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Referred: Health, Education &  
Social Services, Judiciary and  
Finance

BY SUND, GRUENBERG, COTTEN,  
GOLL AND TAYLOR

1 IN THE HOUSE

2

HOUSE BILL NO. 474

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to volunteer guardians ad litem in  
7 the Office of Public Advocacy."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 44.21.410 is amended to read:

10 Sec. 44.21.410. POWERS AND DUTIES OF PUBLIC ADVOCACY OFFICE.

11 (a) The office of public advocacy shall

12 (1) perform the duties of the public guardian under AS 13.-  
13 26.360 - 13.26.410;

14 (2) provide visitors and experts in guardianship proceed-  
15 ings under AS 13.26.131;

16 (3) provide guardian ad litem services to children in child  
17 protection actions under AS 47.17.030(e) and to wards and respondents  
18 in guardianship proceedings who will suffer financial hardship or  
19 become dependent upon a government agency or a private person or  
20 agency if the services are not provided at state expense under AS 13.-  
21 26.112;

22 (4) provide legal representation in guardianship proceed-  
23 ings to respondents who are financially unable to employ attorneys  
24 under AS 13.26.106(b), to indigent parties in cases involving child  
25 custody in which the opposing party is represented by counsel provided  
26 by a public agency, and to indigent parents or guardians of a minor  
27 respondent in a commitment proceeding concerning the minor under  
28 AS 47.30.775;

29 (5) provide legal representation and guardian ad litem

1 services under AS 25.24.310; in cases arising under the Uniform  
2 Interstate Compact on Juveniles (AS 47.15); in cases involving peti-  
3 tions to adopt a minor under AS 25.23.100(j); in cases involving  
4 petitions to remove the disabilities of a minor under AS 09.55.590; in  
5 children's proceedings under AS 47.10.050(a); and in cases involving  
6 indigent persons who are entitled to representation under AS 18.85.100  
7 and who cannot be represented by the public defender agency because of  
8 a conflict of interests;

9 (6) develop and coordinate a program to recruit, select,  
10 train, assign, and supervise volunteer guardians ad litem from local  
11 communities to aid in delivering services in cases in which the office  
12 of public advocacy is appointed as guardian ad litem.

13 (b) The commissioner of administration may

14 (1) adopt regulations that the commissioner considers  
15 necessary to implement AS 44.21.400 - 44.21.440;

16 (2) report on the operation of the office of public advo-  
17 cacy when requested by the governor or legislature or when required by  
18 law;

19 (3) solicit and accept grants of funds from the federal  
20 government, local governments, private individuals, and from private  
21 foundations, and allocate or restrict the use of those funds as re-  
22 quired by the grantor.

23 \* Sec. 2. AS 44.21 is amended by adding a new section to read:

24 Sec. 44.21.450. CIVIL LIABILITY OF VOLUNTEER GUARDIANS. A  
25 volunteer guardian ad litem under the supervision of the office of  
26 public advocacy may not be held civilly liable for acts or omissions  
27 during the good faith performance of duties as a guardian unless the  
28 volunteer was guilty of gross negligence.