

O.C.G.A. § 15-11-9 and § 15-11-9.1
Effective July 1, 2007

§15-11-9:

(a) As used in this Code section, the term ‘court appointed special advocate’ shall have the same meaning as set forth in Code Section 15-11-9.1.

(b) The court at any stage of a proceeding under this article, on application of a party or on its own motion, shall appoint a guardian ad litem for a child who is a party to the proceeding if the child has no parent, guardian, or custodian appearing on the child’s behalf or if the interests of the parent, guardian, or custodian appearing on the child’s behalf conflict with the child’s interests or in any other case in which the interests of the child require a guardian. A party to the proceeding or the employee or representative of a party to the proceeding shall not be appointed. In deprivation cases, a person appointed as a child’s guardian ad litem must have received before the appointment training appropriate to the role that is administered or approved by the Office of the Child Advocate and may be an attorney or court appointed special advocate, or both. For attorneys, the preappointment training required pursuant to this Code section shall be satisfied within attorney’s existing continuing legal education obligations and shall not require attorneys to complete additional training hours in addition to those currently required by the State Bar of Georgia. The Office of the Child Advocate shall exempt from the training required by this Code section attorneys who have practiced as guardians ad litem in juvenile court deprivation proceedings for three or more years and, when such determination is made by the court, have demonstrated a proficiency in child representation.

§15-11-9.1:

(a) As used in this Code section, the term:

(1) ‘Court appointed special advocate’ or ‘CASA’ means a community volunteer who:

(A) Has been screened and trained regarding deprivation, child development, and Juvenile court procedures;

(B) Has met all of the requirements of an affiliate court appointed special advocate program;

(C) Is being actively supervised by an affiliate court appointed special advocate

program; and

(D) Has been appointed as a lay guardian ad litem by the court in a juvenile court deprivation proceeding.

(2) ‘Affiliate court appointed special advocate program’ means a locally-operated program operating with the approval of the local juvenile court which screens, trains, and supervises volunteers to advocate for the best interest of abused and neglected children in deprivation proceedings.

(b)(1) Before executing duties as a CASA, and upon completion of all the requirements of an affiliate court appointed special advocate program, a CASA shall be sworn in by a judge of the juvenile court in the court or circuit in which he or she wishes to serve. A CASA shall not be assigned a case prior to being sworn in by a juvenile court judge as set forth in this paragraph.

(2) If a juvenile court judge determines that a child involved in a deprivation proceeding needs a CASA, the judge shall have the authority to appoint a CASA, and in such circumstance shall sign an order appointing a CASA at the earliest possible stage of the proceedings. Such order shall impose on a CASA all the duties, rights, and responsibilities set forth in this Code section.

(c) The role of a CASA in juvenile court deprivation proceedings shall be to advocate for the best interests of the child.

(d) In all cases to which a CASA is assigned, except as ordered by the judge, a CASA shall:

- (1) Conduct an independent assessment to determine the facts and circumstances surrounding the case;
- (2) Maintain regular and sufficient in-person contact with the child;
- (3) Submit written reports to the court regarding the child’s best interests;
- (4) Advocate for timely court hearings to obtain permanency for the child;
- (5) Request judicial citizen review panel or judicial review of the case;
- (6) Collaborate with the child’s attorney, if any;
- (7) Attend all court hearings and other proceedings to advocate for the child’s best interests;
- (8) Monitor compliance with the case plan and all court orders; and

- (9) Review all court related documents.
- (e) As a lay guardian ad litem, a CASA shall not be required to:
- (1) Engage in activities which could reasonably be construed as the practice of law; or
 - (2) Obtain legal counsel or other professional services for a child.
- (f)(1) Except as provided in Article 5 of this chapter, the ‘Georgia Child Advocate for the Protection of Children Act,’ a CASA shall be notified of all court hearings, judicial reviews, judicial citizen review panels, and other significant changes of circumstances of the child’s case to which the CASA has been appointed to the same extent and in the same manner as the parties to the case are notified of such matters.
- (2) A CASA shall be notified of the formulation of any case plan of the child’s case to which the CASA has been appointed and may be given the opportunity to be heard by the court about such plans.
- (g) Upon presentation of an order appointing a CASA as a guardian ad litem, such CASA shall have access to all records and information relevant to the child’s case to which such CASA has been appointed when such records and information are not otherwise protected from disclosure pursuant to Code Section 19-7-5. Such records and information shall not include records and information provided under Article 5 of this chapter, the ‘Georgia Advocate for the Protection of Children Act,’ or provided under Chapter 4A of Title 49. The CASA’s right to access such records shall be as otherwise authorized by law.
- (h)(1) All records and information acquired, reviewed, or produced by CASA during the course of his or her appointment shall be deemed confidential and shall not be disclosed except as ordered by the court.
- (2) Except as provided in Code Section 49-5-41, any CASA who discloses confidential information obtained during the course of his or her appointment shall be guilty of a misdemeanor. CASA’s shall maintain all information and records regarding mental health, developmental disability, and substance abuse according to the confidentiality requirements contained in Code Section 37-3-166, 37-4-125, or 37-7-166, as applicable.
- (i) Any CASA authorized and acting in good faith, in the absence of fraud or malice, and in accordance with the duties required by this Code section shall have immunity from any

liability, civil or criminal, that might otherwise be incurred or imposed as a result of taking or failing to take any action pursuant to this Code section. This Code section shall not be construed as imposing any additional duty on a CASA which is not already otherwise imposed by law.

(j)(1) The court may remove a CASA from a case upon finding that the CASA has acted in a manner contrary to the child's best interest, or if the court otherwise deems continued service as unwanted or unnecessary.

(2) The court may discharge a CASA for nonparticipation in a case or upon finding that the CASA has acted in a manner contrary to the mission and purpose of the affiliate court appointed special advocate program.