

CHAPTER 4
COURT APPOINTED SPECIAL ADVOCATE PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

489—4.1(237) Purpose. The child advocacy board is required by Iowa Code section 237.18 to establish procedures and protocols for administering the court appointed special advocate program.

4.1(1) Definitions.

“Administrator” means the person selected by the director to lead, direct and manage the staff and programs established by the board.

“Certified,” when used as a descriptor of a court appointed special advocate, means that an applicant has been determined by the child advocacy board to have the required qualifications to become a court appointed special advocate and has completed the application requirements, background checks, screening and selection process and training established pursuant to the rules in this chapter.

“Coach” or *“CASA coach”* means a duly certified court appointed special advocate volunteer who has received additional training to assist the coordinator by overseeing facets of the court appointed special advocate’s case work.

“Coordinator” means the staff member of the child advocacy board who is responsible for planning and implementation of the court appointed special advocate program in a county or cluster of counties in the state.

“Court appointed special advocate” or *“CASA volunteer”* or *“CASA”* or *“advocate”* means a person who is duly certified by the child advocacy board for participation in the court appointed special advocate program and appointed by the court to represent the interest of a child in any judicial proceeding to which the child is a party or is called as a witness or relating to any dispositional order involving the child resulting from the proceeding. Unless otherwise enlarged or circumscribed by a court or juvenile court having jurisdiction over the child or by operation of law, the duties of a court appointed special advocate with respect to a child pursuant to Iowa Code section 237.24 as enacted by 2022 Iowa Acts, House File 2390, section 15, shall include the following:

1. Conducting in-person interviews with the child every 30 days, if the child’s age is appropriate for the interview, and interviewing each parent, guardian, or other person having custody of the child, if authorized by counsel.
2. Visiting the home, residence, or both home and residence of the child and any prospective home or residence of the child, including each time placement is changed.
3. Interviewing any person providing medical, mental health, social, educational, or other services to the child.
4. Obtaining firsthand knowledge, if possible, of the facts, circumstances, and parties involved in the matter in which the court appointed special advocate is appointed.
5. Attending any depositions, hearings, and trial proceedings in the matter in which the court appointed special advocate is appointed for the purpose of supporting the child and advocating for the child’s protection.
6. Assisting the transition committee in the development of a transition plan if the child’s case permanency plan calls for the development of a transition plan.
7. Submitting a written report to the juvenile court and to each of the parties identified in Iowa Code section 237.21(4) as amended by 2022 Iowa Acts, House File 2390, section 13, prior to each court hearing, unless otherwise ordered by the court. The report shall include, but not be limited to, the identified strengths and concerns of the child and the child’s family, along with recommendations about the child’s placement and best interest.

4.1(2) Program mission. CASA of Iowa trains and supports community volunteers to advocate for a safe and permanent home for children who have experienced abuse and neglect, and works collaboratively to ensure their voice is heard.

4.1(3) Program goal. The CASA program will provide certified advocates for every child who has experienced abuse or neglect and for whom an advocate is authorized by an Iowa court.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18.
[ARC 1375C, IAB 3/19/14, effective 4/23/14; ARC 6676C, IAB 11/16/22, effective 12/21/22; ARC 7698C, IAB 3/6/24, effective 7/1/24; see correction note at end of chapter]

489—4.2(237) Program requirements.

4.2(1) *Establishing additional procedures and protocols.*

a. The state board is responsible for establishment of procedures and protocols consistent with the Iowa Code.

b. Responsibility is delegated by the state board to the administrator to establish and submit to the board for approval a program policy and procedures manual that provides detailed guidance to child advocacy board staff and volunteers on application of these rules and the statutes that govern the operation of the court appointed special advocate program.

c. Child advocacy board staff and volunteers are required to comply with the protocols and procedures established by the state board and the provisions of the policy and procedures manual established by the administrator and approved by the board.

d. Day-to-day implementation of program policy is delegated by the state board to administrative staff. Staff is responsible for bringing questions about policy issues to the state board for clarification or changes of state policy.

4.2(2) *Operation requirements.*

a. The state board delegates responsibility to the administrator to hire, train, and manage staff throughout the state to implement CASA programming. The administrator shall determine the number of court appointed special advocates or coaches an individual coordinator may supervise.

b. The state board delegates responsibility to the administrator to provide additional information or guidance in the program's policy and procedures manual regarding the analysis of applicant qualifications and requirements for the final selection of CASA volunteers and coaches.

c. The coordinator is responsible for recruiting, screening, selecting, training and supervising court appointed special advocates.

d. The CASA selection is made in a manner that provides the best match available between the knowledge, skills, abilities, and availability of the advocate and the needs of the child. The assignments shall be made in a manner that avoids conflicts of interest, risk to the child's or advocate's safety, and jeopardy to the program's integrity.

e. Upon selection of the CASA who will serve on an individual case, the court and all interested parties are notified of the selection.

f. The selected CASA continues to serve on the case until the assignment is terminated by the court.

4.2(3) *CASA advocate qualifications.* Potential coaches and advocates shall meet the following qualifications:

a. Possess a genuine interest in advocating for children and their rights and needs.

b. Have availability to complete mandatory duties.

c. Commit to serve on a case until terminated by the court.

d. Have the ability to interact with persons involved in the child welfare system.

e. Have the ability to communicate effectively both in verbal and written presentations.

f. Be at least 19 years of age or older.

g. Not be a person employed by the state board, the department of health and human services, the district court, or an agency with which the department of health and human services contracts for services for children.

h. Agree to use the child advocacy board's data management system for case work.

4.2(4) *Application requirements for CASA volunteers.* All CASA volunteer applicants shall complete the following requirements:

a. Submit a program application to the program office.

b. Provide the names and addresses of at least three nonrelative personal references.

c. Participate in at least one personal interview with the local coordinator.

d. Complete mandatory CASA preservice training.

e. Take a confidentiality oath, administered by the presiding juvenile court judge, or designee, for whom the CASA will be performing official duties.

f. Authorize a release of information for the CASA program to conduct a complete criminal history check of the applicant's background, including, but not limited to, checking records in the court jurisdiction in which the applicant has resided, state criminal records, Federal Bureau of Investigation or other national criminal database, sex offender registry, child abuse registry, and social security number verification. Applicants who refuse to sign required background check releases will not be considered for the CASA program.

g. Individuals with a negative background check finding may be approved to be a court appointed special advocate in accordance with the CASA of Iowa child abuse registry/criminal background check exemption policy.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18.

[ARC 6676C, IAB 11/16/22, effective 12/21/22; ARC 7698C, IAB 3/6/24, effective 7/1/24; see correction note at end of chapter]

489—4.3(237) Training. All child advocacy board staff and court appointed special advocate volunteers shall complete preservice and continuing education requirements.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18.

[ARC 6676C, IAB 11/16/22, effective 12/21/22]

489—4.4(237) Adherence to national guidelines. The National Court Appointed Special Advocate/Guardian ad Litem Association for Children has established a national quality assurance system for CASA programs. The primary goal of the system is to strengthen CASA organizations and support their efforts to provide high-quality child advocacy and achieve the maximum level of excellence. CASA of Iowa shall continue to maintain compliance with the standards and, within the limits of available funding, shall deploy resources to maintain compliance in the future.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18.

[ARC 1375C, IAB 3/19/14, effective 4/23/14; ARC 6676C, IAB 11/16/22, effective 12/21/22]

489—4.5(237) Children eligible for assignment of a court appointed special advocate. CASA of Iowa serves any child for whom the court appoints a court appointed special advocate as long as the resources to do so are available.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18.

[ARC 1375C, IAB 3/19/14, effective 4/23/14; ARC 6676C, IAB 11/16/22, effective 12/21/22]

489—4.6(237) Annual program report. The child advocacy board shall issue an annual report to the general assembly, the governor and the supreme court. The report shall provide information about the number of volunteers providing service through the court appointed special advocate program, the number of children served by the program, and the benefits children and their families have obtained from the program.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18.

[ARC 1375C, IAB 3/19/14, effective 4/23/14]

[Filed ARC 1375C (Notice ARC 1285C, IAB 1/8/14), IAB 3/19/14, effective 4/23/14]

[Filed ARC 6676C (Notice ARC 6544C, IAB 9/21/22), IAB 11/16/22, effective 12/21/22]

[Filed ARC 7698C (Notice ARC 7065C, IAB 8/23/23), IAB 3/6/24, effective 7/1/24]¹

¹ The effective date of ARC 7698C was corrected to July 1, 2024, in the April 3, 2024, Iowa Administrative Bulletin.