

HOUSE
COMMITTEE REPORT

2/7

JUDICIARY

Date referred: 1/15/86

FURTHER REFERRALS: FINANCE

DATE: 2/5/86

HEALTH, EDUCATION AND
The SOCIAL SERVICES Committee has considered HB 474

"An Act relating to volunteer guardians ad litem in the Office of Public Advocacy."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CS HB 474 (HESS) same title new title

and recommends _____

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note Sup # 81
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

Thompson [Signature]

[Signature]

Hurley [Signature]

Taylor [Signature]

Pettyjohn [Signature]

SIGNING OTHER RECOMMENDATIONS:

Hurley [Signature] - No Rec

[Signature] Koponen
Chairman

[Signature] Gruenberg
Co-Chair

W. C. C.

Offered: 2/26/86
Referred: Finance

Original sponsors: Sund, Gruenberg,
Cotton, 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 AS 44.21.410 is repealed and reenacted to read: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 26.350 - 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:

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27 act in the capacity of legal counsel or attorney for a minor before a
28 court or administrative agency.

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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
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4 volunteer was guilty of gross negligence or reckless or intentional
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6 (b) This section does not affect the civil liability of the
7 office of public advocacy.
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Offered: 2/7/86
Referred: Judiciary and Finance
Original sponsors: Sund, Gruenberg,
Cotten, et al

*17 State, Sept 81
(322 attached)*

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Introduced: 1/15/86
Referred: Health, Education &
Social Services, Judiciary and
Finance

1 IN THE HOUSE

BY SUND, GRUENBERG, COTTEN,
GOLL AND TAYLOR

2 HOUSE BILL NO. 474

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

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28 volunteer was guilty of gross negligence.
29

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

*WJ
2/1/86*

REQUEST Page 1 of 4 *# 1*

Revision Date: _____

Bill/Resolution No.: HB 474
 Title: "An Act relating to volunteer guardians ad litem..."
 Sponsor: Rep. Sund
 Requestor: Finance
 Date of Request: January 27, 1985

FISCAL DETAIL
 Agency Affected: Administration
 BRU: Office of Public Advocacy
 Components: Office of Public Advocacy

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES	-0-	83.6	88.6	93.9	99.5	105.4
TRAVEL		-0-	-0-	-0-	-0-	-0-
CONTRACTUAL		-0-	-0-	-0-	-0-	-0-
SUPPLIES		4.0	4.2	4.5	4.7	5.0
EQUIPMENT		14.3	-0-	-0-	-0-	-0-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	101.9	92.8	98.4	104.2	110.4

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING : (Thousands of Dollars)

GENERAL FUND	-0-	101.9	92.8	98.4	104.2	110.4
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	101.9	92.8	98.4	104.2	110.4

POSITIONS :

FULL-TIME	-0-	2.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

ANALYSTS : Attach a separate page if necessary

Prepared by: *Brant McGee*, Public Advocate *MB*
 Division: Office of Public Advocacy
 Approved by Commissioner: *Eleanor Andrews*
 Agency: Department of Administration

Phone: 274-1684
 Date: 2/3/86
 Date: 2/4/86

- Distribution (by Agency preparing fiscal note):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 474

Page 2 of 4 #/

This bill relates to the establishment of a volunteer guardian ad litem program within the Office of Public Advocacy. This bill would substantially improve the ability of the Office of Public Advocacy to provide guardian ad litem representation to children in abuse and neglect cases as well as contested custody cases.

Since the Anchorage Office of Public Advocacy began accepting guardian ad litem cases in January of 1985, approximately 658 cases have been opened from the period of January, 1985 through December, 1985. The Anchorage office presently has two attorneys and two associate attorney positions who handle guardian ad litem responsibilities.

It is anticipated that the Office of Public Advocacy would need a program coordinator position and a clerk typist III position in order to implement a volunteer guardian ad litem program.

BUDGET ANALYSIS

Personal Services

Program Coordinator - Range 20	56.2	
Clerk Typist III - Range 08	<u>27.4</u>	
	83.6	83.6

Supplies

4.0

Equipment

Program Coordinator	2.4	
Clerk Typist III	<u>11.9</u>	
	14.3	<u>14.3</u>

TOTAL: 101.9

Position Title Program Coordinator			No. of Positions 1	Range/Step 20/A	Borg. Unit G	Gov.	Appoint	Disapp
Time Status PFT	Staff Months 12	RP Number	Location EBA	Election District 8		Log		
Type of Expenditure			Justification					
		Amount	<p>A program coordinator position is essential if the volunteer guardian ad litem program is to be implemented. It is not possible for present staff positions to carry a full guardian ad litem caseload and assume the duties of establishing and coordinating the volunteer program. It is anticipated that the program coordinator will coordinate the solicitation, screening and training of volunteers in the Anchorage area. The program coordinator will also be responsible for establishing similar volunteer programs in Fairbanks and Juneau, and will study the feasibility of establishing such a program in the rural area of Alaska.</p>					
1	2	3						
Salary	42,768							
Benefits	13,466							
Premium Pay								
Other								
Total Personal Services		56,234						
Travel		-0-						
Contractual		-0-						
Commodities		2,000						
Equipment		2,429						
Other								
Total Cost		60,663						
Receipt Code	Funding Source							
	Federal Realloc	1002						
	G. E. Match	1003						
	General Funds	1004	60,663					
	I-A Receipts	1005						
	Program Receipts	1028						
	CIP Receipts	1061						
	Other							
For B&M Use Only								
Key Number								

**Request For
New Position**

Agency Department of Administration
 BRU Office of Public Advocacy
 Component Office of Public Advocacy

HB 474 #1

FY 87

Page 3 of 4
 Revised Date

CP

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No. : HB 474 #2
 Title : An Act relating to volunteer guardians ad litem
 Sponsor : Sund, Gruenberg, et al
 Requestor : _____
 Date of Request : 2/3/86

FISCAL DETAIL

Agency Affected : Health & Social Services
 BRU : Social Services
Youth Services
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS :

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by: Michael L. Priddy *Michael L Priddy* Phone: 465-3170
 Division: Family & Youth Services Date: February 4, 1986 *gcc*

Approved by Commissioner: John R. Pugh *John R Pugh* Date: 2/15/86
 Agency: Health and Social Services

- Distribution (by Agency preparing fiscal note):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

ALASKA STATE LEGISLATURE

14th... Legislature SECOND... Session

HOUSE BILL..... NO. 474...

By SUND, GRUENBERG AND COTTEN
COLL, TAYLOR

"An Act relating to volunteer guardians ad litem in the office of Public Advocacy."

Public Advocacy, guardians

Introduced in the House ..1/15...., 1936.

HISTORY IN THE HOUSE

1936		Read first time and referred to Committee on												
Jan	15	HESS, JUDICIARY AND FINANCE Reported back with recommendation that												
		Read second time and												
		Read third time and												
		<table border="0"> <tr><td>PASS</td><td>Effective Date</td></tr> <tr><td>Yeas</td><td>Yeas</td></tr> <tr><td>Nays</td><td>Nays</td></tr> <tr><td>Absent</td><td>Absent</td></tr> <tr><td>Excused</td><td>Excused</td></tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused		
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		Reported correctly engrossed Signed by Speaker Sent to Senate												
CHIEF CLERK OF THE HOUSE														

HISTORY IN THE SENATE

19		Read first time and referred to Committee on												
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		Reported correctly engrossed Signed by President Returned to House												
SECRETARY OF THE SENATE														

HISTORY IN THE HOUSE

19	Received from Senate
	Concurred in Senate amendment thus adopting: VOTE
	Failed to concur in Senate amendment; asked Senate to recede VOTE
	Senate receded from amendment VOTE
	Senate failed to recede from amendment VOTE
	CC appointed by House
	CC appointed by Senate
	CC adopted by House VOTE
	CC adopted by Senate VOTE
	To enrolling Reported correctly enrolled Sent to Governor by Governor
	Filed with Lt. Governor
	Chapter No.

Offered: 2/26/86
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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 advoca-
19 cy 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.

Introduced: 1/15/86
Referred: Health, Education &
Social Services, Judiciary and
Finance

BY SUND, GRUENBERG, COTTEN,
GOLL AND TAYLOR

1 IN THE HOUSE

HOUSE BILL NO. 474

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

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.