

Offered: 3/11/87  
Referred: Finance

5-0146L

Original sponsors: Sund, Gruenberg  
and Goll

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 CS FOR HOUSE BILL NO. 7 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FIFTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to the office of public advocacy and  
7 volunteer guardians ad litem."  
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 Inter-  
2 state Compact on Juveniles (AS 47.15); in cases involving petitions to  
3 adopt a minor under AS 25.23.125(b); 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 (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 governments  
20 [THE FEDERAL GOVERNMENT] and from persons [PRIVATE FOUNDATIONS], and  
21 allocate or restrict the use of those funds as required by the  
22 grantor.

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

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

29 (b) This section does not affect the civil liability of the

1 office of public advocacy.

2 Sec. 44.21.460. NONATTORNEY VOLUNTEER GUARDIANS AD LITEM. A  
3 nonattorney volunteer guardian ad litem may not give legal advice or  
4 act in the capacity of attorney for a minor before a court or adminis-  
5 trative agency.

6 Sec. 44.21.490. DEFINITION. In AS 44.21.410 - 44.21.490,  
7 "volunteer guardian ad litem" means a court-appointed special advocate  
8 (CASA).