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House Bill 474- An act relating to volunteer guardians ad litem in the Office of Public Advocacy
Overview prepared by Rep. John Sund's office

SECTIONAL ANALYSIS

Section 1, subsection (a)(6) requires that the Office of Public Advocacy set up a program to train and supervise volunteers to serve as guardians ad litem.

Subsection (b)(3) allows the Office of Public Advocacy to solicit funds from local governments and private individuals.

Section 2 limits the civil liability of volunteer guardians, while participating within the program, to acts of gross negligence.

HISTORY

A guardian ad litem is appointed, at the discretion of a judge, to represent a child's best interests in court proceedings. An attorney guardian ad litem within the Office of Public Advocacy may be appointed as guardian when no appropriate family member or friend is available, as in the case of a neglected or abused child.

Section 1, subsection (a)(6): The Office of Public Advocacy began a volunteer guardian program in August 1985, as a pilot project, because of the overwhelming need for additional guardians ad litem and the lack of available staff time. (each attorney guardian ad litem carries a caseload of between 80 and 100 people) As of 12/20/85, five volunteers were under the supervision of an attorney guardian from the Office of Public Advocacy.

The volunteers have been able to provide more personal attention to the everyday requirements of their wards, such as coordinating meetings and conferring with social workers. This has allowed the staff additional time to perform the more specialized duties required of guardian ad litem.

Section 1, subsection (b)(3): Offers of monetary assistance for training and materials have been forthcoming from the Alaska Bar Association, the City of Anchorage and others. Because of this potential for funding from sources other than state government, the subsection was included in the bill.

Section 2: The National Court Appointed Special Advocate Association suggested that this section be added. It is in line with the statutes of Delaware, Florida, Indiana and North Carolina. Volunteer guardian programs in states without legislative protection are finding difficulty in obtaining affordable liability insurance.

Court Appointed Special Advocate Association

909 N.E. 43rd, Suite 202; Seattle, Washington 98105 (206)547-1059

December 5, 1985

DEC 10 1985

Philip J. McCarthy, Jr.
Volunteer GAL Program
Office of Public Advocacy
900 West 5th Avenue, Suite 525
Anchorage, AK 99501

Dear Mr. McCarthy:

Concerns about legal liability for CASA Programs are beginning to surface. Programs are finding the cost of insuring their programs to be exorbitant. Others have been denied coverage because no statistics exist for underwriters to determine the risk involved. Therefore, many programs either suffer from high premiums or are taking a risk by going without insurance.

The following analysis was done to aid Program Directors and Advisory Boards in deciding whether it is feasible to insure their programs, and how to go about doing so. In some states, CASAs appointed by judges become agents of the court covered by local or state law. Section I, Program Coverage, shows how state and local laws either eliminate or limit the legal liability of CASAs and CASA Programs. Keep in mind that a general liability policy covers only the organization named, and executive officers and directors if the organization is incorporated. Employees, volunteers and other "additional insureds" must be specifically endorsed before they are covered. Special "Directors and Officers Errors and Omissions" insurance is also available to protect individual board members and directors for making an allegedly damaging decision, or for failing to make a prudent decision. Section I also explains about workers' compensation coverage.

If a program finds no relief, or only limited relief, under Section I, Section II explains how to determine whether a separate volunteer policy is advisable by assessing the legal liability of the individual program. Section II includes companies which offer special volunteer insurance, the cost, coverage, liability limit and area of business. This is intended as a reference list only, and should not be construed as a recommendation of the companies listed.

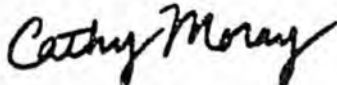
December 5, 1985

Page 2

Lastly, Section III offers some "Risk Management" guidelines which could help in reducing risks, or at least premiums.

In order to better facilitate information on this issue, we ask that you complete the attached questionnaire and return it to the Association in the envelope provided by December 20. To our knowledge, no lawsuit has been filed against a CASA Program in the past eight years. So if you are without coverage, do not panic! Assess your status, your needs, and your options. The Association will gladly provide your program or your insurance carrier with the results of this survey should you desire more information. Please do not hesitate to call or write if you have any questions on the enclosed or if we can be of assistance.

Sincerely,



Cathy Moray, J.D.
Research Assistant

CJM/CM
Enclosures

LIABILITY ISSUES FOR CASA PROGRAMS

I. PROGRAM COVERAGE

A. State Law:

1. Delaware. Title 31. Chapter 36. Court Appointed Special Advocate
§ 3612 CIVIL LIABILITY OF PARTICIPANTS IN THE COURT APPOINTED SPECIAL ADVOCATE PROGRAM
The Director, Coordinators, Attorneys, and Court Appointed Special Advocates participating in the Court Appointed Special Advocate Program shall not be civilly liable for acts or omissions committed in connection with duties which are part of the program if they have acted in good faith and are not guilty of gross negligence.
2. Florida. § 415.508(1) . . . Any person participating in a civil or criminal judicial proceeding resulting from such appointment shall be presumed prima facie to be acting in good faith and in so doing shall be immune from any liability, civil or criminal, that otherwise might be incurred or imposed.
3. Indiana. IC 31-6-3-4(4)(f) Except for gross misconduct, if the guardian ad litem or court appointed special advocate performs (his) duties in good faith, (he) is immune from any civil liability that may occur as a result of (his) performance.
4. North Carolina. § 7A-493. Civil liability of volunteers. Any volunteer participating in a judicial proceeding pursuant to the program authorized by this Article shall not be civilly liable for acts or omissions committed in connection with the proceeding if (he) acted in good faith and was not guilty of gross negligence. (1983, c. 761, s. 160.)

B. Local/County Ordinances:

According to a legal opinion given by Norm Maleng, Prosecuting Attorney, January 13, 1981, the volunteer Guardian Ad Litem in King County, Washington, will be covered by the King County Risk Management Ordinance, KCC 4.12.090, if the activities which give rise to the claim are within the scope of their official county duties. Since the court appoints the volunteers, the volunteers become agents of the court. The GAL is in no different position than any other county employee or official.

C. Workers' Compensation Coverage:

The workers' compensation laws of most states do not include volunteers under the definition of employee. Many states do, however, allow employers to include volunteers by special endorsement. In Washington, volunteers can be added by action of the Board of the Corporation, but coverage is limited to medical benefits.

D. Additional Insureds in an Existing Policy:

Some general liability carriers will extend their policy to cover the volunteers as insureds, if they are requested to do so. They will issue a specific endorsement, usually known as "Volunteers As Insureds". The named insured endorsement may also be negotiated to include employees and funding sources.

II. ASSESSING LEGAL LIABILITY

A. Factors in determining whether to provide insurance coverage for your volunteers:

1. Is there a clear risk present, either to the volunteer or other individuals, which would justify the expenditure for insurance?
2. Could the risk be better handled by other methods (i.e. better selection of volunteers, improved training and supervision) that would reduce it to a level where insurance would not be necessary?
3. Is the volunteer already adequately protected by personal insurance coverage, existing law or court appointment?
4. Is the program a "public agency" which would come under a Tort Claims Act?

B. Potential Legal Liability Areas:

1. Unfair Employment Practices
 - a. Discrimination
 - b. Wrongful Employee Dismissal
2. Acts beyond granted authority.
3. Failure to manage money properly; financial decline.
4. Insufficient administration or supervision resulting in losses.
5. Waste of organizational assets.
6. Continual absence from board meetings; negligent attention.
7. False or misleading reports.
8. Failure to verify facts in official documents.
9. Causing the organization to incur unnecessary tax liabilities.
10. Failure to deliver services or make prudent decisions.
11. Libel, slander, defamation of character, or invasion of privacy.

C. Who can sue and collect under an insurance policy (assuming negligence is proven):

1. Children, Parents, Guardians
2. Guests
3. Members of the General Public
4. Volunteers, Employees

D. Special Volunteer Liability Insurance:

1. Volunteer Insurance Service Association, Inc.
Corporate Insurance Management
4200 Wisconsin Ave., N.W.
Washington, D.C.
Toll Free Number 1-800-468-4200
In Alaska or Hawaii: Phone (202) 244-5678

Provides Accident Insurance (85¢ per volunteer/\$10,000 medical & \$2500 life liability limits), Personal Liability Insurance (50¢ per volunteer/\$1,000,000 liability limit, \$45 minimum premium), and Excess Automobile Liability Insurance (\$3 per volunteer/\$500,000 liability limit). Other programs include a Comprehensive Directors & Officers/Professional Liability (Errors & Omissions) Insurance with a 3/year minimum premium of \$1250 and a \$1,000,000 liability limit.

Service Area: United States

2. California Planners & Consultants, Inc.

Volunteer Insurance Plan

P.O. Box 1183

559 N. San Pedro

San Jose, CA 95108-1183

(408) 297-0755

Provides Accident Insurance (85¢ per volunteer/\$10,000 medical & \$2500 life liability limits), Personal Liability Insurance (50¢ per volunteer/\$1,000,000 liability limit, \$45 minimum premium), and Excess Automobile Liability Insurance (\$3 per volunteer/\$500,000 liability limit).

Service Area: California, Washington & Hawaii

3. Huntington T. Block Insurance

2101 L Street N.W.

Washington, D.C. 20037

Toll Free Number 1-800-424-8830

(202) 223-0673

Provides Legal Liability Insurance for United Way agencies only. Any amount of United Way funds makes a program eligible. Premiums are based on the program's annual revenues, with liability limits ranging from \$1,000,000 to \$10,000,000.

Service Area: United States

III. RISK MANAGEMENT

A. Risk Management for Volunteer Programs:

1. Identify risks associated with GAL/CASA duties to the volunteer, the child and to third parties.
2. Write volunteer job descriptions matched to the complexity of the role of GAL/CASA which includes special knowledge or skills, physical requirements and the capability to accept responsibility.
3. Screen volunteers for the above requirements.
4. Train volunteers in the duties to be performed, acts not to be performed, the risks involved, ways to minimize the risks, in record keeping, confidentiality and ethics.
5. Train supervisors to make sure the above is being done.

B. Risk Management Techniques to Reduce your Claim Threat & Premiums:

1. Regularly perform safety inspections of your premises.
2. Establish safety guidelines for handling situations common to GAL/CASA Programs.

3. Provide safety training to your employees and volunteers.
4. Report all incidents which might give rise to suit to your insurance broker and document carefully the circumstances.
5. Review each accident that occurs to ascertain what changes should be made in your procedures to avoid future similar claims.
6. Keep your own statistics on claims, premiums, etc. This will help you to obtain premium discounts in future years.

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HB 474- Volunteer Guardian Ad Litem Program

Letters of Support for the program are from:

Deborah O'Regan, Executive Director
Alaska Bar Association

Frank Dalley, Regional Social Services Manager
Division of Family and Youth Services

Dana Fabe, Public Defender

Veronica Duke, Chief of Clinical Social Work Services
Division of Mental Health and Developmental Disabilities

Elizabeth Sheley, Assistant District Attorney

Ann Stockman, Director of Crisis Services
S.T.A.R.

Gordon Lantrip, Director
Alaska Baptist Family Services

Milli Andreini, Executive Director
The Center for Children and Parents

William D. Hitchcock
Master, Childrens Court, Third Judicial District

Pamela Kirk and Phillip Kaufman
Human Relations Center

Corrine Radergraham, Coordinator
Close Encounters and Alaska Permanency Planning Task Force

Douglas J. Serdahely, Presiding Judge
Third Judicial District

ALASKA BAR
ASSOCIATION

JAN 10 1986

December 16, 1985

John Reese, Co-Chair
Volunteer Guardian ad litem Program
Alaska Bar Association
P. O. Box 100279
Anchorage, AK 99510

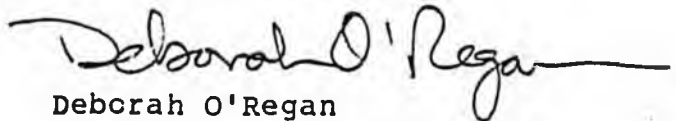
Dear Mr. Reese:

I am writing in support of the committee's efforts to develop a volunteer guardian ad litem program.

Such a program would provide much needed representation for children in our community. The utilization of trained volunteers will make it possible to adequately represent children without substantially increased state funding.

I endorse the enabling legislation which would establish a volunteer guardian ad litem program within the Office of Public Advocacy.

Sincerely,



Deborah O'Regan
Executive Director

vu

BILL SHEFFIELD, GOVERNOR

DEPT. OF HEALTH & SOCIAL SERVICES

DIVISION OF FAMILY & YOUTH SERVICES

REGIONAL OFFICE
3601 C STREET #520
POUCH 6333
ANCHORAGE, ALASKA 99502-0333
PHONE: (907) 551-4240

November 30, 1985

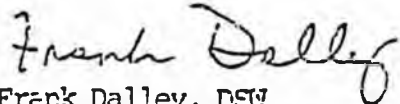
Dorcas Hardy
Assistant Secretary
Department of Health & Human Services
Washington, D.C. 20201

Dear Ms. Hardy:

The State of Alaska has, over the past several years, experienced a dramatic increase in the incidence of reported child abuse and neglect. There are indicators which point to a continuation of this trend as the economy of Alaska begins a downward spiral. One consequence of this phenomenon is that sufficient resources are not available to properly advocate for this rapidly increasing target population.

As a member of the Interagency Task Force charged with responsibility for developing and implementing a volunteer guardian ad litem program in the Anchorage area, I have become acutely aware of the pressing need to expand this program. I strongly urge favorable consideration of Alaska's proposal. These funds will be used to recruit and train volunteers to serve as court appointed special advocates for children and youth throughout the state.

Sincerely,



Frank Dalley, DSW
Regional Social Services Manager

FD/tn

BILL SHEFFIELD, GOVERNOR

PUBLIC DEFENDER AGENCY

900 W. 5TH AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 279-7541

M E M O R A N D U M

DATE: December 20, 1985

TO: John Reese, Co-Chair
Volunteer Guardian ad litem Program .

Jay McCarthy
Office of Public Advocacy

FROM: *Dana Fabe*
Dana Fabe
Public Defender



I am writing to add my support for proposed legislation establishing a volunteer guardian ad litem program within the Office of Public Advocacy. This program would save money for the State of Alaska by avoiding the necessity of adding guardian ad litem positions to meet rising caseloads. Careful recruitment and training of qualified community volunteers should increase the level of service to children needing guardians ad litem to represent their best interests.

I fully support establishment of a volunteer guardian ad litem program within the Office of Public Advocacy. Please let me know if there is anything I can do to aid passage of enabling legislation for such a program.

BILL SHEFFIELD, GOVERNOR

DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF MENTAL HEALTH & DEVELOPMENTAL DISABILITIES
ALASKA PSYCHIATRIC INSTITUTE

2900 PROVIDENCE AVENUE
ANCHORAGE, ALASKA 99508-4677

(907) 561-1633

December 20, 1985

John Reese, Co-Chairman
Volunteer Guardian Ad Litem Program
Alaska Bar Association
Family Law Section
P.O. Box 100279
Anchorage, Alaska 99510



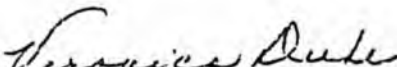
Dear Mr. Reese:

Dr. Bruce Livingstone, our Acting Medical Director, and I have reviewed your letter of December 3, 1985.

We would both endorse the creation of a Volunteer Guardian Ad Litem Program in the community. We would see them as being persons who would be most useful to our patients. Please feel free to contact us if we can in any way help train your volunteers.

We look forward to working with you when this new program is available.

Sincerely,


Veronica Duke, ACSW
Chief, Clinical Social Work Services

VD/eb EB4 1781

d. 12/20/85
t. 12/20/85

BILL SHEFFIELD, GOVERNOR

REPLY TO:

1031 WEST 4th AVENUE, SUITE 520
ANCHORAGE, ALASKA 99501
PHONE: (907) 277-8622

DRAWER 1180
KENAI, ALASKA 99611
PHONE: (907) 283-3131

326 CENTER AVE, 2ND FLOOR
KODIAK, ALASKA 99615
PHONE: (907) 486-5744

P.O. BOX 1070
PALMER, ALASKA 99645
PHONE: (907) 745-5027

P.O. BOX 671
VALDEZ, ALASKA 99686
PHONE: (907) 835-2462

DEPARTMENT OF LAW

CRIMINAL DIVISION/THIRD JUDICIAL DISTRICT
OFFICE OF THE DISTRICT ATTORNEY

December 17, 1985

Mr. John Reese, Co-Chair
Volunter Guardian ad litem Program
Alaska Bar Association
P.O. Box 100279
Anchorage, Alaska 99510

Dear Mr. Reese:

I endorse the proposal to establish a volunteer guardian ad litem program. I am the prosecutor who handles most of the child sexual abuse cases in Anchorage and have done so for the last three years.

Sexually abused children need an effective advocate to prevent damage to them from their involvement with the criminal justice system. In the past our prosecutors were able to spend much more time with victims to help ease their way through the system. Due to budget cuts and the increasing number of these cases we can no longer provide these services.

I believe a volunteer guardian ad litem would be very useful in child sexual abuse cases to fill the gap caused by our lack of resources. Advocating for the child's best interest takes a lot of time. I see no need for that advocate to be an attorney. In fact, there is an advantage to the guardian being outside the system because the guardian can encourage the system better to act in the best interest of the child. Lucy Berliner of the Harborview Sexual Assault Center in Seattle, who is a nationally known expert on child sexual abuse, endorses this concept of each sexually abused child having a non attorney advocate like the ones proposed in the volunteer ad litem program.

Very truly yours,

HAROLD M. BROWN
ATTORNEY GENERAL

VICTOR C. KRUMM
DISTRICT ATTORNEY

Elizabeth H. Sheley
Elizabeth H. Sheley
Assistant District Attorney

DEC 30 1985



Bus. 276-7279
24-hr.
Crisis 276-RAPE

December 20, 1985



Mr. John Reese
Volunteer Guardian ad litem Program
P.O. Box 100279
Anchorage, Alaska 99510

Dear John:

On behalf of STAR I am writing to express our support of the proposed Volunteer Guardian ad litem Program. We are well aware of the need for such a program. Some of our clients have recently worked closely with staff from the Office of Public Advocacy. Additionally, I have visited this agency and am aware of the high quality of work that the staff perform.

As with any small agency it is important to maximize the use of volunteers. It sounds like your program will provide services to clients who could otherwise have been left unserved, and these services will be provided at a low cost. Children who are victims of sexual assault are unfortunately often revictimized by the length of and complexities in the court process. Further, children may not have the kind of support they deserve to receive from their parents. In the interest of serving and protecting the interests of children a program such as yours should provide a kind of advocacy that is the right of any victim.

Please feel free to contact me at STAR if we can be of assistance.

Sincerely,

Ann W. Stockman, MSW
Director of Crisis Services

AWS/sjj

STANDING TOGETHER AGAINST RAPE
PO BOX 103356 ANCHORAGE, ALASKA 99510



A United Way Agency



Alaska Baptist Family Services

1600 O'Malley Rd. • Anchorage, Ak. 99515 • Phone (907) 349-2222

December 5, 1985

John Reese, Co-Chair
Volunteer Guardian ad litem Program
AK BAR ASSOCIATION
P O Box 100279
City 99510



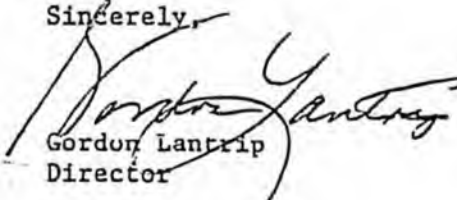
Dear Mr. Reese:

Thank you for your recent letter re the development of a Volunteer Guardian ad litem program here in Alaska.

It has been my experience over these past 25 years in child care work that better things happened to youth who had a guardian ad litem working in their behalf. I know the financial cost of such a program for every child would be staggering and so I think a volunteer program that utilized well chosen and trained citizens has great potential.

I heartily endorse the development of enabling legislation to begin such a program.

Sincerely,


Gordon Lantrip
Director



THE CENTER FOR CHILDREN AND PARENTS

December 13, 1985

John Reese, Co-Chair
Volunteer Guardian ad litem Program
Alaska Bar Association
P.O. Box 100279
Anchorage, Alaska 99510



Dear Mr. Reese:

I am pleased to submit a letter of support for your efforts to establish a volunteer guardian ad litem program. Such a service will provide a needed adjunct to existing guardian ad litem services.

The use of carefully selected and well trained volunteers in child welfare matters has proven to be very effective. The Court Appointed Special Advocate Program (CASA) is well respected in communities in the lower forty-eight. The continued increase of child abuse cases and the number of divorces in the Anchorage area are impacting the court system as well as investigation and rehabilitation resources. At a time when financial resources are declining we must find responsible, yet creative ways to serve families in need. The volunteer guardian ad litem is, indeed, a responsible solution to the problem of the increased number of children requiring representation.

I wish you well in the development of the volunteer guardian ad litem program. I am happy to support your efforts and the enabling legislation which will allow you to proceed.

Sincerely,

Milli Andreini, M.S.W.
Executive Director

MA/wst



Southcentral Alaska Chapter -
National Committee for
Prevention of Child Abuse

808 E STREET, SUITE 200, ANCHORAGE, ALASKA 99501 (907) 276-4994
Programs of the Anchorage Child Abuse Board, Inc.





Trial Courts

State of Alaska

THIRD JUDICIAL DISTRICT

303 K STREET

ANCHORAGE, ALASKA 99501

December 19, 1985

WILLIAM D. HITCHCOCK
Master, Trial Courts

John Reese, Co-Chairman
Volunteer Guardian ad Litem Program
211 H Street
Anchorage, Alaska 99501

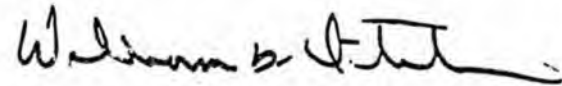
Dear Mr. Reese,

I am writing this letter in support of the efforts being made to establish a full-time volunteer guardian ad litem program within the Office of Public Advocacy. As Children's Court Master here in Anchorage for the past seven years, I have seen firsthand the important role which the guardian ad litem plays in children's proceedings. Case investigation and assessment are the most important and often the most time consuming aspects of this job. Unfortunately, the resources of the state within any agency are often strained to the maximum just dealing with the voluminous caseloads. This is where volunteers can play a vital role in being able to devote the time needed to complete impartial investigations and more adequately represent the best interests of the children.

As a member of the National Council of Juvenile and Family Court Judges, I have attended various national conferences at which presentations have been made by volunteer programs in other states. It is my impression that these programs have been extremely successful and have overwhelmingly won the support of the bench and the bar. I think it is particularly unfortunate that we here in Alaska have not done more to tap the resources of our communities and achieve more citizen involvement in areas such as child welfare. A program such as this one would do just that, and from a cost efficient standpoint would materially save the expense of adding more paid staff and attorneys to public agencies.

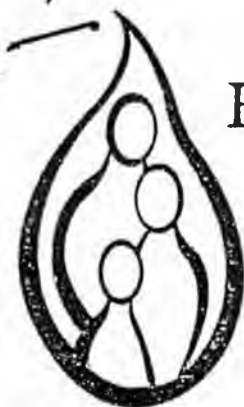
It is also my distinct impression that no program outside that has been successful has been able to do so without competent administration. Recruitment, training and quality control monitoring of volunteers is an absolute prerequisite to success. Therefore, I urge the legislature to pass enabling legislation which would provide funds to secure an administrator for this program so that it may benefit not only Anchorage but eventually become a statewide program.

Sincerely,

A handwritten signature in cursive script, appearing to read "William D. Hitchcock".

William D. Hitchcock
Master, Children's Court

WDH/ss



Human Relations Center

421 E. 45th, Suite 1
Anchorage, Alaska 99503-7348
(907) 562-6677

Phillip Kaufman, M.S.
Pamela Kirk, M.S.
Dr. Patricia C. Patrick, M.D.
Child Psychiatric Consultant
Dr. Jim Harper, Ph.D.
Psychological Consultant
Dr. Janet Lindeman, Ph.D.
Psychological Consultant

December 23, 1985

John Reese
Co-chair of the Volunteer
G.A.L. Program
Family Alaska Bar Association
Family Law Section
P.O. Box 100279
Anchorage, Alaska 99510

Re: Letter of Support

Dear Mr. Reese:

In response to your letter of December 3, 1985, asking for letters of support for the Office of Public Advocacy and the G.A.L. Program, the Human Relations Center is very much in support of the Office of Public Advocacy. Since most of the cases we work with have to do with child sexual abuse, it is extremely important that our child clients have a strong G.A.L. to protect their interests in these difficult situations. We would be supportive of any legislation that would guarantee more funding for the Office of Public Advocacy so that more G.A.L.'s could be hired. It is obvious that the guardians are so overworked at the present time that they are having difficulty providing high quality services to the children.

We also work with a number of cases where children have reported that they have been sexually abused by a parent during visitation. These cases often result in custody and visitation battles which are complicated by the child sexual abuse allegations. In such cases it is important for the safety of the children that supervised visitation be provided. D.F.Y.S. is not able, due to the time and case load constrictions, to provide such supervision for these children. If the volunteer G.A.L. Program could be expanded and supported, then these volunteers could provide some of the supervision that was necessary in our custody cases. Such supervised visitation is also often necessary in our child sexual abuse cases so that the children may maintain a relationship with the perpetrator yet remain safe.

In some child sexual abuse cases, we have mothers who are not supportive of their children and therefore, the children can not be left alone in visitation with a non-offending, non-supportive parent. These are another set of cases where the G.A.L.'s could provide much needed supervision so that the children maintain their mother/child bond with these non-supportive mothers.



We would give our support to any legislation that would: 1) increase the number of G.A.L.'s at the Office of Public Advocacy, 2) provide for funding to increase the volunteer G.A.L. Program, and 3) provide funding so that the volunteer G.A.L.'s could be trained to provide complete and safe supervision to children.

We highly support the Office of Public Advocacy and the volunteer G.A.L. Program. If we can be of further service providing support, please do not hesitate to contact this office.

Respectfully submitted,



Pamela Kirk, M.S.



Phil Kaufman, M.S.

PK:ln
cc: Jay McCarthy

Close Encounters

SOCIAL SERVICES CONSULTANTS
P. O. BOX 6242 215 MAIN STREET 125 HECKMAN BUILDING KETCHIKAN, ALASKA 99901
(907) 225-5460

CORRINE RADERGRAHAM, M.S.W

ALINE COLE BARRITT, O.T.R.

15 November 1985

Office of Public Advocacy
900 W. 5th Avenue, Suite 525
Anchorage, Alaska 99501

Dear Ms. Mead:

I am writing this letter in support of the Office of Public Advocacy's grant request from the Coordinated Discretionary Funds Program/Human Development Services.

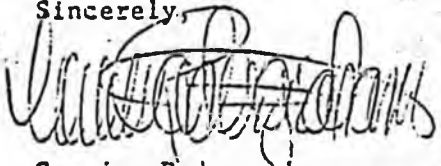
The Alaska Permanency Planning Task Force which was organized by the National Council of Family and Juvenile Court Judges in response to P.L. 96-272 has been actively involved with a consortium of agencies in Alaska to further permanency planning for children in foster care. Volunteer Guardian Ad Litem programs are one part of our goal to provide permanent homes for all Alaska children.

The Alaska Permanency Planning Task Force consists of key members in the State Legislature, Court System, Social Services and private enterprise. As Coordinator, I sincerely hope that funds will be supplied to provide a training coordinator and training materials for the next three years, as training will be instrumental in assuring the success of the Volunteer Guardian Ad Litem legislation which is in the hands of our Legislators at this time.

I know that I may speak for all members of the Alaska Permanency Planning Task Force in supporting your proposal request. I wish you success.

If I can be of any further assistance now or in the future, please do not hesitate to contact me.

Sincerely,



Corrine Radergraham
Coordinator
Alaska Permanency Planning Task Force

cc: Judge Thomas E. Schulz, Task Force Chairman
Task Force Members:
Kathy Tibbles, DFYS SE Regional Manager
Grace Kinney, SE Vice-President, Alaska Foster Parents Association
State Supreme Court Justice Alan Compton
State Senator Joe Josephson
State Representative John Sund
State Representative Robin Taylor
Cecilia Kleinkauf, Associate Professor, Dept. of Social Work, U of A, Anchorage
Lisa Weissler, A.A. to State Representative Sam Cotten



Superior Court
State of Alaska
THIRD JUDICIAL DISTRICT
303 K Street
Anchorage, Alaska 99501-2023

CHAMBERS OF
DOUGLAS J. SERDAHELY
Presiding Judge

November 20, 1985

Office of Public Advocacy
900 West Fifth Avenue, Suite 525
Anchorage, Alaska 99501

To Whom It May Concern:

Over the past six months a group of interested persons and agencies in the child welfare system have established the Anchorage Volunteer Guardian Ad Litem Project. The purpose of this endeavor is to provide dedicated community volunteers who, under the auspices of the Alaska Office of Public Advocacy, will provide representation for abused and neglected children in court proceedings.

The Alaska Court System strongly supports your program. We believe that augmenting state resources for guardian ad litem representation through volunteers will materially improve the quality of representation given abused and neglected children. However, emphasis must be placed on quality. Integral to the success of any volunteer program is the ability to recruit, train and monitor the work of these volunteers. Approval of the O.P.A. grant request from the Coordinated Discretionary Funds Program/-Human Development Services would be a tremendous boost for this fledgling program and could be instrumental in spelling the difference between success and failure.

Office of Public Advocacy
November 20, 1985
Page 2

We urge your favorable consideration of this application.

Very truly yours,


Donald J. Sardanelly

DJS:lge

Introduced: 1/15/86
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 47.25); 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 * S.c. 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.

POSITION PAPER

HOUSE BILL NO. 474

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

The purpose of this bill is to amend AS 44.21.410 to the Office of Public Advocacy to develop and coordinate a program to recruit, select, train, assign, and supervise volunteer guardians ad litem from local communities to aid in delivering services in cases in which the Office of Public Advocacy is appointed as guardian ad litem.

The provision of a guardian ad litem is widely supported by the division as an essential means of ensuring the protection of abused or neglected children. The division's policy states that if the court finds probable cause and orders the child committed to the department for temporary placement, the worker shall request the appointment of a guardian ad litem to represent the child in future proceedings in accordance with AS 47.17.030(e) which states that "in all actions taken by the Department or a Health and Social Services agency of a local government under this chapter that result in a judicial proceeding the child shall be represented by a guardian ad litem in that proceeding."

The court is given authority by statute to appoint an attorney or a guardian ad litem for the child in a proceeding which is concerned with the child's custody, support, visitation or in any other legal proceedings involving his welfare. A guardian ad litem appointed pursuant to the Alaska Statutes is an advocate for the best interests of the child, with not only the power but the responsibility to represent the child zealously and to the best of his ability. While the child's attorney advocates the child's wishes, these are not always in his best interest. In 1974, Congress enacted the "Child Abuse Prevention and Treatment Act". According to the Act, the guardian ad litem was to be more than a simple advocate for the child, but rather a guardian to protect the child's long range interests.

Because the duties of a guardian ad litem are varied and numerous, it is important that the guardians ad litem receive appropriate training in their roles, duties, and responsibilities. It is important to maintain an adequate pool of trained guardians ad litem to meet children's needs. The division strongly believes that a trained, knowledgeable pool of guardians ad litem would assist the division to ensure that children receive appropriate services and that the case plan for each child is

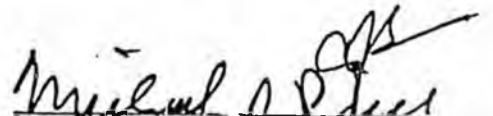
POSITION PAPER/Department of Health & Social Services

Position Paper
House Bill 474
Page 2

being appropriately administered. The division will offer technical assistance and coordination in any training program developed by the Office of Public Advocacy.


The department strongly supports this bill.

RECOMMENDED:


Michael L. Price, Director
Division of Family
and Youth Services

DATE: February 4, 1986

APPROVED:


John R. Pugh, Commissioner
Department of Health
and Social Services

DATE: 2/5/86

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

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 474
 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
 Component : _____

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. Prater *Michael L. Prater*
 Division : Family & Youth Services

Phone : 465-3170
 Date : February 4, 1986 *gcc*

Approved by Commissioner : John R. Pugh *John R. Pugh*
 Agency : Health and Social Services

Date : 2/15/86

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: _____

REQUEST

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

Component: 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-
---------	-----	-----	-----	-----	-----	-----

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						

ANALYSIS : Attach a separate page if necessary

Prepared by: Brant McGee, Public Advocate
 Division: Office of Public Advocacy

Phone: 274-1684

Date: 2/3/86

Approved by Commissioner: Eleanor Andrews
 Agency: Department of Administration

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

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 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	27.4	
	<u>83.6</u>	83.6

Supplies

4.0

Equipment

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

TOTAL: 101.9

Position Title Program Coordinator			No. of Positions 1	Range/Step 20/A	Barg. Unit 5	Govt.	Apprv.	Disapp.
Time Status PFT	Staff Months 12	RP Number	Location EBA	Election District 8				
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	42,769							
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 Receipts	1002						
	G. F. Match	1003						
	General Funds	1004	60,663					
	I-A Receipts	1005						
	Program Receipts	1028						
	CIP Receipts	1061						
	Other							
<div style="border: 1px solid black; padding: 5px; width: fit-content;"> For B&M Use Only Key Number _____ </div>								

**Request For
New Position**

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

Page 3 of 4
 Revised Date _____

FY 87

Position Title Clerk Typist III			No. of Positions 1	Range/Step 08/A	Barg. Unit G	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 12	RP Number	Location EBA		Election District 8			
Type of Expenditure			Justification					
		Amount	<p>A Clerk Typist III position will be necessary to provide clerical support to the volunteer guardian ad litem program coordinator. At present, Office of Public Advocacy has only 3 clerical positions who provide clerical support to a professional staff of 12 in the Anchorage office. It is not possible for the present secretarial positions to absorb the additional clerical support generated by the program coordinator and the volunteer program.</p>					
1	2	3						
Salary	19,572							
Benefits	7,804							
Premium Pay								
Other								
Total Personal Services		27,376						
Travel		-0-						
Contractual		-0-						
Commodities		2,000						
Equipment		11,838						
Other								
Total Cost		41,214						
Receipt Code	Funding Source							
	Federal Receipts 1002							
	G. E. Match 1003							
	General Funds 1004		11,838					
	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

FY 87

Page 4 of 4
 Revised Date

POSITION PAPER
BILL # HB ~~528~~ 474

An Act relating to volunteer Guardians ad Litem in the Office of Public Advocacy.

HISTORY AND DUTIES OF OPA:

The Office of Public Advocacy was created and placed within the Department of Administration in the Spring of 1984. The Office of Public advocacy is required by Statute (A.S. 44.21.410) to provide services in the following three areas.

(1) Guardian ad Litem representation to abused children in Child in Need of Aid proceedings, guardian ad litem representation of children in custody disputes, legal representation of parents in Child in Need of Aid proceedings where there is a conflict with the Public Defender's Office, guardian ad litem activities in contested adoptions, guardian ad litem activities in guardianships for minors, and a host of other civil functions, legal representation of parents involved in custody disputes where the other party is represented by a public agency i.e. Alaska Legal Services, as well as any other case involving a minor which may require the services of a guardian ad litem;

(2) Legal representation of indigent persons charged with crimes where the Alaska Public Defender Agency has a conflict of interest;

(3) Public Guardian services as well as payment to visitors, experts and attorneys for the respondent.

Prior to 1984, the Alaska Court System had provided these services primarily through a system of court appointed attorneys. The Public Guardian function was within the Alaska Court System.

In October of 1984, the Public Advocate and an administrative assistant were hired to create the OPA and initiate the transition to this new system of providing legal representation. In November of 1984, an Anchorage office was opened and began taking criminal cases. In January of 1985, OPA began taking civil cases in Anchorage. In February of 1985, a Fairbanks office was established and assumed responsibilities for both criminal and civil cases.

Until July 1, 1985, the Alaska Court System continued to appoint attorneys and other professionals to cases within the

OPA statutory mandate. In July of 1985, a contract structure covering the small population areas and second level conflict cases in Anchorage and Fairbanks went into effect.

RESPONSIBILITIES OF A GUARDIAN AD LITEM/CASA:

A guardian ad litem (GAL) is an individual who is a legal advocate for a child in court proceedings. A guardian ad litem's duty is to advocate to the court what he or she believes to be in the child's best interest. A guardian ad litem does not have the legal authority to make decisions effecting the child's person or property i.e., medical decisions or financial investments. A guardian ad litem's obligation is to objectively insure that the court receives all pertinent information necessary to make a decision which is in the child's best interest. A major difference between an attorney appointed to represent a child and a guardian ad litem for a child is that the guardian ad litem may disagree with the position of the child. A Guardian ad litem is appointed for every child the State of Alaska, Department of Health and Social Services petitions to be a child in need of aid due to abuse or neglect. A child may also have a GAL in contested divorce custody proceedings, contested adoptions, and guardianships.

HISTORY OF CASA

In 1976 King County, Seattle, Washington, Superior Court presiding Judge, David W. Soukop, began exploring ways to insure abused and neglected children's best interest were consistently presented to the court. Traditionally, the court appointed attorneys to serve as guardian ad litem's (Gal's) for these children. However, due to the high number of cases involving children and the lack of adequate training by many attorneys, as well as cost considerations, Judge Soukop decided to recruit and train community volunteers who would be asked to make a long term commitment to each child for whom they serve as GAL. The term CASA, was coined by the National Council of Juvenile and Family Court Judges in 1982, at a meeting held in Reno, Nevada. A CASA has the same function as a volunteer GAL. The term CASA was developed by the National Council of Juvenile and Family Court Judges to better explain to the public the duties of the GAL. CASA is Spanish for home and it was felt that this was an appropriate and symbolic name for the efforts of the volunteers.

In May of 1985, the Office of Public Advocacy became a member of the National Court Appointed Special Advocate Association and began exploring the feasibility of a volunteer GAL/CASA program in the State of Alaska. The Office of Public

Advocacy began having round table meetings in Anchorage, Alaska with judges, family and children's court masters, the Division of Family and Youth Services, Alaska Youth Advocates, the District Attorney's Office, Attorney General's Office, Public Defender's Office, community mental health providers, and the Alaska Bar Association for their input and recommendations as to whether or not a volunteer guardian ad litem/CASA program would be acceptable in the Anchorage area. Due to the overwhelming support of the concept of a volunteer GAL/CASA program, the Office of Public Advocacy recruited and trained five volunteers in the summer of 1985. The five volunteers were screened by an advisory board. This advisory board continues to monitor the progress of the Office of Public Advocacy's five volunteer guardians ad litem on a continuing basis.

THE OFFICE OF PUBLIC ADVOCACY'S SUPPORT FOR HB 474:

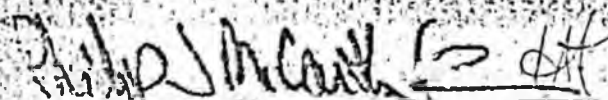
The Office of Public Advocacy strongly supports passage of HB 474. The Office of Public Advocacy would request that the statute be amended to state volunteer guardian ad litem/CASA so as to be able to utilize the national efforts of the National Court Appointed Special Advocate Association. The passage of HB 474 would require that the Office of Public Advocacy recruit and develop a permanent volunteer guardian ad litem/CASA program. Passage of HB 474 would require creating the position of CASA coordinator and a clerical support person. It is believed that a non-attorney coordinator should be hired in order to implement the CASA/volunteer guardian ad litem program first in Anchorage, Fairbanks and Juneau and then study the feasibility to develop a plan to implement such a program in the rural areas of Alaska.

A national survey of all CASA/GAL programs in the nation was undertaken by the National Court Appointed Special Advocacy Program in July, 1985. Attached is a letter from Charles Miller, Ph.D., research director of the National Court Appointed Special Advocate Program. Dr. Miller states that the nationwide survey found that the average volunteer handled 2.56 cases. It is the belief of the Office of Public Advocacy that a CASA/GAL program in Anchorage would result in the recruitment of 50 volunteers in its first year. It is believed that a system could be developed to eventually have in excess of 150 volunteers in the Anchorage area providing advocacy for children. The existence of four OPA staff and a coordinator's position would provide adequate supervision for the volunteer guardian ad litem/CASA program.

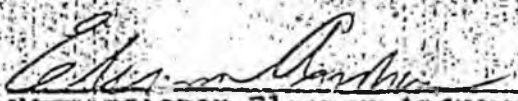
Passage of HB 474 would substantially improve the ability of the Office of Public Advocacy to provide guardian ad litem representation to children. Since the Anchorage Office of Public Advocacy began accepting guardian ad litem cases in January of 1985 approximately 658 cases have been opened from the period of

January, 1985 through December, 1985 by the staff of the Anchorage Office of Public Advocacy. The Office of Public Advocacy currently has two attorneys and two associate attorney positions who handle guardian ad litem responsibilities. Under Alaska law a guardian ad litem does not need to be an attorney. The Office of Public Advocacy is attempting to use non-attorneys with training in the needs of children to provide the effective delivery of guardian ad litem services. It is essential that non-attorney guardian ad litem have the backup support of an attorney to ensure that the guardian ad litem's position and the best interest of the child are adequately litigated in contested court cases.

It is anticipated that the continued trend of dramatic increases in child abuse and neglect cases will continue. Additionally, the State of Alaska, Department of Health and Social Services, decision in October of 1985 to be in compliance with the Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272, will result in the involvement of the guardian ad litem past the dispositional stage of a Child In Need of Aid proceeding. The effect of Public Law 92-272 will be higher caseloads for the Office of Public Advocacy due to the continued monitoring of cases by a guardian ad litem.


Philip Jay McCarthy, Jr.
Acting Public Advocate

2/6/86
Date


Commissioner Eleanor Andrews
Department of Administration

2/15/86
Date

Court Appointed Special Advocate Association

909 N.E. 43rd, Suite 202; Seattle, Washington 98105 (206)547-1059

January 22, 1986

Jay McCarthy
Project Director
Volunteer Guardian Ad Litem Program
Office of Public Advocacy
900 West 5th Avenue, Suite 525
Anchorage, Alaska 99501

FEB 3 1986

Dear Mr. McCarthy:

A national survey of all CASA/GAL programs in the nation was undertaken in July, 1985. Preliminary tabulations are now being made. A presentation of the results will be made at the National Conference in May, 1986 and a final report will be issued due June 30, 1986.

The preliminary calculations have been reported to the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice. They may be of interest to you and others concerned with the CASA program in Alaska.

From the national survey we found that an average volunteer handles 2.56 cases. In turn each staff member supervises a number of volunteers. Nationally, there is a wide range in the ratio of volunteers to staff from a low of 0.6 volunteers per staff to a high of 210. The "mode", i.e., statistically the most frequent ratio, is 25 volunteers per staff. Some of the older programs have 50 to 70 volunteers per worker and a few have 75 to 110.

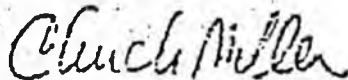
As I understand it, you will have two staff, a coordinator and clerical person in your program and recruit 50 volunteers. From the volunteer response in one program in the national survey, we found that an average of 52 hours of a volunteer's time was required for each case.

One method of assessing the cost effectiveness of your proposed program is the following. Using your 50 volunteers and the national ratio of 2.56 cases per volunteer your program can be expected to handle 128 cases in a year. This translates into a total of 6656 hours per year of volunteers' time. If attorneys were paid say \$25 per hour, (an arbitrary estimate), then a projected total cost would be \$166,400.

Jay McCarthy
January 22, 1986
Page 2

You should do this calculation using Alaska lawyer rates, but I think the conclusion will stand that a paid program coordinator with clerical assistance will provide more trained volunteer time for children than would a system of paying attorneys to do the same job.

Sincerely,



L. Charles Miller, Ph.D.
Research Director

LCH/CH

Court Appointed Special Advocate Association

909 N.E. 43rd, Suite 202; Seattle, Washington 98105 (206)547-1059

January 30, 1986

Mr. Philip J. McCarthy, Jr.
Office of Public Advocacy
900 W. 5th Avenue, Ste. 525
Anchorage, AK 99501

Dear Jay,

Thank you for your memorandum and copy of the legislation which you introduced January 15, 1986. There is no problem at all with the National CASA Association's supporting this Bill.

I am wondering if there are particular items regarding your CASA Project or regarding your legislation which you would wish to address. Please let me know. There is no difficulty in simply stating that the legislation seems to be appropriate and helpful to the cause of Volunteer Guardians. As a matter of fact, I am a bit envious of your \$44.21.450, that holds that the Volunteer Guardian may not be held civilly liable except in cases of gross negligence.

If you need more than the above statement please let me know.

Sincerely,



Marjorie MacAdams
President, National CASA Association
Executive Director, FOCAS



Alaska Court System

State of Alaska

303 "K" STREET
ANCHORAGE, ALASKA
99501

ARTHUR H. SNOWDEN II
ADMINISTRATIVE DIRECTOR

(907) 274-8611

January 29, 1986

Rep. Niilo Koponen
Rep. Max Gruenberg, Co-Chairman
House Health Education and
Social Services Committee
P. O. Box V
Juneau AK 99811

Dear Representatives Koponen and Gruenberg:

I am writing to express support by the Alaska Court System for those provisions of HB 474 which would permit the Office of Public Advocacy to develop and coordinate a volunteer guardian ad litem program.

Information from other states in which similar programs have been established indicates that programs of this nature improve the quality of guardian ad litem services and also help contain costs.

If you have any questions regarding the court's position, please contact either me or my staff counsel Karla Forsythe.

Sincerely,

Arthur H. Snowden, II
Administrative Director

KF/k1

cc: Karla Forsythe
Brant McGee
John Reese



Alaska Court System

State of Alaska

303 "K" STREET
ANCHORAGE, ALASKA
99501

ARTHUR H. SNOWDEN II
ADMINISTRATIVE DIRECTOR

(907) 274-8611

January 29, 1986

Rep. Niilo Koponen
Rep. Max Gruenberg, Co-Chairman
House Health Education and
Social Services Committee
P. O. Box V
Juneau AK 99811

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Information from other states in which similar programs have been established indicates that programs of this nature improve the quality of guardian ad litem services and also help contain costs.

If you have any questions regarding the court's position, please contact either me or my staff counsel Karla Forsythe.

Sincerely,

Arthur H. Snowden, II
Administrative Director

KF/k1

cc: Karla Forsythe
Brant McGee
John Reese

Alaska State Legislature



House of Representatives

REPRESENTATIVE
JOHN L. SUND

Box 6440
KETCHIKAN, ALASKA 99901
(907) 225-5552

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4919

CHAIR, HOUSE SPECIAL COMMITTEE ON LOANS
VICE-CHAIR, JUDICIARY COMMITTEE
MEMBER, SPECIAL COMMITTEE ON OIL AND GAS
MEMBER, RESOURCES COMMITTEE

January 21, 1986

TO: Lisa
Rep. Koponen's office

FROM: Kitty
Rep. John Sund's office

RE: HB474

Attached is background on HB474, related to a volunteer guardian program. The packet includes:

1. A copy of the bill
2. An overview, including sectional analysis and history
3. Letters of support

Still to come are a fiscal note and position paper from the Office of Public Advocacy. I have been assured that these will be available about February 1st.

Rep. Sund would like to schedule this bill as soon as possible, so perhaps we can set something up close to Feb, 1st.

Likely to testify are Corrine Radergraham and Judge Schulz, of Ketchikan, by teleconference, and Jay McCarthy of the Office of Public Advocacy in Anchorage (either in person or by teleconference). I can firm up arrangements for their testimony as we approach the hearing date.

Please let me know what committee time can be arranged.

Thanks.

HOUSE
COMMITTEE REPORT

2/7
JUDICIARY

Date referred: 1/15/86

FURTHER REFERRALS: FINANCE

DATE: 2/5/86

The HEALTH, EDUCATION AND 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:

[Handwritten signatures: William Kuyper, James H. ...]

SIGNING OTHER RECOMMENDATIONS:

[Handwritten signature: Rylee Hanley - No Rec]

[Handwritten signature: Nick Kuyper - chair]
[Handwritten signature: ...]

WHAT DOES GUARDIAN AD LITEM MEAN?

Guardian ad litem (GAL) is a legal term meaning guardian for a court case.

WHO CAN BE A GAL?

Anyone who cares about children and who can help the court make good decisions can be a GAL. Often lawyers are GAL's. The judge chooses the GAL.

WHAT IS A GAL SUPPOSED TO DO?

A GAL is supposed to represent the best interests of the child in court. That means making sure the judge is told:

- what has happened to the child,
- what the child needs to be happy and safe, and
- what decisions the judge can make to help the child.

WHY DOES A CHILD NEED A GAL?

Whenever a judge has to make decisions about what will happen to a child, the child may need a GAL.

For example, children whose parents are getting a divorce often have a GAL. And all children whose parents may have abused or neglected them should have a GAL.

A child might also need a GAL if someone other than the child's parents wants custody of the child, if a judge is asked to decide who the child's father is, or if the child might own property.

DOES EVERY CHILD HAVE A GAL?

NO. The court decides whether a child needs a GAL and appoints the GAL. Anyone can ask the judge to appoint a GAL for a child. The judge can be asked in court or by letter.

WHO PAYS FOR THE GAL?

The judge decides who will pay the GAL. Sometimes the child's parents pay, and sometimes the state pays.

DOES A GAL ALWAYS ASK THE JUDGE TO DO WHAT THE CHILD WANTS DONE?

NO. The GAL always listens to the child, but the GAL must decide whether what the child wants is really best.

Sometimes the GAL and the child do not agree. Then the GAL has to make up his or her own mind about what is best for the child. The GAL will tell the judge what the GAL thinks is really best for the child.

DOES THE GAL GET TO MAKE THE DECISIONS AT THE COURT HEARINGS?

NO. The judge makes the decisions after listening carefully to everyone who took part in the court hearing. Like the other people, the GAL is only allowed to make suggestions about what should happen.

HOW DOES A GAL DECIDE WHAT IS BEST FOR THE CHILD?

The GAL talks with everyone who knows a lot about the child. This includes the child, the child's parents, relatives, foster parents, teachers, social workers, psychologists, doctors, and others.

The GAL reads reports written about the child and the child's family. The GAL sometimes asks other professionals to help the GAL learn about the child.

The GAL visits where the child lives, and wherever the child might go live, or the GAL asks someone else to visit.

The GAL also learns about the services available where the child and family live.

WHAT IF THE GAL DOES NOT DO A GOOD JOB?

If you think the GAL is not doing a good job, you should first try to tell the GAL what you think should be done, and ask why the GAL is not doing that.

If this still does not help, you should tell either your social worker, if you have one, or the judge. Parents who are unhappy with their child's GAL should tell their lawyer, the social worker or the judge.

DOES THE GAL GO TO COURT?

Yes. The GAL goes to court. In some cases the GAL might be a witness who

answers questions asked by the lawyers for the other people in court, or the GAL may ask other witnesses questions.

DOES THE CHILD HAVE TO GO TO COURT TOO?

Sometimes the child has to be in the courtroom. Other times the child just comes to the court building, in case anyone wants to ask him or her some questions. Sometimes, the child does not need to be in court at all.

The GAL should find out how the child feels about being in court, and may tell the judge. If the child is going to be in court, or in the court building, the GAL may take the child for a visit first, so it is not so scary.

If the child is not present at court hearings, the GAL will tell the child what happened, as soon as possible after the court hearing, or arrange for someone else to tell the child.

WHAT CAN I DO TO HELP THE GAL?

A GAL needs lots of help to do a good job of representing a child's best interests.

The child can help the GAL most by trying to trust the GAL and by trying to tell the GAL everything he or she asks about. If the child forgets to tell the GAL something important, the child should call the GAL, or have someone else make the call. If anything changes, the child should let the GAL know about it.

Everyone else who is concerned about the child or who knows something important about the child can help by staying in touch with the GAL.

If the GAL has not called you, you should call the GAL.

HOW DO I FIND OUT IF THERE IS A GAL?

You can find out if there is a GAL by asking the judge, the child's social worker, if there is one, or the lawyers, who are already taking part in the court case.

HB474

WHAT IS A GUARDIAN AD LITEM?

An Informational Pamphlet for Children and Their Families

Written by the Committee on Guardian Ad Litem Representation in Alaska

Administrative Office
Alaska Court System
303 K Street
Anchorage, AK 99501

February 1983