



2005 SENATE BILL 87

February 28, 2005 - Introduced by Senators WIRCH, MILLER, COGGS, ERPENBACH, PLALE, ROESSLER and DARLING, cosponsored by Representatives JESKEWITZ, KREUSER, BERCEAU, PARISI, HAHN, HINES, TOWNSEND and ALBERS. Referred to Committee on Health, Children, Families, Aging and Long Term Care.

1 **AN ACT** *to renumber and amend* 48.07 (5) (a); and *to amend* 48.236 (2), 48.236
2 (3) (d), 48.236 (4) (c), 48.32 (1b) and 48.345 (2r) of the statutes; **relating to:**
3 requiring court-appointed special advocate programs to comply with standards
4 established by a nonprofit, tax-exempt corporation that provides services on a
5 statewide basis to those programs.

Analysis by the Legislative Reference Bureau

Under current law, a court assigned to exercise jurisdiction under the Children's Code (juvenile court) may request a court-appointed special advocate (CASA) program that has entered into a memorandum of understanding with the chief judge of the judicial administrative district of the juvenile court (chief judge) to designate a CASA volunteer to perform certain activities in any proceeding in which it is alleged that a child is in need of protection or services and in which the juvenile court finds that providing the services of a CASA would be in the best interests of the child. Those activities include gathering information and making observations about the child and his or her family, maintaining regular contact with the child, monitoring the appropriateness and safety of the child's environment, advocating for the best interests of the child, and undertaking any other activities that are consistent with the memorandum of understanding.

This bill prohibits a chief judge from entering into, modifying, extending, or renewing a memorandum of understanding with a CASA program unless the

SENATE BILL 87

program complies with standards established by a nonprofit, tax-exempt corporation that provides services on a statewide basis to CASA programs.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 48.07 (5) (a) of the statutes is renumbered 48.07 (5) (a) 1. and
2 amended to read:

3 48.07 (5) (a) 1. The court may obtain the services of a court-appointed special
4 advocate program that has been recognized by the chief judge of the judicial
5 administrative district. A chief judge of a judicial administrative district may
6 recognize a court-appointed special advocate program by entering into a
7 memorandum of understanding with the court-appointed special advocate program
8 that specifies the responsibilities of the court-appointed special advocate program
9 and of a court-appointed special advocate designated under s. 48.236 (1). The A chief
10 judge of a judicial administrative district may not enter into, modify, extend, or
11 renew a memorandum of understanding with a court-appointed special advocate
12 program after the effective date of this subdivision [revisor inserts date], unless
13 the program complies with standards established by a nonprofit corporation that is
14 organized under ch. 181, described under section 501 (c) (3) of the Internal Revenue
15 Code, and exempt from taxation under section 501 (a) of the Internal Revenue Code
16 and that provides services on a statewide basis to court-appointed special advocate
17 programs.

18 2. Subject to subd. 3., a memorandum of understanding under subd. 1. shall
19 specify that the court-appointed special advocate program is responsible for
20 selecting, training, supervising, and evaluating the volunteers and employees of the
21 program who are authorized to provide court-appointed special advocate services as

SENATE BILL 87

1 provided in pars. (b) to (d), that, in addition to any other activities specified in the
2 memorandum of understanding, a volunteer or employee of the program who is
3 authorized to provide court-appointed special advocate services may be designated
4 to perform any of the activities specified in s. 48.236 (3) (a) to (c) and that, in addition
5 to any other authority specified in the memorandum of understanding, a volunteer
6 or employee of the program who is authorized to provide court-appointed special
7 advocate services may be authorized to exercise any of the authority specified in s.
8 48.236 (4) (a) and (b), ~~unless the parties to the memorandum of understanding~~
9 ~~determine that a variance.~~

10 3. A memorandum of understanding under subd. 1. may vary from the
11 requirements of pars. (b) to (d), the activities specified in s. 48.236 (3) (a) to (c), or the
12 authority specified in s. 48.236 (4) (a) and (b) if the parties to the memorandum of
13 understanding determine that a variance from those requirements, activities, or
14 authority is necessary for the efficient administration of the program and if the
15 program complies with the standards established by a nonprofit corporation
16 described in subd. 1.

17 **SECTION 2.** 48.236 (2) of the statutes is amended to read:

18 48.236 (2) QUALIFICATIONS. A court-appointed special advocate shall be a
19 volunteer or employee of a court-appointed special advocate program who has been
20 selected and trained as provided in the memorandum of understanding entered into
21 under s. 48.07 (5) (a) 1. No person who is a party in a proceeding, who appears as
22 counsel or guardian ad litem in a proceeding on behalf of any party, or who is a
23 relative or representative of a party in a proceeding may be designated as a
24 court-appointed special advocate in that proceeding.

25 **SECTION 3.** 48.236 (3) (d) of the statutes is amended to read:

