

Component: Office of Public Advocacy

**Contribution to Department's Mission**

Provide legal advocacy and guardian services to vulnerable Alaskans.

**Results**

(Additional performance information is available on the web at <https://omb.alaska.gov/results>.)

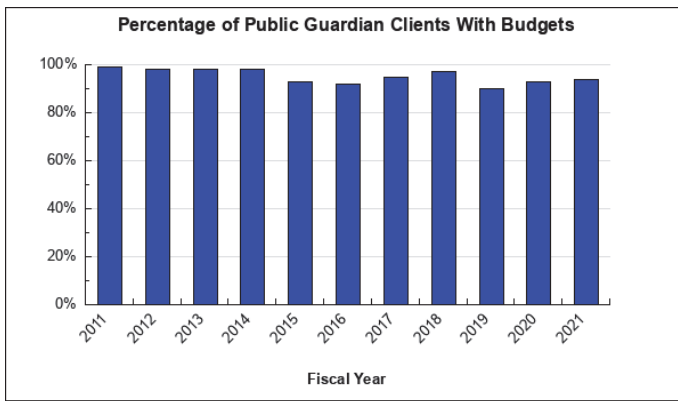
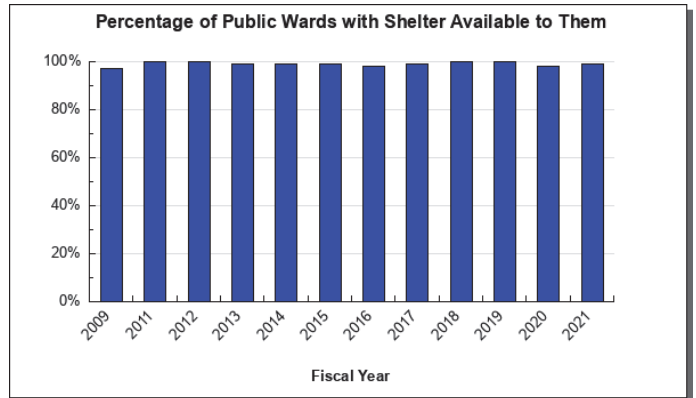
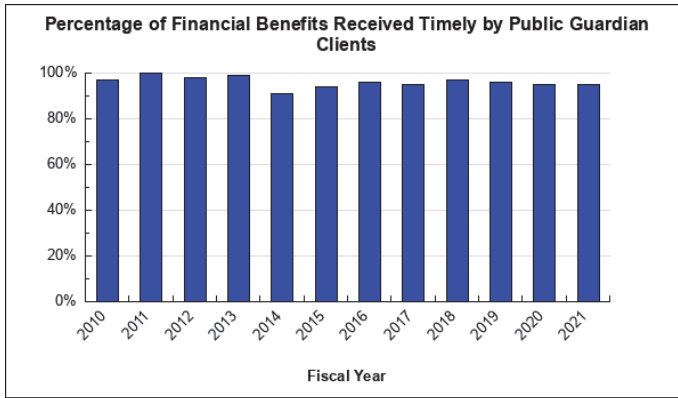
**Core Services**

- Guardianship Services.
- Guardian Ad Litem Services.
- Elder Fraud Litigation

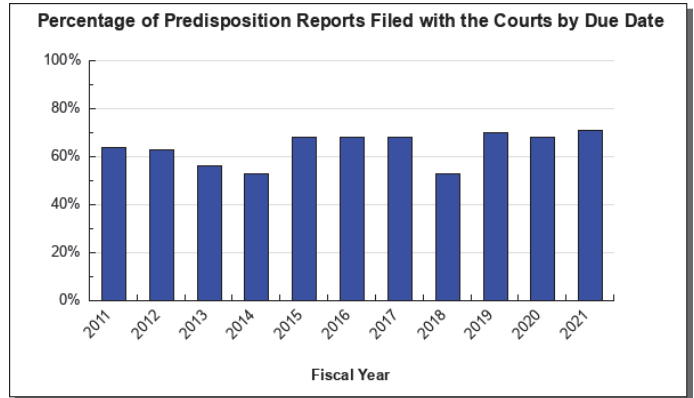
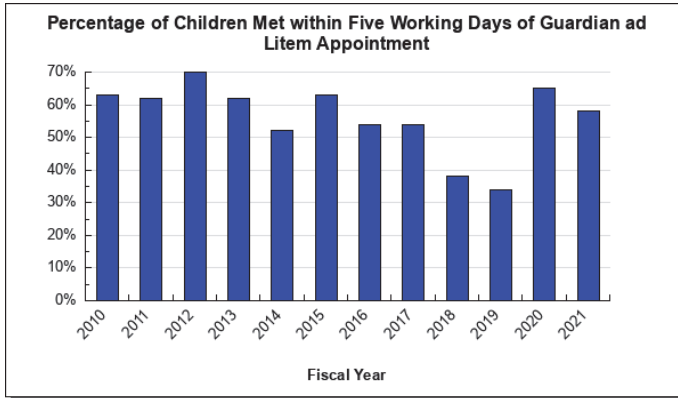
**Measures by Core Service**

(Additional performance information is available on the web at <https://omb.alaska.gov/results>.)

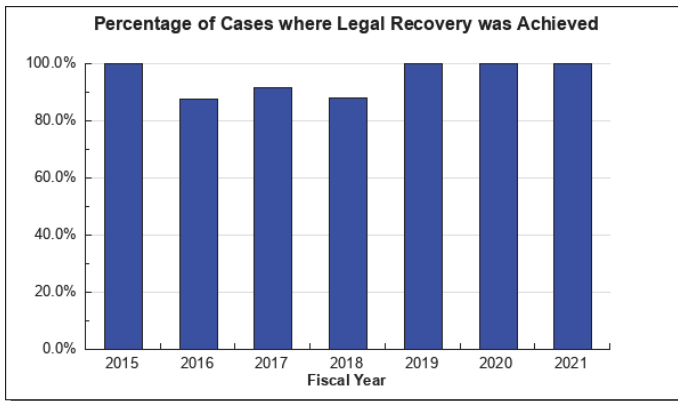
**1. Guardianship Services.**



**2. Guardian Ad Litem Services.**



**3. Elder Fraud Litigation**



**Major Component Accomplishments in 2021**

- The Rural Defense Section is now fully staffed and providing better representation to rural communities while reducing contractor costs. Judges, community members, and tribes have been very pleased with the change.
- Drastically increased the number of class A and unclassified felony cases that were kept in-house, as opposed to being contracted to outside attorneys, in order to reduce criminal contractor costs.
- Laid the groundwork for reorganizing the public guardian section for increased efficiency.
- Updated case caps for independent contractors in order to increase quality and ensure OPA meets its constitutional and statutory obligations.

**Key Component Challenges**

**Growing Caseload** – Due to the inherently unpredictable nature of the multiple types of caseloads, it is a significant challenge to maintain and provide core services to clients as efficiently as possible. Office of Public Advocacy (OPA) is primarily a “down flow” agency in that it reacts to the actions of the other state agencies and systems (i.e., the Public Defender Agency, the Office of Children’s Services, Adult Protective Services, the Attorney General Human Services Section, the District Attorney’s Office, the Court System, and other public and private entities). As a result, the unpredictability of caseload assignments makes it difficult to accurately forecast caseload increases and costs for upcoming budget years.

**Department of Law’s additional PCN’s for sex crimes prosecution** – The recent substantial increase to the Department of Law’s budget will increase criminal prosecutions and is expected to continue to strain agency resources. The number of criminal appeals and Post-Conviction Relief (PCR) cases will also begin to rise due to the increased prosecution.

**Criminal Defense Caseload Statistics** – COVID-19 has created a staggering backlog of criminal cases in large part due to the suspension of jury trials:

- From August 1, 2018 to August 1, 2021 there has been a **68%** increase in the number of pending post-indictment felony cases.
- From August 1, 2018 to August 1, 2021 there has been a **88%** increase in the number of pending pre-indictment felony cases. This is despite a 6% decrease experienced between 2018 and 2019.
- Anchorage experienced a **114%** increase in pending pre-indictment cases since 2018. This is despite a 18% decrease in cases between 2018 and 2019.

This backlog continues to grow and is outstripping the agency's ability to place cases in house or with contractors.

**Significant Caseload Increases for Public Guardians** – The Public Guardian section continued to experience significant caseload increases. Since the start of 2013, the caseload has steadily increased totaling an additional 285 clients annually. Currently, the agency carries approximately 1700 wards. Many Guardians still carry caseloads in excess of 80 cases with the senior Guardians carrying caseloads hovering at 100 wards. Moreover, as the Alaskan population ages, the number of wards assigned to the agency will expand every year for the foreseeable future. Additionally, the Social Security Administration changed the way it enforced federal law regarding approximately 800 individuals receiving private payee services in Alaska. This has resulted in an additional increase of clients for OPA, and a fear that OPA may become overloaded and unable to meet its statutory obligations.

Thus, increased ward/case numbers will remain a challenge for FY23. To help address this challenge, OPA is reorganizing its Public Guardian section by creating a multi-tiered single job class while simultaneously restructuring how the section is supervised.

**Excessive Burden on Guardian Ad Litem (GALs)** – Increased appointments from the court system may be related to budgetary concerns. For example, the court system recently cut its custody investigator program. OPA is concerned that GALs may be improperly substituted by the court to fill this role. OPA has continued to see increased appointments of GALs in civil custody cases since the custody investigator's office closed.

## **Significant Changes in Results to be Delivered in FY2023**

**Cost Efficiency Matters** – OPA has strict cost control procedures in place requiring Director or Deputy approval for virtually all expenditures. All expenditures whether for supplies, investigators or expert witnesses must be clearly justified to be approved. OPA closely reviews all appointments received and works to limit the number of cases sent to private contractors which in turn helps stabilize the budget and reduce overall expenses. OPA actively files motions to vacate inappropriate appointments sent by the Court.

**Child Advocacy Caseloads** – The agency will continue entering appropriate partnerships with community groups to expand the National Court Appointed Special Advocate (CASA) program and specifically target Alaska Native CASA volunteers for recruitment in order to continue to assist the GAL with their increased caseloads. OPA is currently in discussions with several tribes to forge a collaborative arrangement and recruit CASA volunteers for both state and tribal courts. OPA received an increment providing 4 new GALs for FY19. These GALs have reduced caseloads from in excess of 110 children per GAL to 80-90 children per GAL. Though still challenging to provide top quality advocacy, this increment and additional CASA recruitment gave OPA the tools to effectively manage its caseloads heading into FY21. In FY20, the Office of Children's Services (OCS) only increased its overall filings by 5.2%, however this overall total includes a 25.5% drop in new cases during the fourth quarter, at the height of the initial COVID-19 hunker down orders.

Should OCS increase its filings, then GAL caseloads will necessarily increase. OPA is also concerned with improper GAL appointments by the court, particularly in civil custody cases as discussed above. Any appointments outside of OPAs enabling statute must be challenged to prevent straining already limited resources. It is challenging to predict caseloads for FY23 as OCS staffing challenges and COVID related measures may temporarily result in reduced caseloads for certain OPA offices. For example, when schools go to remote learning there may be less mandatory reporting from teachers who don't see children in person. Simultaneously, the increased stress and financial strain cause by COVID may result in an increase in child abuse and thus an increase in OCS filings and OPA caseloads.

**Criminal Defense Caseloads** – OPA received additional criminal attorney positions and support staff positions in the

Governor's FY21 budget. These positions were vital to stabilizing the agency. However, the COVID-19 related backlog and the anticipated increase in criminal prosecutions as a result of DOL's recent increment were not a consideration at that time. OPA will continue to strive to meet its constitutional obligations and will continue to work diligently with the Department of Administration Commissioner and Deputy Commissioner to face these challenges and find creative solutions whenever possible. But, OPA now faces yet another increase in cases from forces outside its control.

### **Statutory and Regulatory Authority**

AS 44.21.400 et seq.    Office of Public Advocacy  
2 AAC 60 et seq.        Office of Public Advocacy

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