

Introduced: 2/14/86
Referred: Health, Education and
Social Services and
Judiciary

1 IN THE SENATE

BY KERTTULA

2

SENATE BILL NO. 434

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 and
7 court-appointed special advocates in the Office of
8 Public Advocacy."

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

10 * Section 1. AS 44.21.410 is amended to read:

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

12 (a) The office of public advocacy shall

13 (1) perform the duties of the public guardian under AS 13.-
14 26.360 - 13.26.410;

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

17 (3) provide guardian ad litem services to children in child
18 protection actions under AS 47.17.030(e) and to wards and respondents
19 in guardianship proceedings who will suffer financial hardship or
20 become dependent upon a government agency or a private person or
21 agency if the services are not provided at state expense under AS 13.-
22 26.112;

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

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

10 (6) develop and coordinate a program to recruit, select,
11 train, assign, and supervise volunteer guardians ad litem and court-
12 appointed special advocates from local communities to aid in deliver-
13 ing services in cases in which the office of public advocacy is ap-
14 pointed as guardian ad litem.

15 (b) The commissioner of administration may

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

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

21 (3) solicit and accept grants of funds from the federal
22 government, local governments, persons, and [FROM] private foun-
23 dations, and allocate or restrict the use of those funds as required
24 by the grantor.

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

26 Sec. 44.21.450. CIVIL LIABILITY OF SPECIAL ADVOCATES AND VOLUN-
27 TEER GUARDIANS. A volunteer guardian ad litem or court-appointed
28 special advocate under the supervision of the office of public advoca-
29 cy may not be held civilly liable for acts or omissions during the

1 good faith performance of duties as a guardian unless the volunteer
2 was guilty of gross negligence or reckless or intentional misconduct.