

State of Alaska Department of Administration

Office of Public Advocacy

Presentation to the House Finance Subcommittee

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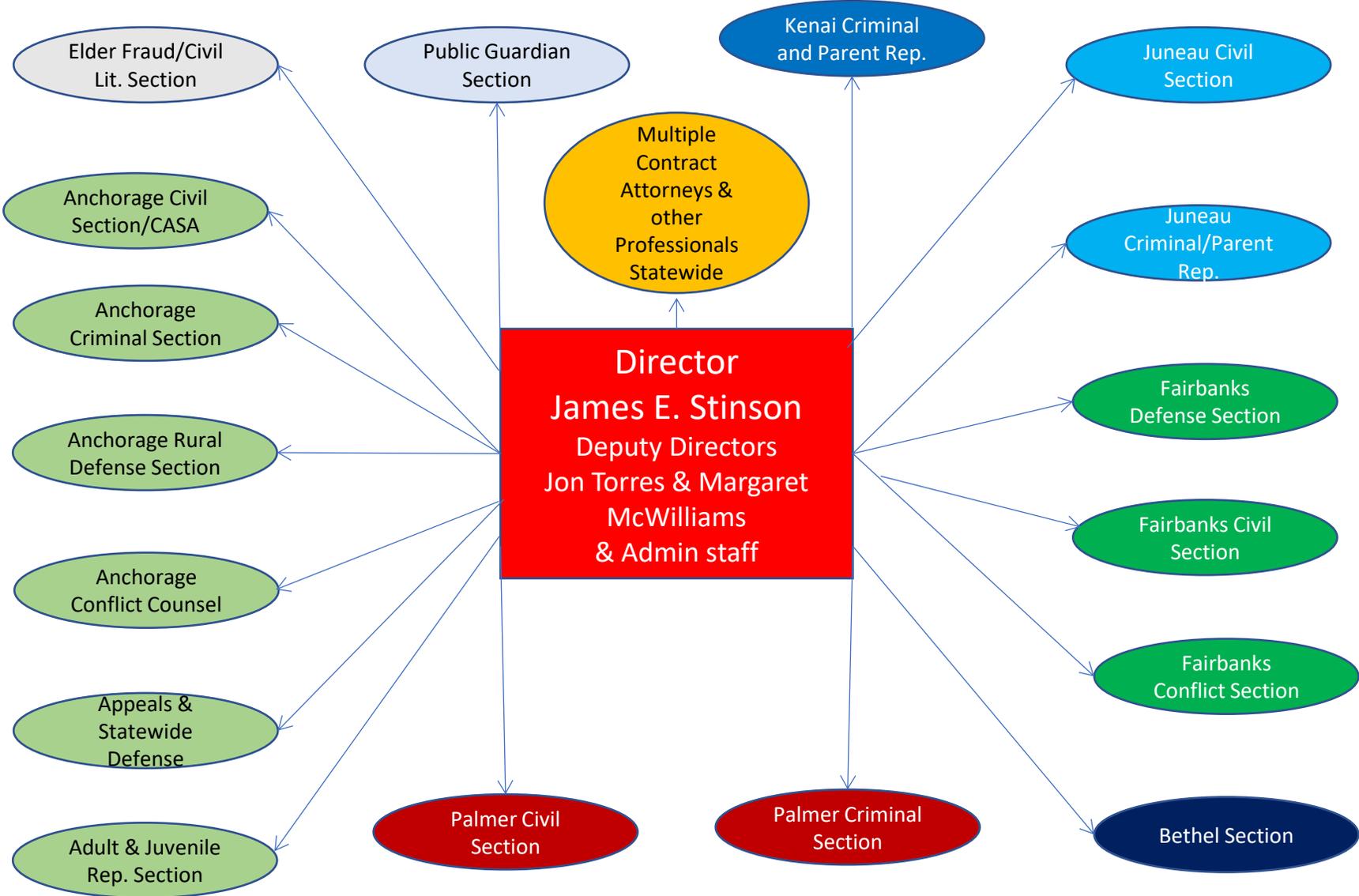
February 19, 2026



Office of Public Advocacy (OPA) Roles: Statutorily and Constitutionally Mandated

- **Public Guardians (PG)** – Court appointed, makes all financial and health care decisions for incapacitated adults, statutorily required
- **Guardians Ad Litem** – Court appointed, advocates for the best interests of children in Child In Need of Aid (CINA) and Civil Custody cases as well as Domestic violence cases statutorily required
- **Court Appointed Special Advocates (CASA)** - Volunteers who help Guardians Ad Litem
- **Criminal Defense Attorneys** – Court appointed, represent indigent persons accused of crime when the Public Defender Agency (PDA) has a conflict of interest precluding PDA representation of a defendant, constitutionally required
- **Parent Representation Attorneys** – Court appointed, represent indigent parents in child in need of aid (CINA) and Civil Custody cases, constitutionally required
- **Elder Fraud** – OPA decides the cases to pursue, files lawsuits on behalf of elders who have been defrauded of assets, statutorily required
- **Appeals** – Court appointed, files appeals in criminal and civil cases, constitutionally required

OPA STRUCTURE AND FUNCTIONS



OPA Challenges – Child In Need of Aid Cases

CINA PARENT/CHILD ATTORNEYS

- OPA provides a Guardian ad Litem (GAL)
- OPA provides attorneys for parents
- OPA provides attorneys for children as needed – can be adverse to the GAL
- There are cases where OPA is required to provide five or more attorneys
- New CINA case numbers are going down, but cases are taking longer to resolve
- GAL appointments peaked in Fiscal Year (FY) 2015-2020 (2000+) and have slowly come down FY2021-2024 (1300) – but increased FY2025 (1400)

Increased Court appointments due to court rules change

- Court rule 12.1 went into effect on October 17, 2022

Fiscal Year	Case Count
2020	108
2021	143
2022	169
2023	175
2024	163
2025	158

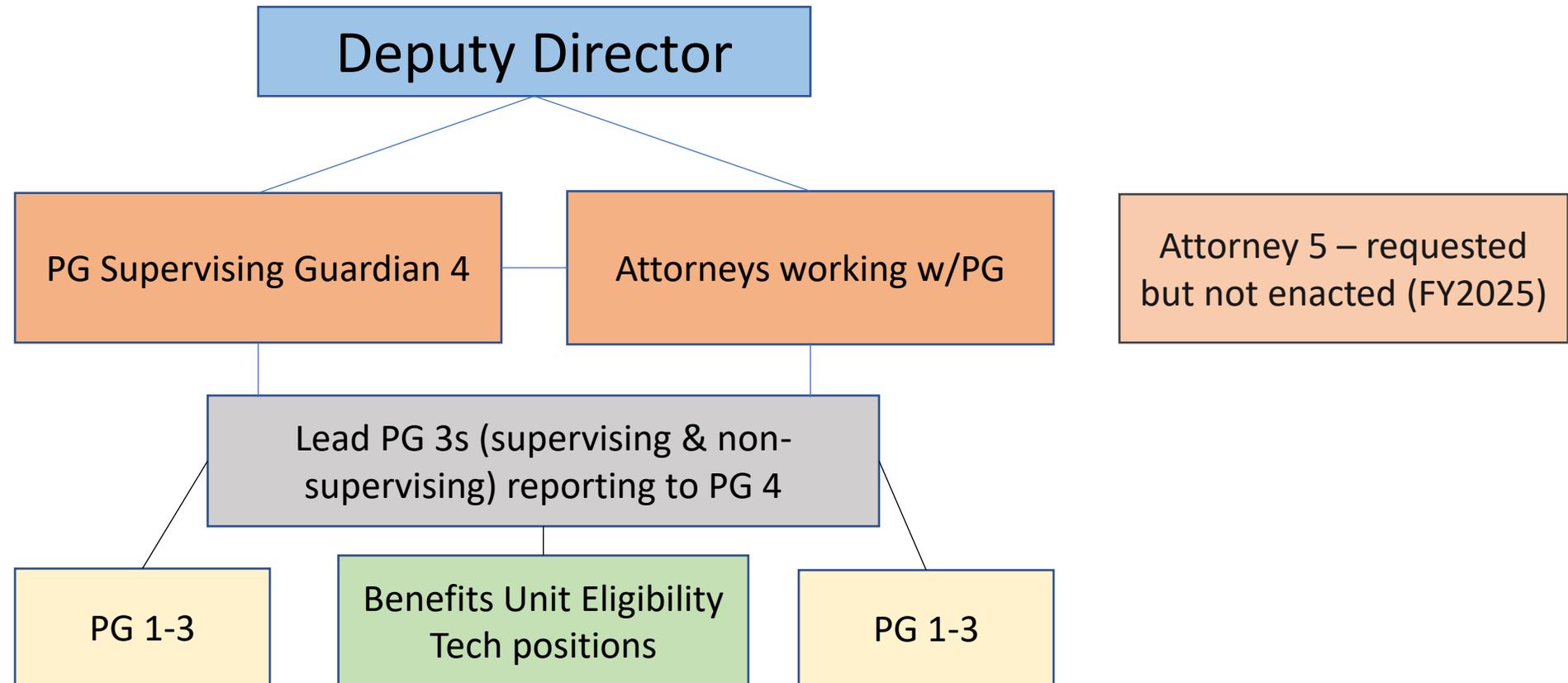
2026 OPA Challenges – Public Guardians

- 80-85 wards per senior certified Public Guardian (1,780 total wards, ^101 from FY2025)
- 65-75 wards per certified Public Guardian with three years experience
 - Section currently has 24 certified guardians
Recommended National Maximum is 40
 - New guardians take two years to train and certify, it takes five years to become a PG3
- Lack of specialized housing and other services in Alaska
- “Silver Tsunami” is here - Alaska's 65+ population is projected to peak at 135,000 by 2035 and then experience another round of growth as millennials age out of the workforce
- Pace of appointments has accelerated
- Collapse of private providers and lack of capacity will further strain OPA capacity
- Turnover stabilized – only one resignation (due to planned retirement) in over two years
However, retirement of most experienced public guardians are on the horizon
- Court System has increased oversight and auditing of family guardians = more appointments for OPA

OPA - Public Guardians Detail

- 33 total PG PCNs (two grant funded by Mental Health Trust)
- Four new Public Guardians in training
- Eight Public Guardian Leads
- Two Public Guardians retiring this year
- Five Public Guardians this fiscal year hit the five-year mark. 16 total with five years or more experience and six of those 16 with 10+ years of experience
- OPA now has 15 PG3s – hope to promote more but budget is constrained
- Our remote docket has been growing, 166 cases were served last fiscal year and it continues to grow, we have three guardians in Fairbanks backing up this position along with all of the Fairbanks cases
- Our remote guardian was instrumental in bringing a client to his mother's funeral and his mother was St. Olga, she was the first Yupik Saint

Public Guardians – Restructuring 2024-2026



Benefits Unit: Department of Public Assistance (DPA) programs, such as, Temporary Assistance for Need Families, Supplemental Nutrition Aid Program, Senior Benefits, Heating Assistance, Long Term Care Medicaid, and regular Medicaid. The Benefits Unit also files all Social Security Administration (SSA) applications for benefits.

Ongoing Measures for PG section

On December 8, 2023, Alaska Supreme Court ruled that OPA can be appointed regardless of capacity and ended moratorium

- OPA cannot refuse a case regardless of how many certified PGs it has

Overtime has been reduced due to budget

- Previously a comp time policy

Letter of Agreement with the unions for “floating step” increases has been limited.

- Incentivizes remaining with the agency

Working with OMB and Classification to make all non-lead/supervisory PG positions 1/2/3 flex PCNs – limited due to budget

- PG section security buildout complete – other buildout in process but lease costs will further strain budget

OPA Challenges – Criminal Conflict Counsel

- Efforts to address the criminal case backlog have strained OPA’s contractor pool and extended the duration of CINA cases
- OPA carries a disproportionate amount of the most serious types of felony cases. These cases are complicated, resource intensive, can take years to resolve, and can lead to burnout among attorneys
- Small sections. The largest OPA criminal defense section is Anchorage Criminal (ACR) which has nine attorney positions
- ACR also cover cases in Palmer, Kenai, Bethel, Kotzebue, and Southeast
- Supreme Court Order 2038 – accelerating number and pace of trials
- Alaska Criminal Rule 45 (R45) guarantees a defendant’s right to a speedy trial, case law adding pressure
- *OPA v. Superior Court*: Publicly appointed attorneys can have a “capacity” conflict

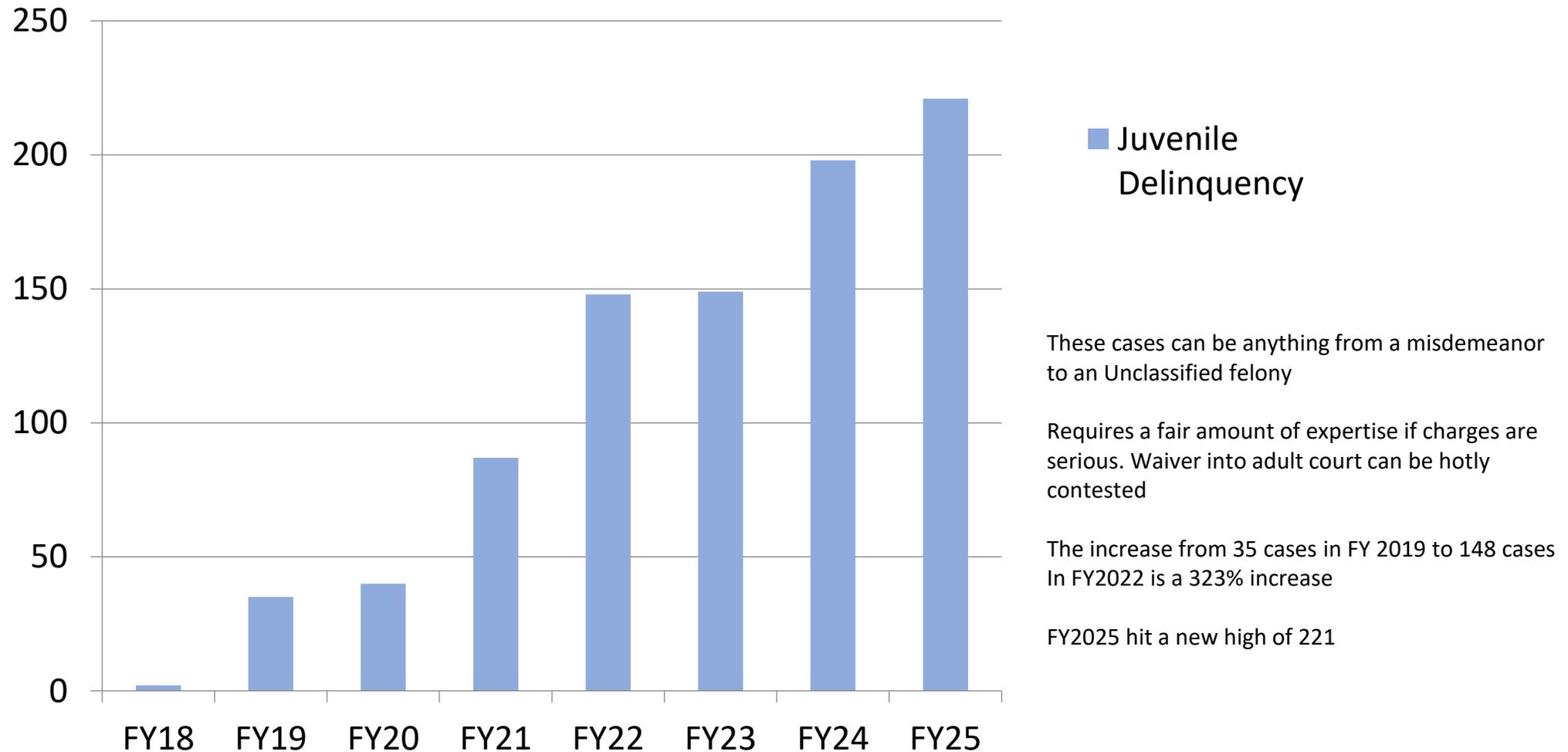
OPA Challenges – Contractor Compensation

OPA’s old hourly contract rates and case caps were not attractive to private contractors. These case caps went into effect on:

Old Case Caps	New Case Caps
<ul style="list-style-type: none">• Misdemeanors - \$1,625• Class C Felonies - \$4,000• Class B Felonies - \$4,875• Class A felonies - \$9,000• Unclassified Felonies - \$20,000• Child in Need of Aid - \$5,200	<ul style="list-style-type: none">• Misdemeanors - \$3,000• Class C Felonies - \$6,800• Class B Felonies - \$8,300• Class A felonies - \$15,000• Unclassified Felonies - \$30,000• Child in Need of Aid - \$9,000

- The old hourly billing rate for contract attorneys is between \$65-\$95 an hour
- The new hourly billing rate is \$125-\$155 (approx. 75% increase) took effect October 2024
- PDA (\$175) and Court System (\$130) increased their contract rates between April – July 2024
- \$3.3 million multi-year (FY2026-2027) supplemental in current Gov Sup Budget

Juvenile Delinquency Appointments Have Drastically Increased



OPA Accomplishments

- The public guardian situation is temporarily stabilized. But the situation remains fragile due to pace of appointments and statutes
- Actively and successfully continuing to challenge improper appointments by the Court
- Tight cost control measures requiring clear justification and approval by the Director or Deputy for any significant expenditure
- Travel requests closely scrutinized and requires Director or Deputy approval
- Utilizing the most efficient types of contracts whenever possible – particularly in the face of unexpected workload increased
- Minimized attrition during a challenging time

Summary And Future Considerations

- Progress is being made on the backlog
- OPA has no control over the amount of cases it receives. It is a downflow agency that reacts to other state agencies and systems (Office of Children's Services, Adult protective Services, the Attorney Generals Office, District Attorney's Office, Public Defenders Office, the Court System, etc.)
- Understaffing OPA does not save money
- OPA Admin bottleneck due to lack of Admin positions – FY2025 Administrative Officer & Paralegal pulled due to budget
- Managing the public guardian section is an ongoing challenge. If the section collapses it will be extremely serious for the state
- Court rules changes and case law can have an immediate significant impact on OPA. The agency is often unable to bring resources to bear quick enough to address these changes
- It is preferable to keep as many cases in house as possible. However, that puts an ever-increasing strain on OPA staff attorneys

Department of Administration

Championing improvement in the State's performance and results.



For more information, please contact James Stinson at james.stinson@alaska.gov