

**ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE**

January 26, 2024

1:33 p.m.

MEMBERS PRESENT

Senator Matt Claman, Chair
Senator Jesse Kiehl, Vice Chair
Senator James Kaufman
Senator Cathy Giessel
Senator Löki Tobin

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

PRESENTATION(S): INFORMATIONAL HEARING ON PUBLIC GUARDIANSHIP
BY THE OFFICE OF PUBLIC ADVOCACY

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

JAMES STINSON, Director
Office of Public Advocacy (OPA)
Department of Administration
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the informational hearing on public guardianship.

DOUG WOOLIVER, Deputy Administrative Director
Office of the Administrative Director
Alaska Court System
Anchorage, Alaska

POSITION STATEMENT: Provided invited testimony and answered questions during the informational hearing on public guardianship.

ACTION NARRATIVE

[1:33:03 PM](#)

CHAIR MATT CLAMAN called the Senate Judiciary Standing Committee meeting to order at 1:33 p.m. Present at the call to order were Senators Kiehl, Giessel, Tobin, Kaufman, and Chair Claman.

INFORMATIONAL HEARING ON PUBLIC GUARDIANSHIP
BY THE
OFFICE OF PUBLIC ADVOCACY

[Contains discussion of SB 88.]

[1:33:36 PM](#)

CHAIR CLAMAN announced the consideration of an informational hearing by the Office of Public Advocacy (OPA) on Public Guardianship. This is the first informational hearing on this topic. He asked Mr. Stinson to put himself on the record, provide a brief history of his background, and introduce the topic of public guardians.

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JAMES STINSON, Director, Office of Public Advocacy (OPA), Department of Administration, Anchorage, Alaska said that one of the many duties OPA is tasked with is to run the public guardianship program. There has been extensive press coverage about the strain the guardianship system is facing. He said that he is thankful for the news coverage because it highlights important issues that have been building for decades and have reached a critical point. Before his tenure in 2015, the system was under an increasing amount of strain and is at a serious pinch-point right now. He voiced a desire to influence and take responsibility for what he can control as the director. The Alaska Supreme Court ruling made it clear that he will not have jurisdiction over the volume or timing of cases brought before the agency. This presents a challenge as it hinders the executive and legislative branches from allocating resources to OPA. A hireable pool of public guardians does not exist. It takes about two years to properly train and certify a guardian. OPA is at risk for the continued loss of certified public guardians even with attempts from the executive and legislative branches to help. He said that the retention situation has temporarily stabilized.

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MR. STINSON delineated several tasks OPA accomplished:

- A letter of agreement (LOA) was signed with unions to give a floating step incentive. Employees receive a step increase after they are certified as guardians. They receive two more after four years with the agency; he noted they would lose this incentive if they resigned.

- He found funding through the administration for a new overtime policy. This was never an option before, so the overtime policy has been a boon.

- The unit was restructured, which improved morale.

- Position control numbers (PCNs) were added.

MR. STINSON thanked the administration and the legislature for their efforts. OPA would be in a far worse situation without these improvements. He said efforts of the University of Alaska Anchorage (UAA) and the Alaska Court System (ACS) offer additional hope to relieve the lack of certified public guardians.

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MR. STINSON said UAA is potentially creating a pipeline for certified guardians for the first time. UAA will offer an 18-month course possibly this spring or fall semester. For the first time, this could provide a hiring pool for both private entities and the Office of Public Advocacy.

MR. STINSON said the Alaska Court System (ACS) has proposals to better fund and train court visitors. Court visitors assess the necessity for guardians and seek alternative placements for forwarding appointments outside of OPA. He said family members are often deterred from taking on a caseload of one because it feels overwhelming. ACS offers guidance to help family members transition into the role of guardian. This is another component to help resolve the issue of over-appointments.

MR. STINSON said that the situation is serious.

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SENATOR KIEHL estimated that OPA has more than 30 guardian positions, and five have been added to the management plan. He asked how many of those positions are filled.

MR. STINSON replied that all are filled except for two. He said the office recently received a resignation, reducing the number of certified public guardians from 17 to 16. OPA is waiting to

fill a Juneau PCN. The office is training three new people, and others are in the pipeline to become certified. He reiterated that there are two vacancies right now.

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CHAIR CLAMAN sought clarification about the number of guardian positions and the types of other positions at OPA.

MR. STINSON replied that certified guardians must pass the National Guardianship Association (NGA) Exam to become full-case-carrying public guardian II. OPA hired entry-level public guardian I positions as part of the office restructuring which occurred in 2021 - 2022; however, a public guardian I cannot carry cases until they are trained. Around the time that they take their exam, they will be carrying some cases. He said the distinction is that a public guardian II has passed the statutorily required NGA Exam and is qualified to carry a full caseload.

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CHAIR CLAMAN sought confirmation that all 31 positions are currently filled, except one or two, and about half of those are certified guardians.

MR. STINSON replied that is correct.

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CHAIR CLAMAN sought confirmation that he has been a public advocate since 2019.

MR. STINSON replied that is correct.

[1:40:30 PM](#)

CHAIR CLAMAN asked whether the number of public guardians had changed significantly over time. He said he'd like to understand the turnover rate.

MR. STINSON replied that perhaps at one point, the office had 19. He expressed his belief that the office had 17 last year. The rolling rate of attrition is an issue and the office will have slightly fewer certified guardians over time. He said it is a big problem.

[1:41:11 PM](#)

SENATOR KIEHL asked what types of positions within the State of Alaska system are comparable to a certified guardian in terms of training or ability requirements.

MR. STINSON replied that it is a highly unique position. He said eligibility technicians assist public guardians. He offered to go through their skillset if that would be helpful.

SENATOR KIEHL replied yes, that would be.

[1:42:23 PM](#)

MR. STINSON said one of OPA's challenges occurs when newly hired public guardians realize they must take on multiple roles and responsibilities. They have to have a rudimentary knowledge of the following subjects:

- the law,
- real estate,
- accounting,
- health and medicine,
- Medicaid and Medicaid eligibility,
- general relief eligibility,
- Social Security Title II and Title XVI eligibility,
- trusts, income, and assets,
- how trusts interplay with eligibility and resources,
- how all income and assets will affect eligibility for needs-based benefits,
- guardianship ethics,
- standards under NGA,
- medical decision-making,
- how to open a conservator account and manage an income,
- how real estate transactions affect eligibility,
- how to interact with all financial institutions with guardianship and conservatorship orders, an ongoing challenge,
- food stamp eligibility and renewals,
- all housing options,
- what Medicaid waivers cover for housing,
- being an appointed Social Security representative payee,
- taxes,
- applying for PFDs, and
- the vocational needs, wants, triggers, and everything about their clients.

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MR. STINSON said a background in mental health and disabilities services is helpful. He said that is all he could think of off the top of his head.

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SENATOR KIEHL said that he was pleased OPA received the Letter of Agreement (LOA) for a pay increase a couple of weeks ago. He asked what the pay class is for public guardians.

MR. STINSON replied that the entry-level position starts at range 16. Case-carrying positions jump to range 18 and then increase by one range. He expressed his belief that a public guardian III is a range 19 and can be supervisory, and a public guardian IV is a range 20. He said there is one public guardian (PG) IV.

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SENATOR TOBIN reported that, according to her notes, the attrition rate was rather high last year. OPA lost four employees in four months. She asked what the attrition rate was for the previous six months and what the legislature could do to help OPA regain public trust, either through tactics, support, or buildup of its labor force.

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MR. STINSON replied that attrition rates continue to be a consistent issue. He has been able to prevent multiple resignations for the moment. However, employees are slated for retirement starting in June. There are two anticipated certifications, but the issue is that two are leaving in June. So, in the coming months, OPA will have zero net gain. Five people should become certified next year if they stay with the program.

MR. STINSON spoke to public trust. Given the uniqueness and complexity of guardianship, he said that it is hard to adequately explain what is going on in a series of sound bites. Hearings are a confidential proceeding, so the general public is aware of an issue only when something goes wrong. He informed the committee that OPA decided to actively collaborate with Judge Aarseth to fix what happened with the cash integrity matters even before the court issued its decision. He expressed appreciation for Judge Aarseth's guidance. He acknowledged that he understands the issue with public perception and offered to answer detailed questions about it.

[1:47:02 PM](#)

CHAIR CLAMAN redirected the discussion to the number of office positions. He asked if the executive branch is currently requesting an increase of five guardian positions.

MR. STINSON replied there are a lot of moving pieces. He is not entirely certain, but he thinks so. He said OPA was given approval to double and triple-fill positions before the PCNs were built. Usually, PCNs are built before filling a position, so it has been confusing. The governor's budget also included additional long-term, non-permanent positions. He expressed his belief that the governor's budget also included a PG I, PG II, a paralegal, and an eligibility technician II.

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CHAIR CLAMAN said that about 15 to 17 of the 31 positions are certified PG II positions. He asked how many PG IIs OPA needs to manage the office caseload tolerably.

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MR. STINSON answered by speaking to the challenges of onboarding certified guardians, which are:

- The lack of public guardians available in the labor force.
- The bottleneck in training is that it is difficult to train three new people given the office caseload.
- The number of OPA cases is 1,627, a heavy caseload divided amongst each PG II. This number is important because it highlights OPA's vulnerability. Non-certified guardians carry lower caseloads.

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CHAIR CLAMAN estimated that each PG II carries about 100 cases, which sounds like an unreasonable caseload to manage. He asked for a more realistic management number.

MR. STINSON replied that it is widely reported the National Guardianship Association (NGA) standard is 40. Some states have less, and he does not know of many with more.

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SENATOR TOBIN asked whether there is an Alaska state guideline and, if so, what it is.

MR. STINSON replied that statutes reference a high ethical duty, but there is no number. Alaska adheres to the NGA standards.

[1:51:09 PM](#)

SENATOR TOBIN sought confirmation that a possible solution would be to establish a state standard.

MR. STINSON replied that is a possibility; it is a policy call between the legislature and the administration.

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SENATOR GIESSEL asked what the exit interviews reveal about the reason for the constant turnover.

Mr. Stinson replied that he met with every public guardian. The general consensus is that public guardians reach a point where they are overwhelmed. They feel like time dedicated to the benefit of one ward detracts from another ward. He expressed his belief that guardians feel they are actively causing harm due to their heavy caseload. Guardians find themselves jumping from one emergency to another. He stated this type of reactive management style perpetuates further emergencies as guardians lack the time to address root causes of problems.

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CHAIR CLAMAN asked him to read the resignation letter that he referenced.

MR. STINSON replied that he would read the introduction to the letter. The individual who wrote the letter discusses her background and how she became a public guardian. She thought it essential to stay on top of the work and would volunteer her time, coming in early and staying late. He read from the letter:

This job can mean the difference between someone freezing to death because they don't have adequate housing, starving because they don't have food, being trafficked because it is the only way to gain access to shelter, food, etc. When my caseload rose, I was not just working more hours; I was not sleeping because I was worried about clients not getting services or housing in time. When I was sleeping, I was waking up with tasks I needed to do or had forgotten because the days are so busy and there is hardly time to think. I became so physically, mentally, and emotionally exhausted that I needed to remove myself from the situation and gave my notice.

As I think back to this time, it brings me to tears because I believe I failed the people I so desperately wanted to help. The people who accept the responsibility to stay take PG seriously, and are driven to serve.

MR. STINSON said this individual was with the agency for just over two years. He pointed out this PG started in 2019 and left in 2022 around the time of his tenure.

[1:54:02 PM](#)

CHAIR CLAMAN sought confirmation that, based on the PGA recommended caseload of 40, OPA would need about 32 PG IIs to reduce each caseload to a manageable 40 - 50 cases.

MR. STINSON replied that he did not disagree. It is more a question of whether that is a possibility.

[1:54:42 PM](#)

CHAIR CLAMAN said while "possibilities" are one topic, another is the illusion that OPA can adequately serve the most vulnerable if the office is underfunded. He said the legislature sets OPA up for failure if it makes appropriations at an underserved level.

[1:55:12 PM](#)

MR. STINSON said the impetus behind the moratorium was never about abdicating duty. He provided a brief overview of the moratorium, noting there is no way one public guardian can adequately serve and fulfill the needs of over 100 individuals. The fear was that the public guardian would become illusory, which tended to be what happened. The moratorium forced the illusion to drop. It forced the system to say it needed to keep an eye on the ward because the individual was not adequately protected. The system was designed for public guardians to be an absolute last resort.

MR. STINSON expressed his belief that guardianship is misunderstood; it is a unique type of appointment. It is not like a CINA appointment or a criminal appointment. It is not the government coming to take your liberty, property, and children. It is not a limited appointment; a PG takes full control over another adult life for the duration of that person's natural life. He explained why overloaded public guardians hit a point where they become an obstruction, failing to be effective. The ward's personal and daily affairs flow through the PG. The flow is blocked if the PG does not have the time to address problems. He said this was part of the impetus for the moratorium.

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SENATOR KIEHL calculated that a Range 16 makes \$27.50 per hour and estimated that the Letter of Agreement is worth another 90

cents after certification. He expressed his belief that the State offered eligibility techs a \$4,000 bonus due to the Supplemental Nutrition Assistance Program (SNAP) backlog. The subcommittee may need to have a significant budget discussion on this. He asked what other suggestions and steps the legislature ought to consider besides court visitors and finding family members and private individuals who can serve as guardians.

MR. STINSON encouraged conversations between the legislature and the [Governor's Legislative Office] (GLO), stating that long-term options may exist. He said Mr. Wooliver's efforts are a key component. He said though it may seem the court system and OPA disagree, they are partners in finding solutions. He voiced optimism that the court visitor coordinator has taken steps to better train court personnel. He reiterated that Mr. Wooliver's efforts are a key component.

1:58:30 PM

CHAIR CLAMAN brought up the subject of able and competent individuals who are fine without a guardian. He asked if a public guardian had ever been appointed unnecessarily, and the appointment was later reversed.

1:59:14 PM

MR. STINSON responded that reversals are tricky. The burden shifts to the individual placed under protection to show by clear and convincing evidence that protection is not needed. This can pose a roadblock to individuals.

MR. STINSON said OPA has successfully reduced authorizations. For example, several cash integrity cases were reduced to [representative] payees and other authorization types. OPA's perspective is that there are issues with the appointment process and a rush to guardianship. The way the system operates sometimes incentivizes this. He described the process stating individuals with deficits are brought before well-intentioned, busy judges in a 15-minute hearing. The pressure to err on the side of "protecting somebody" is very great. He said that any public guardian entity in the country would say guardianship is the greatest restriction on individual liberty short of incarceration. OPA shares this perspective. Differences in this perspective exist and are part of the problem. He said wards can get reduced authority and OPA can go to the Alaska Supreme Court to advocate against an inappropriate appointment. The problem is that it can take two years to get a determination, and a high standard exists to overturn a decision. He said that his data suggests that sometimes there are issues in the system with

matters like "respond to counsel" and "stipulating to incapacity."

[2:01:00 PM](#)

CHAIR CLAMAN said he wanted to know how many cases he is talking about. OPA has roughly 1600 active guardian appointments; of those, he asked about the number of times in the last year:

- the court declined a request for a guardian appointment,
- the court found a person did not need a guardian, and
- there was an effort to reverse a guardianship.

[2:01:33 PM](#)

MR. STINSON said he does not know if his data is that clear, and OPA does not necessarily have the staffing resources to litigate given its overwhelming caseloads.

MR. STINSON stated OPA received 15 new cases on average every month. There were only 15 people on the waitlist as of October 11, about five months into the moratorium. Towards the end of the moratorium, heading into December, there were never more than 30 people on the waitlist. He pointed out that usually, there would have been a much higher volume of appointments; however, the court found family members or [representative] payees as alternatives to guardianships and conservatorships. He said these numbers come from a decent, seven-month dataset. They suggest that when OPA was unavailable, a lot of other options were found.

[2:02:35 PM](#)

MR. STINSON spoke to five fairly critical cases. He opined that the judge did not use a lot of available tools in these cases. He stated that one tool the judge could have used is the single-transaction authority. A judge can craft specific orders through a single-transaction authority which usually fixes the greatest need for an individual short of full guardianship.

[2:03:16 PM](#)

SENATOR TOBIN expressed curiosity about the 10 - 20 new cases each month. She referenced her notes which indicated he had a fear of the "silver tidal wave." She asked what he sees for the guardianship program five-years out and how many guardians OPA will need.

[2:03:45 PM](#)

MR. STINSON answered that his greatest concern is the "silver tidal wave." He is worried that if nothing is done in the next five years to change structural issues, elderly Alaskans may not have a public guardian section. The State will be unable to save this program if issues hit a critical point. He expressed appreciation that conversations are happening now to address problems. He said the State needs to fix some structural issues or bring adequate resources to bear so that OPA, the court system, and the Alaska Mental Trust Authority can work together to find creative solutions. He said that OPA is in such a bottleneck right now that it will be problematic if the office gets hit with the silver tsunami.

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CHAIR CLAMAN invited Mr. Wooliver to discuss the court system's work with OPA.

[2:05:34 PM](#)

DOUG WOOLIVER, Deputy Administrative Director, Office of the Administrative Director, Alaska Court System (ACS), Anchorage, Alaska, provided invited testimony and answered questions during the Informational Hearing on Public Guardianship. He discussed the two elements of the ACS budget that touch on guardianship problems:

1. Increased pay for court visitors.

Court visitors conduct investigations to ensure that a guardianship or something less than a guardianship is needed. This function transferred from OPA to ACS last year or the year before, and both entities support this change. ACS currently handles this function. He said ACS requests an increase in the pay rate for court visitors to incentivize retention.

[2:06:31 PM](#)

2. Three new positions.

The Alaska Court System monitors private guardians. He said private guardians are volunteers and family members. Seventy-one percent of all guardians fall into this category, the most common type of guardianship. He said guardianship is complicated and drew attention to the long list of guardian tasks. ACS offers training on its website, has a helpline, and has a federal grant that pays for two monitors. These monitors oversee filings submitted by guardians and provide training and help. A helpline is available now, and the new positions would help staff it. He said that more private citizens filling this role appropriately and competently

means fewer cases directed to OPA. The long list of guardian duties is overwhelming and intimidating to people. Though these positions will not solve all of OPA's problems, more private citizens would be willing to do the job with better court system support, monitoring, and training.

[2:09:00 PM](#)

SENATOR TOBIN asked where Alaskans can find information to help them support, care for, and handle the administrative affairs of their vulnerable or elderly family members.

MR. WOOLIVER replied that the Alaska Court System (ACS) provides guidance on those issues. Ideally, individuals would get a lawyer, but ACS has a lot of information on its website. The function of the three new positions is to help Alaskans who are overwhelmed and seek guidance because a family member needs help. He said the federal grant for these two positions is expiring, and ACS would like to keep them.

[2:10:27 PM](#)

SENATOR KIEHL sought clarification on the ACS funding request, asking whether the funds are for program growth or to maintain the status quo.

MR. WOOLIVER replied that he believes there are two people under the grant. ACS would like to have three positions; one for growth and two to maintain the status quo.

SENATOR KIEHL asked about the court system's talent pipeline and the requisite background for these two positions.

MR. WOOLIVER replied that he would find out about the two grant positions and the third position. The pipeline is an important question, and he brought up PG caseload caps. The number of people needing guardian services exceeds that which is available. OPA is unable to accept more cases; it has reached its cap. The State needs another resource, and individuals need guardians. He said it is hard to find trained guardians because there are none.

[2:11:37 PM](#)

SENATOR KIEHL wondered whether ACS is recruiting hires from among OPA's staff.

[2:11:42 PM](#)

MR. WOOLIVER replied that these positions are not guardians, and ACS did not recruit them from OPA offices. The function of these

positions is to help potential private guardians with forms and resources. He said that fraud and abuse exist in guardianships. A big part of these three positions is to monitor reports, look for red flags, fraud, and abuse.

[2:12:26 PM](#)

CHAIR CLAMAN addressed the issue of over-appointing guardians and sought confirmation that part of the court's efforts aim at reducing these numbers by:

- helping potential private guardians with the application process and
- ensuring court visitors make appropriate appointments.

MR. WOOLIVER replied yes.

CHAIR CLAMAN asked if this is occurring already.

[2:13:07 PM](#)

MR. WOOLIVER replied that is hard to pinpoint the number of over-appointments. It is somewhat subjective. One judge thinks it is appropriate, the other may not. One guardian says yes, the other says no. He said coming up with a number is not as easy as determining the number of felonies filed. Some of the numbers are easy and objective, and others are subjective. He said that OPA believes there is a problem with over-appointment, not everyone agrees. He said that it depends which side of the bench one sits on. While he acknowledged that there are cases that could be done by someone other than a public guardian, there needs to be an alternative party available to take responsibility. He reminded the committee that it is not just guardians that are a limited resource, other services are in short supply too, like representative payees. He reiterated that all of the resources are limited.

[2:14:20 PM](#)

CHAIR CLAMAN asked if it is the court's perspective that there is a problem with over-appointments.

MR. WOOLIVER replied that anytime the court over-appoints, it is a problem. He said that ACS does not know how often this happens.

[2:14:37 PM](#)

CHAIR CLAMAN referenced a comment about people needing less aid than a guardianship. He asked the difference between a

conservator and a guardian and if the courts could appoint a conservator rather than a guardian.

MR. WOOLIVER replied that sometimes an individual only needs help with money. In this situation, ACS appoints a conservator who only handles money. Sometimes a conservator and a guardian are appointed, but more often, a full guardian is appointed and makes all decisions.

[2:15:15 PM](#)

CHAIR CLAMAN asked if OPA provides conservatorships.

MR. WOOLIVER replied that he believes so but deferred the question to OPA.

CHAIR CLAMAN directed the question to Mr. Stinson.

MR. STINSON replied yes, OPA does.

[2:15:36 PM](#)

CHAIR CLAMAN asked if the PG I, the position that is not licensed, is appointed to fulfill the function of conservator.

MR. STINSON replied no. He said although conservator cases are slightly less complicated, guardians usually carry a mix of cases based on region. Public conservators have a lot to do. He said family members have slightly different ethical standards. Family members have a caseload of one and can funnel personal resources into that family member in ways that a government official cannot.

[2:16:26 PM](#)

CHAIR CLAMAN inquired whether it is his understanding that some of the public guardian appointments might have been more suitable as conservatorships.

MR. STINSON affirmed that this is the agency's perception. He said that Mr. Wooliver highlighted this fundamental issue. He offered an example of the situation. Suppose an individual only needs a representative payee. OPA is at risk of being appointed the individual's conservator if none are available. The same is true for individuals who have a trust. The courts are not supposed to appoint OPA only to handle trusts. However, if someone has a trust and is stepped down out of a conservatorship or guardianship, there is always the risk that OPA can get left in that case. He said OPA tries to resolve these as they come up and push back on what it sees as inappropriate appointments. He

stated that these appointments occur due to a perception that OPA serves as a catchall, last train stop agency.

2:18:09 PM

SENATOR KIEHL asked for a definition of rep payee.

CHAIR CLAMAN directed the question to Mr. Stinson.

MR. STINSON replied that a rep payee manages benefit money, Social Security, on behalf of an individual. He explained that, for over twenty years, Alaska had a cottage industry of private rep payees that would charge a low but reasonable private market fee. Rep payees would deposit Social Security in one account. Individuals would pay the rep payee fees out of a separate account, which usually had either a Native corporation dividend check or a permanent fund dividend check deposited in it. This system worked fairly well in Alaska for a very long time until the Social Security Administration noticed it and cleared out the whole rep-payee cottage industry. New nonprofit rep payees have sprung up, but some are reaching capacity. The courts are not allowed to appoint OPA as just a rep payee. This means the courts might appoint OPA as a full conservator if it thinks an individual needs help. He said these appointments are very problematic for OPA.

2:19:55 PM

SENATOR GIESSEL expressed concern about the talent pipeline and wondered where OPA will find guardians. The state is seeing an exodus of Alaskans from age 18 to 64, which includes young people who can fill these roles. She pointed out that guardians become overwhelmed and burnt out in two years. She asked where their replacements are.

SENATOR GIESSEL said that it is one thing to say:

- Just hire more.
She said according to Mr. Stinson, he has not been able to expand his staff.
- Just pay more.
She conjectured that guardians want to see results and make a difference. They are not simply motivated by money. Currently, they are unable to see results because they are overwhelmed.

SENATOR GIESSEL asserted that the system is in a vicious circle and in a dilemma. She concluded her remarks by asking where the

pipeline of people with the compassion to do this job is and how to prevent burnout so staff do not leave.

[2:21:58 PM](#)

CHAIR CLAMAN agreed with her comments. He said paying more alone does not solve the problem. The odds of remaining in a job are low when the salary is inadequate and the job is overwhelming, whereas the odds of retention increase when there is a manageable workload and reasonable pay. He said it would help if the legislature passed SB 88.

SENATOR GIESSEL commented that the subject of SB 88 is an aside.

[2:22:50 PM](#)

CHAIR CLAMAN concurred but emphasized these are all parts of the same package. Statistically, people leave in two to five years. People have to want to join the talent pipeline. OPA's pipeline will never fill up unless the agency is able to retain its workers.

[2:23:06 PM](#)

SENATOR GIESSEL said SB 88 is about a long-term relationship between an employer and an employee. She highlighted that it's more than just a transactional business relationship where the employer pays the employee to do a job. Instead, it is a social relationship wherein the employer commits to ensuring the employee is taken care of beyond the current job. She reiterated that OPA needs a pipeline.

[2:23:51 PM](#)

CHAIR CLAMAN said that this hearing highlights some challenges. One key challenge is that people who provide guardianship services, which state law and court appointments require, are walking into a terrible work environment. The level of work is overwhelming and would wear anyone out.

[2:24:37 PM](#)

SENATOR KIEHL agreed. He brought up private guardianships, commenting that other states have professional associations of guardians filled with paralegals and attorneys. He said that he is not suggesting these associations are the solution for indigent people with severe deficits. Rather, it is to point out these types of organizations have trained, passionate people in the public and private sectors who are in a talent pipeline. He asked about finding talent through similar kinds of private entities operating in Alaska.

[2:26:13 PM](#)

MR. STINSON replied that private guardianship providers have the most resourced clients with substantial assets and pay; these guardianships charge high fees. The experiment with Cache Integrity Services was an attempt to make a nonprofit for financially constrained people; unfortunately, the outcome had a chilling effect on the ability to propose such solutions again. He said private providers with whom he is familiar do not take more than 20 cases. He said he is aware of a private guardian in Fairbanks. The court ordered her to reduce her caseload from 57 to 40 cases. He fears those cases will end up in OPA. He said the private provider sector is slim, with only an individual license. There is discussion about the feasibility of a private organizational license.

[2:27:45 PM](#)

CHAIR CLAMAN asked whether OPA collects aggregate data about guardianships for Alaskans with cognitive decline, particularly Alzheimer's and dementia populations.

MR. STINSON replied no, not specifically. He said that OPA collects data in general categories with co-occurring morbidities. People are classified in more than one category. OPA does not have a good mechanism for identifying primary disease populations like Alzheimer's and dementia populations.

[2:28:33 PM](#)

CHAIR CLAMAN sought confirmation that OPA's caseload is so high that collecting aggregate data would overwhelm an already overwhelmed system.

MR. STINSON replied that is part of the challenge. He said OPA does not even have the staffing capacity to potentially decrease cases by initiating court filings and requesting reductions.

[2:29:13 PM](#)

CHAIR CLAMAN conjectured this topic would come up in a budget discussion. He asked, short of statutory changes, what other states have done to improve unmanageable caseloads.

[2:29:49 PM](#)

MR. STINSON replied there are three main strategies, but they might involve legislation. He listed:

- Public guardians screen their own cases.

This is a common strategy because the PG has the expertise to determine whether somebody wants a guardian. Some states house

guardians in the judiciary branch of government. Alaska moved guardians from the judiciary branch in 1986; by the 1990s, Alaska was one of maybe six states that had a stand-alone public guardian section.

- Restrictive policies.

An example of a restrictive policy is Tennessee's policy that restricts public guardianship to individuals aged 60 or older. This policy is embedded within an Office of Elder Affairs-type agency.

- Mechanisms for refusing cases.

He explained that some states have mechanisms that bring resources to bear in an orderly fashion when cases are refused.

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CHAIR CLAMAN asked if there has been criticism about PGs conducting screenings. Specifically, conflicts that influence whether an individual receives help based on system capacity rather than factors based on needs.

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MR. STINSON replied that he surmised most criticisms occur in systems where public guardians are part of the judiciary. He described the models of several states:

- Nebraska follows two procedures depending on whether public guardians are at full capacity or not. He surmised that is how some states avoid that conflict of interest.

- Texas employs a "refusal at certain point" model instead of a screening model. He expressed his belief that the judiciary system does not house the public guardians in Texas. He speculated that many states use a hybridized version of the Texas model where PGs screen individuals on the front end, offer advice about capacity, and determine which cases have the most pressing needs rather than just approving or rejecting cases based on system capacity.

- Oregon has eight public guardians for 4.3 million people and keeps a waitlist of 500 to 1,000 people. Oregon's total ward load is between 1,600 and 3,000. He expressed surprise that Alaska's total ward load is comparable to a state six times its population. He said these numbers seem significantly disproportionate, even considering Alaska's unique needs. He wondered if this speaks to a broader issue within Alaska.

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SENATOR KIEHL said that the State of Oregon's numbers need to be kept in perspective. He explained that both the county and the state provide public guardian services. He noted that Multnomah County, which includes Portland, has twelve public guardians.

MR. STINSON said his point was well taken, but noted Oregon's capacity is still surprising for a state of that size.

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There being no further business to come before the committee, Chair Claman adjourned the Senate Judiciary Standing Committee meeting at 2:35 p.m.