

HOUSE BILL NO. 436

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE CHENAULT

Introduced: 2/5/04

Referred: State Affairs, Health, Education and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the employment of, and contracting with, attorneys, guardians ad
2 litem, public guardians, court-appointed visitors, and experts by the office of public
3 advocacy; and providing for an effective date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 44.21.420(a) is amended to read:

6 (a) The commissioner of administration may employ guardians ad litem,
7 public guardians, clerical staff, and other assistants that the commissioner determines
8 are needed to perform the duties set out in AS 44.21.410. **A guardian ad litem or**
9 **public guardian employed to perform the duties set out in AS 44.21.410 must be**
10 **an attorney or be supervised by an attorney, who is admitted to the practice of**
11 **law in this state.** Employees under this subsection are in the classified service under
12 AS 39.25.100.

13 * **Sec. 2.** AS 44.21.420(c) is amended to read:

14 (c) The commissioner of administration may contract for services of court-

1 appointed visitors and experts needed to perform the duties set out in AS 44.21.410,
 2 **except that the** [THE] commissioner may contract **only** with attorneys to provide
 3 legal representation, **public guardian services**, and [WITH OTHER PERSONS TO
 4 PROVIDE] guardian ad litem services, as needed to perform the duties set out in
 5 AS 44.21.410. The commissioner may determine the rate of compensation for
 6 contractual services, taking into account the time involved, the skill and experience
 7 required, and other pertinent factors. **The commissioner shall require a contractor**
 8 **to submit time sheets for each person paid under the contract before the**
 9 **contractor is paid.**

10 * **Sec. 3.** AS 44.21.430(a) is amended to read:

11 (a) Only an attorney admitted to the practice of law in this state may be
 12 retained under contract by the office of public advocacy to provide legal
 13 representation, **or to supervise public guardian services or guardian ad litem**
 14 **services.** A person is not eligible to be an attorney employed by the office unless
 15 admitted to the practice of law in this state no later than 10 months following the
 16 commencement of the person's employment by the office.

17 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
 18 read:

19 APPLICABILITY. AS 44.21.420(c), as amended by sec. 2 of this Act, and
 20 AS 44.21.430(a), as amended by sec. 3 of this Act, apply to contracts entered into or renewed
 21 on or after the effective date of this Act.

22 * **Sec. 5.** This Act takes effect July 1, 2004.