



Senate Fiscal Agency  
P.O. Box 30036  
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383  
Fax: (517) 373-1986

House Bill 5429 (Substitute S-1 as reported)  
Sponsor: Representative Christine Morse  
House Committee: Judiciary  
Senate Committee: Civil Rights, Judiciary, and Public Safety

## CONTENT

The bill would enact the "Court-Appointed Special Advocate Act" to do the following:

- Allow a State court to establish a Court Appointed Special Advocate (CASA) program to advocate for the interests of abused and neglected children and prescribe the administration of each program.
- Specify that a director of a CASA program would be responsible for the program's operations, recruitment, selection, training, supervision, and evaluation of CASA program staff and volunteers.
- Prescribe the requirements a prospective volunteer would have to meet to be an eligible CASA volunteer, including being at least 21 years old, complying with a background check, and being able to commit to the duration of a case until a child found a permanent home.
- Dismiss a CASA volunteer or deny a prospective volunteer who had been convicted of or had charges pending for a misdemeanor or felony involving a sex offense, child abuse or neglect, or related crimes that posed or could pose a risk to a child or affect the credibility of the CASA Program.
- Require CASA volunteers to meet certain training standards.
- Prescribe the CASA volunteer appointment process and specify that a volunteer would be considered a Friend of the Court.
- Require a CASA volunteer to conduct independent investigations for the best interest of a child and make recommendations to the court of services.
- Allow a CASA volunteer to have access to a child's confidential court records and prohibit the volunteer from disclosing that information to a person other than the court, a party to the action, or another person authorized by the court.

## BRIEF RATIONALE

Currently, there are 23 CASA programs established in Michigan responsible for advocating for the best interests of abused or neglected children.<sup>1</sup> According to testimony before the Senate Committee on Civil Rights, Judiciary, and Public Safety, abused or neglected children often experience a lack of stability and have their cases passed through many hands. A CASA volunteer is placed with a specific child until that child reaches permanency or adulthood. It has been suggested to codify the CASA program for consistent representation of abused or neglected children's best interests.

Legislative Analyst: Eleni Lionas

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<sup>1</sup> "Be a CASA or GAL Volunteer", National CASA/GAL Association for Children, <https://nationalcasagal.org/advocate-for-children/be-a-casa-gal-volunteer/>. Retrieved 6-7-24.

## **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on local units of government and the Department of Health and Human Services (DHHS). There could be a small fiscal impact on counties in establishing CASA programs, though the magnitude would depend on how many courts established a program. The impact on the DHHS would be at the discretion of the Legislature. The CASA program is a volunteer run non-profit and there is no binding level of State spending required to support the program. In the current Fiscal Year 2023-2024 budget, there is \$1.0 million in ongoing funding for the CASA program.

As the language of the bill is permissive, it would not have a fiscal impact on local units of government to support CASA programs unless courts chose to create and maintain such programs. Costs to local court systems would be indeterminate for those that established CASA programs; however, a program currently established and operating in Kent County receives an annual appropriation of \$1.0 million through the DHHS budget. Under the bill, CASA programs could serve multiple court jurisdictions.

The bill's provision requiring criminal history background checks for prospective CASA volunteers would have a mixed fiscal impact on a CASA program. The normal charge for an internet criminal history access tool (ICHAT) background check is \$10, the FBI charges \$13.25 for a background check, and the State charges \$30 for fingerprint-based background checks. The charges for an ICHAT background check are waived for various groups such as criminal justice employment. It is not clear under the bill who would assume the cost of the FBI or State background checks.

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Fiscal Analyst: Humphrey Akujobi  
Bruce R. Baker  
Michael Siracuse

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