THE VOLUNTEER SHALL NOT REQUEST OR ACCEPT ANY FEE OR COMPENSATION, ~~BEYOND THAT RECEIVED BY THEM IN THEIR OFFICIAL CAPACITY, FOR ADVICE OR ASSISTANCE GIVEN IN THE COURSE OF THEIR PUBLIC EMPLOYMENT AND/OR CASA VOLUNTEER SERVICE.~~
9. THE VOLUNTEER SHALL USE PUBLIC RESOURCES, PROPERTY, AND FUNDS UNDER THE VOLUNTEER'S CONTROL RESPONSIBLY AND FOR THE PURPOSE INTENDED BY LAW AND NOT FOR ANY PRIVATE USE.
10. THE VOLUNTEER SHALL COMPLY WITH APPLICABLE STATUTES DESCRIBED IN A.R.S. § 8-807, § 41-1959, ARIZONA RULES OF COURT, INCLUDING, BUT NOT LIMITED TO RULE 123, RULES OF THE SUPREME COURT, AND ADMINISTRATIVE RULES REGARDING CONFIDENTIALITY.
11. THE VOLUNTEER SHALL NOT ALLOW THE APPOINTED CHILD TO VISIT THE VOLUNTEER'S HOME OR STAY OVERNIGHT WITH THE VOLUNTEER UNLESS SPECIFICALLY ORDERED BY THE COURT WITH PRIOR APPROVAL OF THE CPS SUPERVISOR, CPS CASE MANAGER, AND COUNTY COORDINATOR.
12. THE VOLUNTEER SHALL NOT BE RELATED TO ANY PARTIES INVOLVED IN THE CASE OR BE EMPLOYED IN A POSITION/OR AGENCY THAT MIGHT RESULT IN A CONFLICT OF INTEREST.
13. THE VOLUNTEER SHALL NOT ENGAGE IN THE FOLLOWING ACTIVITIES:
 - A. GIVE LEGAL OR MEDICAL ADVICE;
 - B. PROVIDE THERAPEUTIC COUNSELING;
 - C. PROVIDE HEALTH CARE SERVICES;
 - D. MAKE PLACEMENT ARRANGEMENTS FOR THE CHILD;
 - E. GIVE MONEY OR GIFTS OF VALUE OVER \$10 TO THE CHILD OR FAMILY;
 - F. SOLITARY EXCURSIONS TO ISOLATED PLACES INVOLVING ONLY THE CASA VOLUNTEER AND THE APPOINTED CHILD; AND
 - G. PERFORM HOME STUDIES FOR OUT-OF-STATE OR IN-STATE AGENCIES.