



## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Department of Criminal Justice
<b>Virginia Administrative Code (VAC) citation</b>	6VAC20-160
<b>Regulation title</b>	Rules Relating to the Court-Appointed Special Advocate Program (CASA) 6 VAC 20-160-10 et seq.
<b>Action title</b>	Revised Rules of the Court-Appointed Special Advocate Program (CASA)
<b>Date this document prepared</b>	

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Purpose

*Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.*

The Court-Appointed Special Advocate (CASA) Program serves the Commonwealth of Virginia through the provision of trained volunteers who assist the judicial system by advocating and investigating the cases of abused and neglected children. Cases are assigned by local courts to one of the 28 CASA Programs. The goal of CASA is to help assigned children achieve a safe and permanent home in a timely fashion. Structural differences in programs include: the size of the population served; length of time established; and whether or not the office is an independent non-profit organization, or part of a local government. These differences generate inconsistencies between localities and result in the requirement to periodically review the Regulations that provide consistency throughout the programs. The proposed revisions to the Regulations will clarify the role of the local advisory councils, improve training opportunities, increase support for staff and volunteers, and improve the recordkeeping of both program activities and the financial accountability of each location. The proposed revisions to the Regulations are intended to ensure that the Regulations are in support of and consistent with the mission and goals of CASA Programs across Virginia.

## Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

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Section 9.1-151 of the Code of Virginia established the Court-Appointed Special Advocate Program (CASA) in Virginia.

## Need

*Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.*

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In 1998, when the Regulations were last revised, there were 22 Court Appointed Special Advocate (CASA) Programs in Virginia. Presently there are 28 programs serving the Commonwealth. With the growth of CASA there is a need to routinely provide enhanced training and support, ensure accountability and offer further clarification of guidelines and expectations. Standardization of CASA programs across the state provides for greater consistency in the delivery of advocacy services to children.

## Substance

*Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.*

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Some of the proposed changes to the current Regulations clarify the language, meaning or intent of the regulations. Other proposed changes are substantive and make adjustments to training requirements, program ratios, recordkeeping of program activities and financial accountability intended to maintain and enhance the quality of practice in Virginia's CASA programs.

Significant proposed changes to the regulations are as follows:

1. Defining the role of advisory councils and requiring them to have written roles and guidelines that do not conflict with the governing authority of the oversight organization.
2. Training for new board members that will include education about Virginia's CASA programs, mission, goals and objectives with emphasis on board member roles and fiduciary responsibilities, i.e. fund raising. Current regulation does not describe what training should include for board members.
3. The staff-to-volunteer ratio will not exceed 1:30 full time equivalent, and requires a reduction in staff-to-volunteer ratio when staff is assigned duties additional to the supervision of volunteers. Current regulation is 1:25 but allows for additional duties beyond supervising volunteers. The change in staff-to-volunteer ratio makes it consistent with the National Court Appointed Special Advocate Association (NCASAA) Standards.

4. In the event a CASA supervisor or staff member is required to serve as an advocate, that supervisor or staff member will serve cases with no more than two individual children or two sibling groups without a rationale provided to and approved by the Department of Criminal Justice Services (DCJS).
5. CASA programs will be required to maintain records of the activities of the CASA program by using the CASA Outcome Measurement Evaluation Tool (COMET). Current regulation provides for maintaining records in a manner determined by the local program.
6. Credit may be given towards the 30 hour training requirement for any previous training obtained by a volunteer prior to application to a local CASA program if that training was from a local CASA program that utilized the NCASAA Curriculum.
7. Amendments were made to the reporting requirements that are defined in regulation allowing for flexibility with the implementation of COMET.
8. The average number of cases per volunteer may not exceed two (changed from three cases) children/two sibling groups, unless a rationale is submitted to and approved by DCJS. The change in the regulation makes it consistent with the NCASAA Standards.
9. CASA programs are required to be in compliance with NCASAA Standards. Previously, this was not noted in the regulation.

## Alternatives

*Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.*

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Due to the diverse nature of the 28 CASA Program locations, there is no other viable alternative that will provide the overall consistency in expectations, guidelines, training, support and accountability. However, during the public comment period all suggestions providing for alternatives will be reviewed for consideration.

The cost-effectiveness of the proposed Regulations has been considered and the economic impact is minimal. The Regulations hold no substantial monetary implications for Virginia CASA programs. Compliance with Regulations is routine, therefore, Virginia CASA programs will not experience an economic impact.

## Public participation

*Please indicate the agency is seeking comments on the intended regulatory action, to include ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.*

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Anyone wishing to submit written comments may do so by mail, email or fax to Hope Hodgson, Program Assistant, CASA/Children's Justice Act. Mail may be sent to 202 North Ninth Street, 10<sup>th</sup> Floor, Richmond, VA 23219. Email may be sent to [Hope.Hodgson@dcjs.virginia.gov](mailto:Hope.Hodgson@dcjs.virginia.gov). Written comments may be faxed to 804-786-3414. Written comments must include the name and address of the commenter. In

order to be considered comments must be received by the last day of the public comment period. A public hearing will be held at a later date.

### Participatory approach

*Please indicate, to the extent known, if advisers (e.g., ad hoc advisory committees, technical advisory committees) will be involved in the development of the proposed regulation. Indicate that 1) the agency is not using the participatory approach in the development of the proposal because the agency has authorized proceeding without using the participatory approach; 2) the agency is using the participatory approach in the development of the proposal; or 3) the agency is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.*

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The CASA and Children's Justice Act Advisory Board and the CASA Program Directors Network contributed to suggestions for the revisions. Public participation is welcomed and encouraged.

### Family impact

*Assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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The changes to the Regulations will not have a direct impact on the family in general. The Regulations provide for the enhancement of advocacy services that support the protection of the best interest of the child involved in the court system. Providing for the best interest of the child is a legal decision established by the court system, therefore CASA Regulations have an indirect impact upon the family in this situation.