



## Final Regulation 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) 6VAC 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>	12-13-07

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.*

The revisions recommended for the final version of the Regulations will clarify the role of the local advisory councils, improve training opportunities, increase criteria for volunteer screening, increase support for staff and volunteers, and improve the record keeping 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.

## Statement of final agency action

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

The Criminal Justice Services Board approved the proposed Regulations Relating to the Court-Appointed Special Advocate Program(CASA) on December 13, 2007.

## 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 numbers, 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.*

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

## Purpose

*Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.*

In 1998, when the Regulations were last revised, there were 22 Court Appointed Special Advocate (CASA) Programs in Virginia. Presently there are 27 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 identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.*

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; supervisory and caseload ratios; and record keeping of program activities and financial accountability intended to maintain and enhance the quality of practice in Virginia's CASA programs.

1. The revised regulations define the role of advisory councils and require them to have written roles and guidelines that do not conflict with the governing authority of the oversight organization.

2. Clarifying language was added on the composition of governing boards for local CASA programs.
3. Training for new board and advisory council members 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.
4. CASA programs will be required to maintain records of the activities of the CASA program by using an automated data system prescribed by DCJS. Current regulation provides for maintaining records in a manner determined by the local program.
5. Amendments were made to the reporting requirements that are defined in regulation allowing for flexibility with the implementation of an automated data system.
6. CASA programs are required to be in compliance with National Court Appointed Special Advocate Association (NCASAA) Standards. Previously, this was not noted in the regulation.
7. 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.
8. 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).
9. 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 NCASAA Standards.
10. Clarifying language was added to provide additional guidance on CASA report dissemination.
11. Additional screening criteria were added for volunteers moving to Virginia from another state within the past five years. A copy of information from the central registry will be required from the area where the volunteer has lived within the past five years. Additionally, CASA programs will be required to contact and obtain information from three references provided from each volunteer screened.
12. 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.

## Issues

*Please identify the issues associated with the proposed regulatory action, including:*

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
  - 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
  - 3) other pertinent matters of interest to the regulated community, government officials, and the public.*
- If there are no disadvantages to the public or the Commonwealth, please indicate.*
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Revising the Rules of the Court-Appointed Special Advocate Program poses no disadvantages to the public or the Commonwealth. Advantages to the public and to government agencies are related to enhancing the ability of CASA programs to provide advocacy to children of the Commonwealth assigned to CASA programs by the court system. Advantages include improvements in training requirements, lower program ratios, and improvements in record keeping of program activities with required use of the automated database system.

**Changes made since the proposed stage**

*Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.*

<b>Section number</b>	<b>Requirement at proposed stage</b>	<b>What has changed</b>	<b>Rationale for change</b>
20-160-10. Definitions	Defines Advisory Council	An uppercase letter was changed to lowercase.	To allow for consistency throughout the Regulation.
20-160-10. Definitions	Defines Case	Language changed. Uppercase letter was changed to lowercase	This is a technical change that improves the language in the statement. Case of letters changed for consistency.
20-160-10.	Defines Governing Board	An uppercase letter was changed to lowercase. Also, language was added to the definition.	To allow for consistency throughout the Regulation. The definition was expanded to clarify the composition of a governing board.
20-160-10.	Defines Staff Advocate	Language added.	To further clarify the role of a staff advocate.
20-160-10.	Volunteer	Language changed.	This is a technical change that improves the language in the statement.
20-160-20.	CASA Program Governance	A period was added to section title and the uppercase letters were changed to lowercase.	Punctuation was corrected. Case changed to allow for consistency throughout the Regulation.
20-160-30.	Recordkeeping and monitoring	A period was added to section title “Recordkeeping and monitoring.”	Corrected by adding punctuation.
20-160-20. (B)	The composition of local CASA boards	Section D was changed to Section B and now focuses on establishing an advisory council. Additionally, an uppercase letter was changed to a lowercase.	Sections were changed in order to guide the reader through the Regulation by addressing subjects in respective order and to clarify the guidelines of how the advisory council should function.
20-160-	Training for new board	Section B was changed to Section	The word “governing”

20. (C)	members	C and now focuses on the composition of governing boards and advisory councils. Additional language was added.	was added to specify the type of board and language was added to clarify the preferred characteristics of the composition of governing boards and advisory councils.
20-160-20. (D)	Establishing and Advisory Council	Section C was changed to Section D and now focuses on training. Additionally, language was added.	The word "governing" was added to specify the type of board. Advisory councils were added to the training requirement and the word training was changed to the more appropriate term of orientation, since training is limited to initial membership.
20-160-30. (A)	Maintaining records in COMET	The language was changed.	New language provides brevity and clarity in the sentence. The name of the database was removed and language was used to clarify it as an automated data system.
20-160-30. (B) (C)	Reporting by programs	The language was changed and Section C was removed.	The description of reporting requirements was simplified and the department was clarified as DCJS.
20-160-40. (A)	Compliance with National Standards section	A period was added to the sentence and an uppercase letter was changed to lowercase.	Technical changes were made to improve the sentence.
20-160-40. (B)	Legal consultation for programs	Language was changed. An uppercase letter was changed to lowercase and an "s" was added to the word court.	The word governing was added to clarify the type of board. Technical changes were made to improve the sentence.
20-160-40. (D) (1)	Assignment of cases to a volunteer	Language was changed.	Language was changed from "number of cases" to "caseload." A case is defined in Virginia Regulations as a child. The change helps to clarify the volunteer to child ratio by articulating that a caseload includes a child, two children or two sibling groups.
20-160-	Objectives, standards and	Language was changed.	New language is active

40. (D) (7)	conduct for CASA volunteers.		and clarifies present and future application of the regulation.
20-160-40. (D) (10)	Compliance with Federal Laws	Language was changed. An uppercase letter was changed to lowercase.	The letters were changed to comply with federal documents regarding the law.
20-160-40. (E)	Job descriptions	The language was changed.	The new language, formatting and active tense improves the impact of the job description section.
20-160-40. (F)	Dissemination of CASA reports.	Language was added.	The new language clarifies that the VA Code addresses the process of disseminating reports.
20-160-60. (B) (C)	CASA volunteer investigation and interviewing.	Language was added.	The word volunteer was added for clarification and consistency throughout the document.
20-160-70 (A) (1)	Confidentiality	A semi-colon was added.	Punctuation was corrected.
20-160-70 (B)	Confidentiality and sharing of information	Language was changed.	Language was corrected in order to reference law versus regulation.
20-160-100 (B)	Screening criminal history of volunteers	A semi-colon and language was added. An uppercase letter was changed to lowercase.	Punctuation and the proper tense of a word were corrected. The case of a letter was changed for consistency.
20-160-120	Training – Throughout the entire section.	Language was added.	The word volunteer was added for clarification and consistency.
20-160-120 (B) and (B) (1)	Training Curriculum	Language was added and changed.	To clarify the type of system the words child welfare were added. Technical changes were made to improve grammar and provide brevity.
20-160-120 (I)	Training – Continuing education	Language was changed.	New language is active and clarifies present and future application of the regulation.

**Public comment**

*Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.*

Commenter	Comment	Agency response
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<p>Mary Ann Lee, James City County Department of Social Services, CPS Supervisor</p>	<p>General Comment - Overall, it appears that specific reporting and accountability measures have been taken out. Perhaps they will be captured somewhere else. It appears that each local program will set up their own operational guidelines.</p>	<p>The Virginia Department of Criminal Justice Services requires local programs to report statistical and financial information on a quarterly basis as a condition of receiving state grant funds. Removing specific requirements from Regulations will allow for flexibility and relevance of collected information.</p>
<p>Sheila C. Haughey, Esquire Snook &amp; Haughey, P. C.Charlottesville</p>	<p>General Comment - While your cover memorandum refers to "Regulations" the term "Rules" is used at the top of every page of the draft. Are these Rules or Regulations? Is there a set of each? What's the difference?</p>	<p>These are Regulations. The terms have been previously used interchangeably and the term Regulations has been incorporated in the version for final consideration.</p>
<p>Mary Ann Lee, James City County Department of Social Services, CPS Supervisor</p>	<p>6VAC20-160-10 - Who is the Board?</p>	<p>This definition refers to the Criminal Justice Services Board, the governing body at the Department of Criminal Justice Services. This was removed because it is not referenced in any other part of the Regulations.</p>
<p>Sheila C. Haughey, Esquire Snook &amp; Haughey, P. C. Charlottesville</p>	<p>6VAC20-160-10 - Under the definition of "Case," someone added the words "on whom" when I believe what was meant is "for whom."</p>	<p>Recommendation has been incorporated in the version for final consideration.</p>
<p>Carol Gravitt, Esq., Gravitt &amp; Gravitt, P.C. Halifax, VA</p>	<p>6VAC20-160-10 - Suggests that we change "on" to "for" where "on whom" and "of appointment" are listed as added in the above sentence. Also suggests that we change "for" in "for a CASA Volunteer" to "of".</p>	<p>The first suggestion is a recommendation that has been incorporated in the version for final consideration. With regard to the second suggestion, the appointment order form from the Virginia State Supreme Court states, "appointment for a CASA."</p>
<p>Mary Ann Lee, James City County Department of Social Services, CPS Supervisor</p>	<p>6VAC20-160-20-(A) (D) - The word "advisory" was taken out.</p>	<p>This section was revised. This change in Section A was made to clarify the distinction between advisory councils and governing boards. In section A, advisory refers to an advisory board, which was stricken and changed to governing board. Language was added to provide guidance to local programs that may choose to establish advisory councils and give criteria for the roles and relationships between advisory councils and governing boards.</p>
<p>Sheila C.</p>	<p>6VAC20-160-20-(B) - On page 2,</p>	

<p>Haughey, Esquire Snook &amp; Haughey, P. C. Charlottesville</p>	<p>under "CASA program governance," Paragraph B. is very cumbersome, quite inelegant and a little confusing. Surely, we can do better.</p>	<p>Recommendation has been incorporated in the version for final consideration.</p>
<p>Rita Katzman CPS Program Manager Virginia Department of Social Services</p>	<p>6VAC20-160-20-(B) - Should "governing" be placed in between the words CASA and Board?</p>	<p>Recommendation has been incorporated in the version for final consideration.</p>
<p>Holly Bostian Abbott, Chesterfield CASA, Program Director</p>	<p>6VAC20-160-20-(B)(D) - I think D should be stricken as B1 (same section) covers it and it is unnecessary and should not be a requirement</p>	<p>The sections have been revised. Each section is separate and not duplicative.</p>
<p>Rita Katzman CPS Program Manager Virginia Department of Social Services</p>	<p>6VAC20-160-20-(D) - Is it correct to have the CASA program staff included in the relationship between the purpose of the advisory council's role. Should this read a defined relationship between the council and the governing board instead?</p>	<p>All roles and relationships need definition. Often CASA staff have a primary function with the advisory council that needs clear definition.</p>
<p>Mary Ann Lee, James City County Department of Social Services, CPS Supervisor</p>	<p>6VAC20-160-30-(A) - What are they?</p>	<p>A standardized Virginia version of COMET, an automated database system, was implemented in July of 2007, which will include the capability of identifying and tracking statewide outcomes. Effective January 1, 2007, CASA programs have been required to use the COMET, an automated database system, as a grant condition.</p>
<p>Mary Ann Lee, James City County Department of Social Services, CPS Supervisor</p>	<p>6VAC20-160-30-(B) - How often and what will they include?</p>	<p>Current reporting requirements include quarterly reports and an annual report. Quarterly reports include financial and statistical reporting. Annual reports include an audit, narrative, budget and statistical information.</p>
<p>The Honorable Edward A. Robbins, Jr 12th District JDR Court</p>	<p>6VAC20-160-30 - Add a provision for quarterly reports to be furnished to DCJA and each Chief Judge of the Juvenile and Domestic Relations Court Districts served by the CASA program. With regard to comment on B., sending reports to the Districts served by a CASA Program insure</p>	<p>DCJS encourages local programs to collaborate with local courts, and through technical assistance and training, will strongly encourage local programs to share reports with Judges.</p>

<p>Mary Ann Lee, James City County Department of Social Services, CPS Supervisor</p>	<p>that judicial stakeholders are aware of relevant information about "their" CASA program.</p> <p>6VAC20-160-30-C - What will the report contain? Where is the accountability measure?</p>	<p>Reporting requirements are contained in DCJS grant guidelines which provide the majority of funding for CASA programs. Accountability measures are provided through the use of the COMET program which is required in section 6 VAC 20-160-30(A) of the Regulations.</p>
<p>Sheila C. Haughey, Esquire Snook &amp; Haughey, P. C.Charlottesville</p>	<p>6VAC20-160-30 - I suggest combining paragraphs B. and C. on pages 3 and 4, perhaps using language such as "Annual and other reports."</p>	<p>Recommendation has been incorporated in the version for final consideration.</p>
<p>The Honorable Edward A. Robbins, Jr 12th District JDR Court</p>	<p>6VAC20-160-30 - Add a provision for annual reports to be furnished to DCJA and each Chief Judge of the Juvenile and Domestic Relations Court Districts served by the CASA program.</p>	<p>DCJS encourages local programs to collaborate with local courts, and through technical assistance and training, will strongly encourage local programs to share reports with Judges.</p>
<p>Fran Inge, Executive Director The Family &amp; Children's Trust Fund of Virginia</p>	<p>(General statement.) The only thing I didn't see-and it is probably written up somewhere else was under 6VAC20-160-40-D-Program and Personnel policies--under D was a policy on the dissemination of court reports to other parties-</p>	<p>This is addressed in Virginia Code Section 16.1-274. Recommendation has been incorporated in the version for final consideration.</p>
<p>Holly Bostian Abbott, Chesterfield CASA, Program Director</p>	<p>6VAC20-160-40-D-1 - Two children or two sibling groups" is confusing. Why not simply say "two groups" and define group in the definitions section if the phrase "sibling group" is problematic. Group could be defined as a family or related entity comprised of one or more "cases."</p>	<p>A case is defined in Virginia Regulations as a child. For purposes of clarifying the volunteer to child ratio it is helpful to articulate "two children or two sibling groups." A modification of the recommendation has been incorporated in the version for final consideration.</p>
<p><i>Comments sent for review by:</i> The Honorable Judge Harold W. Burgess Jr., Chesterfield J&amp;DR Court <i>Comments submitted to Judge Burgess</i></p>	<p>6VAC20-160-40-D-3 - We understand the intent to align with National CASA's ratio of 1:30; however, we have always thought even a 1:25 ratio does not allow for proper supervision of volunteers. In addition, Virginia has begun utilizing an upgraded version of our database system to capture case statistics. This upgrade is unique to</p>	<p>The proposed Regulation states that the 1:30 ratio only allows for staff volunteer supervisory activities. The 1:30 ratio is a standard and programs can operate at a lower ratio. The current Regulation allows for all full-time equivalent positions, including Executive Directors, Administrative Assistants, Development Directors, Bookkeepers, etc., to be calculated into the ratio for a local program.</p>

<p>by: Holly Bostian Abbott, Chesterfield CASA, Program Director Ruth Anne Cutright, Chesterfield CASA, Executive Director</p>	<p>Virginia and requires CASA programs statewide to commit additional staff resources to maintaining the database. Given the additional workload requirement on volunteer supervisory staff, we plan to operate within a staff-to-volunteer ratio that is less than 1:25.</p>	<p>The proposed Regulation will require that only the time of staff who supervise volunteers be used in the calculation for the ratio. This change will actually reduce the number of volunteers that staff can supervise overall in local programs.</p>
<p>Sheila C. Haughey, Esquire Snook &amp; Haughey, P. C.Charlottesville</p>	<p>6VAC20-160-40-D-3 - The proposed increase in the number of volunteers one staff member can supervise from 25 to 30 sounds like a move in the wrong direction. I claim no special expertise here, but 25 sounds like a lot. If volunteers average two children at a time, one staff member could easily be responsible for 30 volunteers advocating for 60 children in perhaps two or three courts. Since many volunteers do this for only a couple of years at a time, there are always lots of new volunteers with very little experience who probably need close supervision at least at first. I don't advocate reducing the number from 25, but is there a compelling reason to increase it to 30?</p>	<p>Please see response directly above.</p>
<p>Rita Katzman CPS Program Manager Virginia Department of Social Services</p>	<p>6VAC20-160-40-D-9 - Remove "Concerning CASA investigations" and just state CASA's role and responsibility in assisting the guardian ad litem, and monitoring court order compliance.</p> <p>6VAC20-160-40-E- What does effective and efficient mean to a CASA program?</p> <p>6VAC20-160-40-E- Under this section for job descriptions: consistency is needed when identifying positions such as:</p> <p>1. Director: Responsible for</p>	<p>CASA volunteers are required to conduct an "investigation" by Virginia Code Section 9.1-153 A (1).</p> <p>Local CASA programs are required to meet NCASAA's Standards. Characteristics of effective and efficient programs include factors such as; children are served, budgets are met, volunteers are recruited, trained and supervised and outcomes are achieved.</p> <p>A modification of the recommendation has been incorporated in the version for final consideration.</p>

<p>The Honorable Edward A. Robbins, Jr. 12th District JDR Court</p>	<p>.....                  Under Director Section remove "It is also important that this person" and insert "The person should have...." instead.  <u>Section E: 1. a-f:</u>                  Also under the Director's Section do you want the each responsibility to start with a present tense verb such as "Conduct and Oversee"; Develop and Maintain" instead of a passive tense as written?</p> <p>2. Program/Volunteer Coordinator: Depending on size.....                  (Also Volunteer Coordinator should be capitalized.)</p> <p>2. "Program/Volunteer Coordinator:" see as noted above for capitalization and consistency.</p> <p>Should the statement: "<u>or interest in</u>" be in the second line of job description?  <u>2a-h:</u>                  These KSA's should be aligned marginally as the director's have been. Also the same consideration to present tense verb usage such as "Develop," "Arrange," "Plan," etc.</p> <p>Comments were not identified as specific to any one section of 6VAC 20-160-80)</p> <p>Add a provision prohibiting a CASA program governing board, advisory council, Director, Program/Volunteer Coordinator or volunteer from seeking or utilizing any judge's name, image, or signature to support or enhance a CASA program's fund-raising efforts. Add a provision prohibiting a CASA from engaging in a prohibited ex parte communications with a judge concerning any case.                  These two suggested changes will help insure CASA's do not</p>	<p>A modification of the recommendation has been incorporated in the version for final consideration.</p> <p>Both programs and Judges receive the NCASAA's publication, "A Judge's Guide to CASA/GAL program Development." The document contains sections on ethics and judicial cannons. Further, CASA staff and volunteers receive training on appropriate interaction with judges to prevent ex parte communication. The training ensures that CASA staff and volunteers are informed of the ethical obligations held by Judges.</p>
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<p>Sheila C. Haughey, Esquire Snook &amp; Haughey, P. C. Charlottesville</p> <p><i>Comments sent for review by:</i> The Honorable Judge Harold W. Burgess Jr., Chesterfield J&amp;DR Court <i>Comments submitted to Judge Burgess by:</i> Holly Bostian Abbott, Chesterfield CASA, Program Director Ruth Anne Cutright, Chesterfield CASA, Executive Director</p> <p>Holly Bostian</p>	<p>inadvertently place a judge arguably out of compliance with the judicial canons.</p> <p>Add a provision prohibiting a CASA from engaging the practice of law concerning any assigned case, including situations where the CASA is an attorney. This change will insure that the role and obligations of an attorney or guardian-ad-litem are never confused or blended with those of a CASA.</p> <p>6VAC 20-160-100-B - Screening. There are five references to volunteer applicants as though they were all male. This is the only paragraph where I noticed a problem with the gender of pronouns and it really looks strange. "Him" could be "him/her" or "him or her" and "he" could be "s/he." Better yet, with a little care, the paragraph could be rewritten like the rest of the document to avoid any such awkwardness.</p> <p>General Statement on 6VAC 20-160-100- We believe DMV checks should also be required of new volunteers. The <i>Code of Virginia</i> allows for these checks to be provided to CASA programs at no cost. We will continue to require such checks for all accepted applicants.</p> <p>6VAC 20-160-100-B - Typo after</p>	<p>This concern is addressed in the CASA section of the Code in 9.1-153(B). CASA is not a party to the case and is prohibited from providing legal counsel.</p> <p>For the sake of brevity, the language was maintained.</p> <p>DMV checks are not required for background checks. If a local program permits transportation of a child. Local policy should require a DMV check. However, this is a local policy decision.</p>
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<p>Abbott, Chesterfield CASA, Program Director</p>	<p>"him" - delete semi colon</p>	<p>Recommendation has been incorporated in the version for final consideration.</p>
<p>Rita Katzman CPS Program Manager Virginia Department of Social Services</p>	<p>6VAC 20-160-100-B - Delete the word "also". Program Director shall obtain...</p>	<p>"Also" is needed to clarify that the Program Director must also address background checks if a volunteer is from another state.</p>
<p>Sheila C. Haughey, Esquire Snook &amp; Haughey, P. C.Charlottesville</p>	<p>6VAC 20-160-100-C - I would add the following sentence, or something like it, "CASA shall employ due diligence to contact and interview all three references."</p>	<p>A modification of the recommendation has been incorporated in the version for final consideration.</p>
<p>Glenn Sullivan, Director Amherst County Department of Social Services</p>	<p>General statement on 6VAC 20-160-100 - REQUIRE A NATIONAL CRIMINAL RECORD FINGERPRINT CHECK Justification: National fingerprint checks are the current standard for local department of social services employees and foster parents. A finger print check is superior to a name check due to the problems of aliases and fake identification cards. A national fingerprint check is necessary as volunteers and paid staff may not be truthful about where his/she has lived/visited in the past or may cross state lines when he/she victimizes children. The government has a <u>high standard</u> of responsibility, both legally and morally, to ensure that children that were removed from their parents care due to abuse and neglect situations are protected from re-victimization while in the care of the government. Requiring national finger print checks is a reasonable requirement to ensure the safety of children in the Commonwealth of Virginia. Speaking as a Director of a local social services agency, I do not feel that volunteers or paid staff should be granted unsupervised contact foster children via the Administrative Process Act or the</p>	<p>CASA programs have the ability to access national criminal fingerprint record checks through local law enforcement agencies, if a cooperative agreement for processing can be arranged. Local programs have reported barriers to the process. DCJS will explore the possibilities for assisting programs with obtaining fingerprint record checks.</p>

<p>Sheila C. Haughey, Esquire Snook &amp; Haughey, P. C. Charlottesville</p>	<p>Code of Virginia unless a national fingerprint check is required.</p> <p>6VAC 20-160-120-A - Training. I found what I believe is truly something you must change. Part V. A. says..."Credit may not be given...if that program uses..."I believe what was meant was either ..."Credit may be given...if that program uses..." or ..."Credit may not be given...unless that program uses..."</p>	<p>The correction to say the "Credit may be given" was provided in the errata sheets.</p>
<p>Rita Katzman CPS Program Manager Virginia Department of Social Services</p>	<p>6VAC 20-160-120-B - Take out the word "and" at the end of statement</p> <p>6VAC 20-160-120-B-9 - Add the word "and" at the end of statement</p>	<p>This was taken out of the proposed version.</p> <p>Recommendation has been incorporated in the version for final consideration.</p>
<p><i>Comments sent for review by:</i> The Honorable Judge Harold W. Burgess Jr., Chesterfield J&amp;DR Court <i>Comments submitted to Judge Burgess by:</i> Holly Bostian Abbott, Chesterfield CASA, Program Director Ruth Anne Cutright, Chesterfield CASA, Executive Director</p>	<p>6VAC 20-160-120-D - We believe this change is unnecessary and recommend the word "should" be maintained. Being required to provide opportunities to visit <i>during</i> training is not practical, given the amount of information presented to trainees and the number of community speakers we engage during the short six-week training period. Additionally, we prefer to wait until a volunteer is sworn in to the program before introducing them to professionals from the community with they work. As such, this proposed change to the Regulations seems too restrictive to our program. Moreover, later sections of the Regulations are specific with respect to their training requirements and include a provision that programs present a "comprehensive list of resources available and when and how to utilize these resources..." This requirement seems adequate to ensure that prospective volunteers are familiar with the agencies and resources in our area that will impact their work as CASA volunteers.</p>	<p>Recommendation has been incorporated in the version for final consideration.</p>
<p>Sheila C.</p>	<p>6VAC 20-160-120-D - "Should" is</p>	

Haughey, Esquire Snook & Haughey, P. C.Charlottesville	changed to "shall," but after it comes the weak language, "be provided an opportunity to visit..."If what was meant was that CASA volunteers in training "shall visit...", that's what it should say. If not, then the suggested change which appears in the draft isn't really a change at all.	Recommendation has been incorporated in the version for final consideration.
Rita Katzman CPS Program Manager Virginia Department of Social Services	6VAC 20-160-120-E - Text alignment issues with number 2.	This is corrected in the proposed version.

**All changes made in this regulatory action**

*Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.*

See previous section on "Changes made since proposed stage."

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale

**Regulatory flexibility analysis**

*Please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.*

Revisions to the Regulations require that CASA programs maintain records of the activities of the CASA program by using an automated database system to be determined by DCJS. Currently, DCJS requires that CASA programs use the CASA Outcome Measurement Evaluation Tool (COMET). The COMET program allows for clearer, more accessible information and easier consolidation and maintenance of records, both at a state and local level. Current regulation provides for maintaining records in a manner determined by each local program. There is no adverse impact on small businesses.

## Family impact

*Please assess the 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.