

State of Alaska Department of Administration

Office of Public Advocacy

Presentation to House Finance Subcommittee

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February 20, 2025

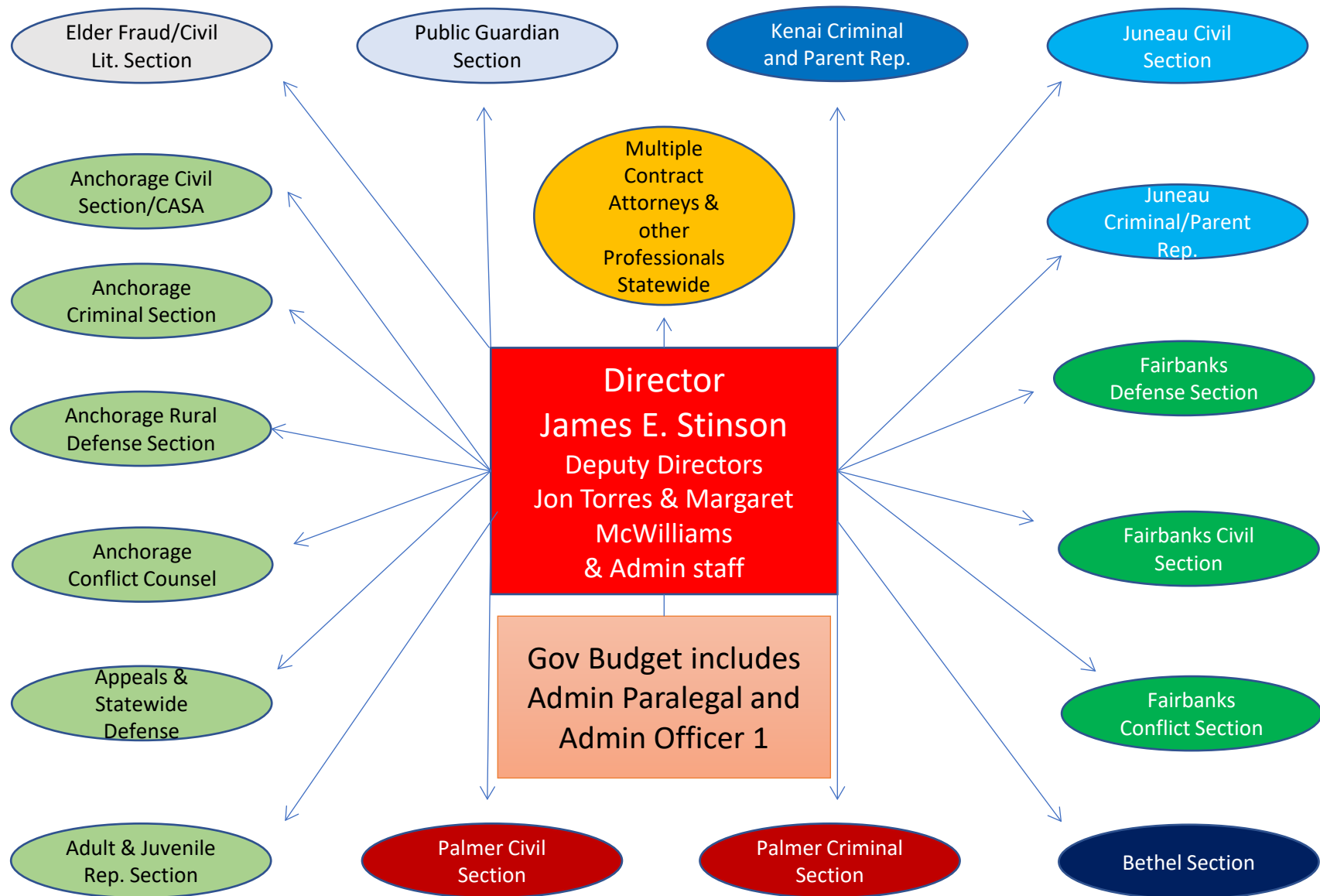


OPA Roles: Statutorily and Constitutionally Mandated

- **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



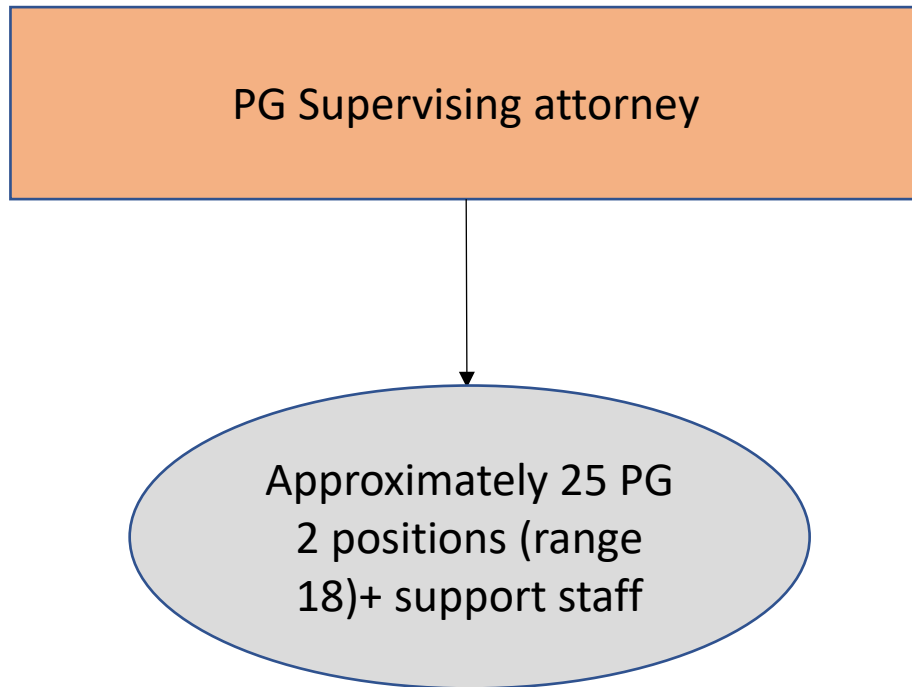
2025 OPA Challenges – Public Guardians

- 70 - 90 wards per certified public guardian (1700 total wards)
 - Section is on track to have 26-27 certified public guardians.
- Alaska currently has the fewest skilled nursing beds per capita in the U.S., and lacks specialty facilities for Alzheimer's care, geriatric psychiatric services, and chemical dependency treatment. Similar gaps exist for intermediate care, assisted living, home health, hospice, and behavioral health services.
- "Silver Tsunami" is here - Alaska's 65+ population, currently 110,490, is projected to peak at 134,849 by 2035 and then experience another round of growth as millennials age out of the workforce.
- Over/improper appointment by the court system has improved.
- Collapse of private providers and lack of capacity will further strain OPA capacity.
- Turnover stabilized – only one resignation (due to planned retirement) in nearly two years. However, retirement of most experienced public guardians are on the horizon.
- UAA Guardianship Certification Program – needs funding and help with outreach.

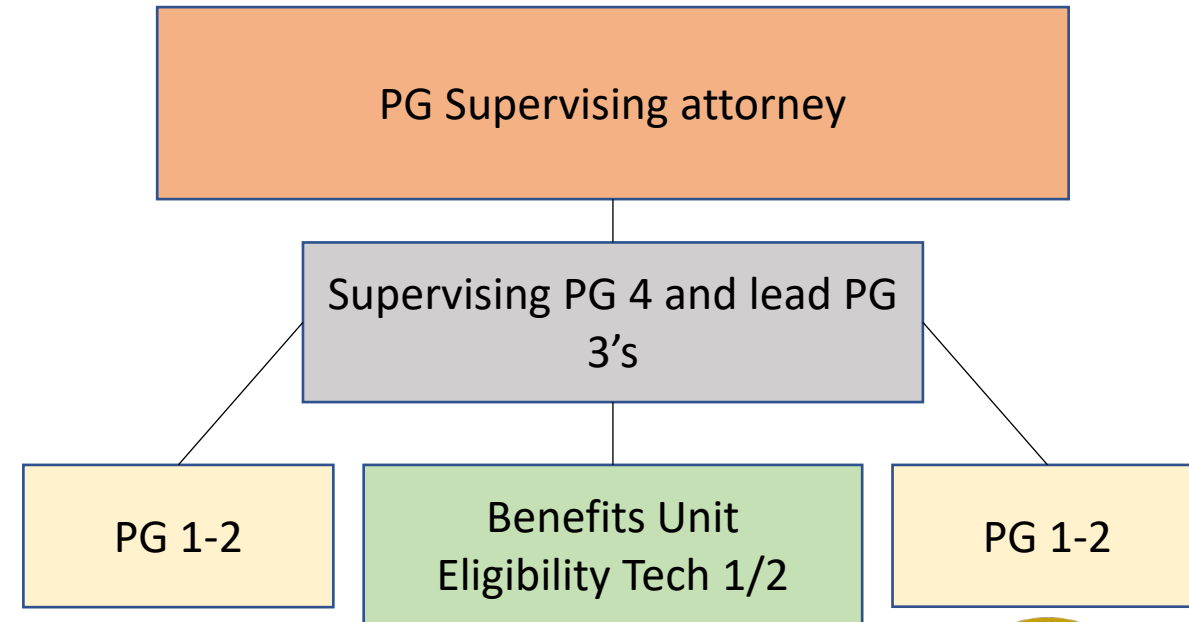


Public Guardians – Restructuring 2022-2023

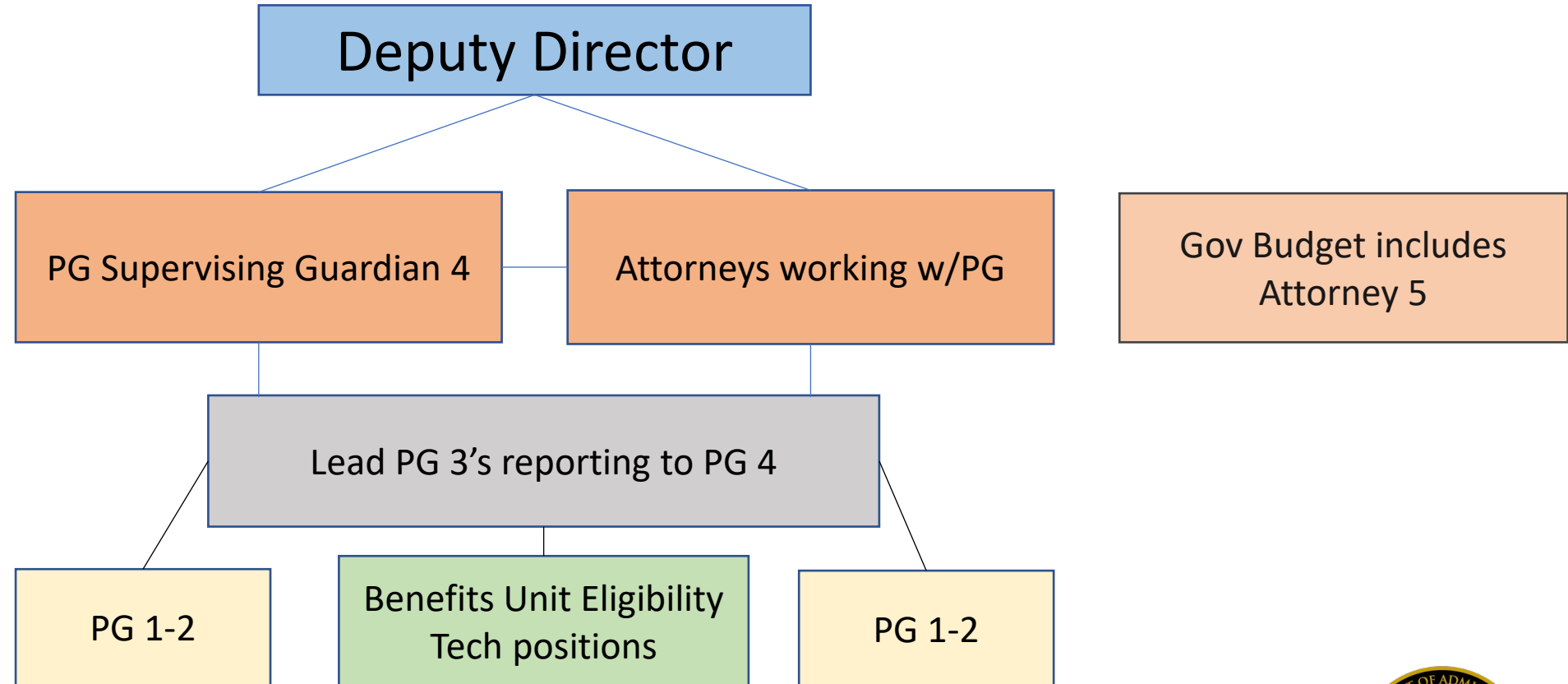
Old Structure



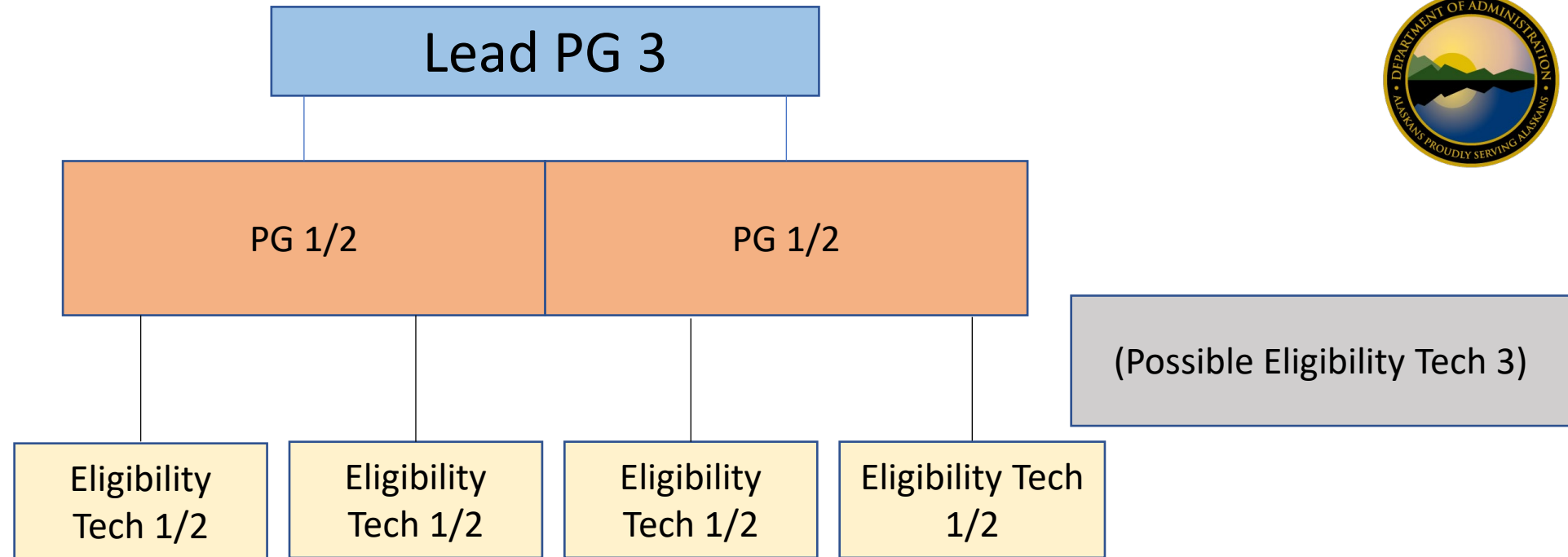
New Structure



Public Guardians – Restructuring 2024-2025



Public Guardians – Benefits sub-section



Filing applications along with annual and bi-annual renewals with Department of Public Assistance programs (DPA), 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, such as, retirement, disability-based Title II, disability-based Title XVI, aged-based Title XVI, spousal/widowed benefits, and disabled adult child 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 policy continues

- Previously a compensatory time policy

Letter of agreement with the unions for “floating step” increases

- Incentivizes remaining with the agency

Additional public guardian and eligibility technician positions

- Total public guardian PCNs is now 31 – with two additional Mental Health Trust funded PCN’s (33)

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



Summary and Future Considerations

- Progress is being made on the criminal case 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.).
- 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.



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