

Offered: 2/26/86
Referred: Finance

Original sponsors: Sund, Gruenberg,
Cotten, et al

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 474 (Judiciary)
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 and grants to, 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 AS 44.21.410 is repealed and reenacted to read: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 Inter-
2 state Compact on Juveniles (AS 47.15); in cases involving petitions to
3 adopt a minor under AS 25.23.100(j); in cases involving petitions to
4 remove the disabilities of a minor under AS 09.55.590; in children's
5 proceedings under AS 47.10.050(a); and in cases involving indigent
6 persons who are entitled to representation under AS 18.85.100 and who
7 cannot be represented by the public defender agency because of a
8 conflict of interests.

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

14 (c) The commissioner of administration may

15 (1) adopt regulations that the commissioner considers
16 necessary to implement AS 44.21.400 - 44.21.460;

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

20 (3) solicit and accept grants of funds from the federal
21 government, local governments, persons, and private foundations, and
22 allocate or restrict the use of those funds as required by the
23 grantor.

24 * Sec. 2. AS 44.21 is amended by adding new sections to read:

25 Sec. 44.21.450. NON-ATTORNEY VOLUNTEER GUARDIANS AD LITEM. A
26 non-attorney volunteer guardian ad litem may not give legal advice or
27 act in the capacity of legal counsel or attorney for a minor before a
28 court or administrative agency.

29 Sec. 44.21.460. CIVIL LIABILITY. (a) A volunteer guardian ad

1 litem under the supervision of the office of public advocacy may not
2 be held personally liable in a civil action for acts or omissions
3 during the good faith performance of duties as a guardian unless the
4 volunteer was guilty of gross negligence or reckless or intentional
5 misconduct.

6 (b) This section does not affect the civil liability of the
7 office of public advocacy.