



THE STATE
of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Administration

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March 30, 2021

The Honorable Chris Tuck
Alaska State Capitol, Room 216
Juneau, Alaska 99801

Subject: Support of House Bill 155

Representative Tuck:

The Office of Public Advocacy (OPA) enthusiastically supports House Bill 155. A court visitor plays a much-needed role in certain protective probate proceedings by acting as the “eyes and ears” of the court. Court visitors conduct independent investigations and make recommendations to the judge about whether a guardianship or conservatorship is necessary in a particular case and if so, who should be appointed in those roles. They review each existing guardianship and conservatorship at least every three years to ensure everything is going well. Court visitors also participate in psychotropic medication proceedings during involuntary commitments. In those cases, they investigate whether the patient has the ability to give or withhold informed consent and report their findings to the court.

Since its inception in 1984, OPA has been tasked with administering the court visitor program for guardianships and eventually, involuntary medication hearings. There is no legislative history that clarifies why these duties were placed with OPA rather than the court system. The only inference that can be made is that anything having to do with “guardianships” was placed with OPA, as OPA provides public guardians as well as attorneys for these proceedings. OPA also pays for independent experts when needed in these cases, as well. That responsibility would also transfer to the court system under this bill.

OPA is seated in the executive branch. Yet the court visitor function is a judicial one. This causes the program to be inefficient and unwieldy as OPA has no real ability to effectively supervise independent contractors who act as court investigators. As more people need protective appointments, the program continues to grow and has become increasingly problematic for OPA to administrate.

Additionally, the court system independently contracts with, and directly pays for, court visitors in conservatorship proceedings. As per statute, OPA is only responsible for providing court visitors in guardianship and involuntary medication proceedings. This odd split has created an inefficient duplicity of services between two branches of government. OPA and the court system

have differences between how they operate, and this has frustrated the court visitors who, on the whole, work both types of cases.

Both the court system and OPA agree that transferring the program to the court system is long overdue. Such a change will make the program far more efficient and save state resources.

Sincerely,

A handwritten signature in black ink, appearing to read "James Stinson". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

James Stinson
Director
Office of Public Advocacy