

HB

7

# STATE OF ALASKA

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION  
POUCH WF-STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3795

17 March 1987

To: LouAnn Cutler

From: Jim Slocum *JS*

Subj: Guardian ad Litem Program, Office of Public Advocacy

There have been two RPL's (attached) for this program in FY87:

RPL 02-7-0062 provides \$25,596 to start up and run the program. There will be a \$17,500 carryover to FY88.

RPL 02-7-0347 provides an additional \$11,000 for the program, \$4,936 of which will be spent in FY87. \$6064 will be carried over to FY88 for a total of \$23,564.

# MEMORANDUM

State of Alaska

TO: Jay Hogan  
Associate Director  
Division of Budget Review  
Office of Management and Budget  
Office of the Governor

DATE: January 29, 1987

FILE NO:

TELEPHONE NO: 465-2200

FROM: Commissioner Garrey Peska  
Department of Administration

SUBJECT: Request for Revised  
Program Type 4 - RPL  
ADN 027-0347

The Department of Administration, Office of Public Advocacy (OPA), is requesting authority to receive and expend additional federal funds.

(1) Funding Availability

- (a) Office of Public Advocacy has applied for a grant in the total amount of \$11,000.00 to expand the Volunteer Guardian ad litem Program (VGAL). This grant will be partially received in FY 87 in the amount of \$4,936.00.
- (b) Funding will be pass-through funds provided by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency, through the National Council and Family Court Judges, Permanent Families for Children Project.
- (c) It is anticipated that these funds will be awarded, however, official notification has not as yet been received. These funds would be awarded to carry out a one-time-only special project, i.e., to expand the VGAL. No future support is anticipated.

(2) New or Expanded Services to be Provided

- (a) The funds are needed to expand operation of the Volunteer Guardian ad litem Program which has previously received funding from the U.S. Department of Health and Human Services, the Alaska Bar Association, and the National Court-Appointed Special Advocate Association (CASA). The Volunteer Guardian ad litem Program is aimed at providing higher quality representation to abused and neglected children through a cost effective means by using volunteers in addition to Office of Public Advocacy staff. The funds provide partial salary and travel expenses for a half-time Program Director of the program. Beneficiaries of these activities are the clients of the Office of Public Advocacy, specifically abused and neglected children before the Court on Child in Need of Aid petitions.
- (b) The funds in this program will be added to those grants previously mentioned to increase hours of the Program Director, provide supplies for program operation and volunteer recruitment, and allow for travel to Ketchikan and Fairbanks to establish the beginnings of Volunteer Guardian ad litem Programs in those

communities. The funds will be utilized to allow the Program Director to develop advisory committees and to train and recruit prospective volunteers for these activities in other parts of Alaska as well. Funds anticipated to be received and expended during FY 87 are as follows:

Personnel Services	\$3,353.00
Travel	1,034.00
Supplies	375.00
Other	174.00
	<u>\$4,936.00</u>

- (c) Direct services to abused and neglected children will be provided through the expansion of the Volunteer Guardian ad litem Program.
- (d) This RPL request will expand activities previously authorized by RPL No. ADN 02-7-0062.
- (e) The effect of a delay in approval of this RPL would be the inability of the Program Director to increase her hours and jeopardize the ability of the program to meet its goals and objectives.

(3) Impact on the General Fund

- (a) No general funds have been appropriated for this Volunteer Guardian ad litem Program.
- (b) Receipt of these funds will not obligate the state to replace the non-general funds in the future.
- (c) No matching state funds are required as a condition of receiving these funds.

(4) Position to be Funded

No new positions or existing vacant positions will be created or funded by this grant.

(5) Technical and Budget Aspects of the RPL

- (a) These funds were not included in OPA's FY 87 budget as OPA did not know at the time the budget was prepared if the grant would be awarded. Funds anticipated to be received and expended during FY 87 (January 1, 1987 to June 30, 1987) are as follows:

Personnel Services	\$3,353.00
Travel	1,034.00
Supplies	375.00
Other	174.00
	<u>\$4,936.00</u>

- (b) As the grant period of this project is January 1, 1987, through February 14, 1988, OPA has included the remaining funds from this grant for the final seven-and-one-half months of the project (July 1, 1987 through February 14, 1988), in its FY 88 budget.
- (c) OPA has not received official funding approval for this project, and the increased expenditure authorization will be restricted pending receipt of the official document.
- (d) The funds requested in this RPL will be spent during FY 87 from January 1, 1987, through June 30, 1987.

GP/GMB/ljo  
4/101/0122-03

REVISED PROGRAM NO. 02-7-0347

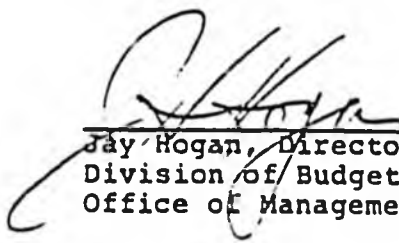
DATE 2/11/87

PAGE NO. 4

*✓ Mike Maher 2/11/87*

Mike Maher  
Budget Analyst  
Division of Budget Review  
Office of Management and Budget

Approved this 12 day of Feb, 1987.

  
Jay Hogan, Director  
Division of Budget Review  
Office of Management and Budget

# MEMORANDUM

State of Alaska

TO: Jay Hogan  
Associate Director  
Division of Budget Review  
Office of the Governor

THRU: *Eleanor Andrews*  
Commissioner Eleanor Andrews  
Department of Administration

FROM: Gary Bader *YMB*  
Director  
Division of Administrative Services  
Department of Administration

DATE: August 14, 1986

FILE NO:

TELEPHONE NO: 465-2277

SUBJECT: Request for Revised  
Program Type 4 - RPL-FY 87  
ADN 02-7-0062

100 - 21194

200 4150

300 255

The Department of Administration, Office of Public Advocacy (OPA), requests authorization to receive and expend an additional \$25,596.00 in funds from grants awarded to support a one-time volunteer project.

## I. Funding Availability

- A. Office of Public Advocacy was awarded two grants: (1) in the amount of \$23,096.00 to carry out a demonstration grant, and (2) \$2,500.00 for a start-up grant.
- B. The Department of Health and Social Services, Office of Human Development Services (OHD), awarded the demonstration grant funds to OPA; the National Court Appointed Special Advocate Association (CASA) awarded the \$2,500.00 start-up grant to OPA.
- C. These funds were awarded to carry out a one-time-only special project, Volunteer Guardian Ad Litem Program (VGAL) and no future support is anticipated.

## II. New or Expanded Services to be Provided

- A. Funds are necessary as a matching requirement to the OHD grant provided to the OPA. Without matching funds, the federal grant will not be awarded. The funds will specifically be utilized to implement a volunteer guardian ad litem program. As can be found in detail in the attached proposal that was submitted to the OHD, guardian ad litem services are utilized to represent the best interests of a minor in judicial proceedings. Most cases involve child abuse and neglect, juvenile delinquency, or contested custody in divorce. Due to very high caseloads, the current staff at the OPA is barely able to adequately represent clients. Each staff guardian ad litem is currently carrying a caseload of 100 to 120 cases. The volunteer guardian ad litem program will follow for

All personal services for staff attorney time, secretarial time, and contractual funds for office space will be in the form of an in-kind contribution from OPA and will not require general fund disbursements. Funds from OPA's general fund appropriation in the amount of \$1,954.00 for travel and \$500.00 for printing a VGAL manual will be used in carrying out this grant project and should be transferred to the federal grant collocation code assigned.

4. Position to be Funded

No new positions or existing vacant positions will be created or funded by these grants. ✓

5. Technical and Budget Aspects of the RPL

- A. These funds were not included in OPA's FY 87 budget as OPA did not know at the time the budget was prepared if the grants would be awarded.
- B. As the grant period of this project is September 1, 1986, through January 31, 1988, OPA will include the remaining funds from the OHD grant for the final seven months of the project (July 1, 1987, through January 31, 1988) in its FY 88 budget.
- C. OPA has received official grant approval for this project. A copy of the Notice of Financial Assistance Awarded is attached.
- D. The funds requested in this RPL will be sent during FY 87 from September 1, 1986, through June 30, 1987.
- E. The indirect costs involved in carrying out this project are included as part of the matching funds (in-kind contributions) provided by OPA as a condition of receipt of the OHD grant.

Your approval of this increased authorization is appreciated. If we can be of further assistance, please let us know.

GB/JH/jr  
7/101/0813-02  
Attachments

BILL SHEFFIELD, GOVERNOR

OFFICE OF PUBLIC ADVOCACY

300 W 5TH AVENUE  
SUITE 525  
ANCHORAGE, ALASKA 99501  
PHONE 307-273-1684

FEB 10

January 26, 1987

The Honorable John Sund  
Alaska State Representative  
P.O. Box V  
Juneau, Alaska 99811

Dear Representative Sund:

The Office of Public Advocacy is currently in the process of developing a Volunteer Guardian ad litem Program. A Guardian ad litem (GAL) is appointed by the Court 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. The volunteers are individuals who advocate to the Court what he or she believes to be in the child's best interest.

The Volunteer Guardian ad litem Program is headed by an advisory committee consisting of volunteers who are judges, family and children's court masters, attorneys, community mental health providers, and current volunteer GALs. The advisory board strongly supports the passage of the volunteer GAL Bill, HB7, and establishment of Alaska Children's Trust Corp., SB19 and HB57.

The advisory committee would like to arrange a joint teleconference with Representative Sund, Representative Goll, Senator Kerrula, and Commissioner Peska. We would like to discuss with you these bills and the possibility of the "GAL Program being a beneficiary of the Children's Trust. Jay

(Continued)

Letter, Representative Sund  
January 26, 1987

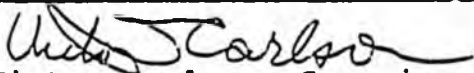
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McCarthy, Assistant Public Advocate, is coordinating this effort. He will be contacting you in the next week to make these arrangements.

We appreciate your concern for children in Alaska and look forward to working with you on these matters.


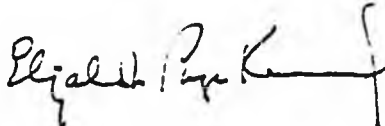
Sincerely,

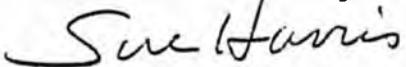
Volunteer Guardian ad litem Advisory Committee

  
Victor Carlson, Superior Court Judge

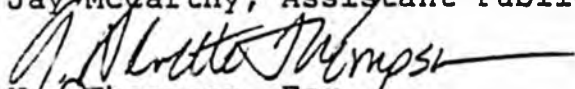
  
William Hitchcock, Children's Court Master

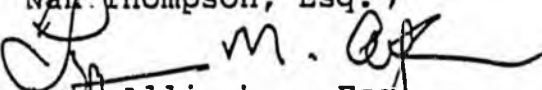
Janet Kowalski, Executive Director, AWAIC

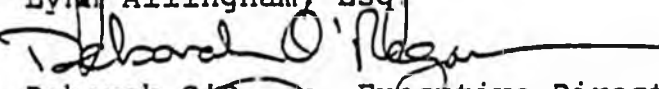
  
Elizabeth Kennedy, Assistant Attorney General 

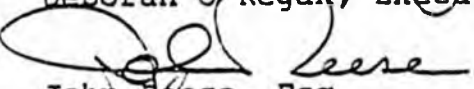
  
Sue Harris, Division of Family and Youth Services

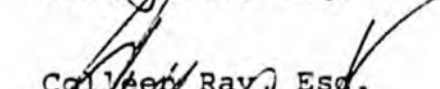
  
Jay McCarthy, Assistant Public Advocate

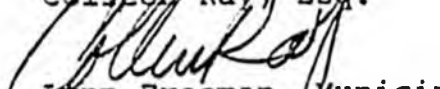
  
Nan Thompson, Esq.

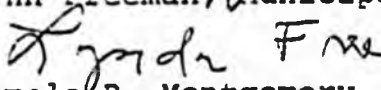
  
Lynn Allingham, Esq.

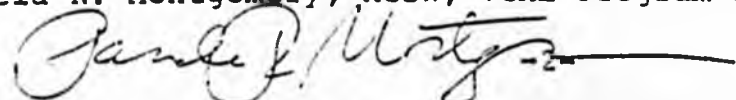
  
Deborah O'Regan, Executive Director, Alaska Bar Association

  
John Beese, Esq.

  
Colleen Ray, Esq.

  
Lynn Freeman, Municipality of Anchorage

  
Pamela R. Montgomery, ACSW, VGAL Program Director



HB 7 - Volunteer Guardian Ad Litem Program

Letters of Support for the program are from:

Deborah O'Regan, Executive Director  
Alaskan 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

Rick Calcote  
Ohlson Psychological Services

Ardis J. Cry, Custody Invesigator  
Superior Court Third Judicial District

Yvonne Chase, Deputy Director  
Southcentral Counseling Center

Peter Scales, PhD  
Family Connection

Letters and petition signatures from 137 individuals.

**JOHN SUND, REPRESENTATIVE**


2504 2nd Avenue  
Ketchikan, Alaska 99901  
(907) 225-5552

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While in Juneau  
P. O. Box V  
Juneau, Alaska 99811  
(907) 465-4919

March 29, 1987

MEMORANDUM

TO: Honorable Mitch Abood 

FROM: Representative John Sund

RE: HB7 "An Act relating to volunteer guardian ad litem in, and grants to, the Office of Public Advocacy".

.....

I would appreciate it if you would schedule HB7 at your earliest convenience. The companion bill SB176 passed out of Senate State Affairs on 3/24/87 so the committee members are familiar with this legislation.

The purpose of this bill is to amend AS 44.21.410 allowing 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 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 the 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.

HB7 carries a fiscal note, but is expected to save money in the long-run, as the funds needed to train and supervise 60 new volunteers would only fund two additional OPA staff.

CSHB 7 (Judiciary) - An act relating to volunteer guardians ad litem in, and grants to, the Office of Public Advocacy  
Overview prepared by Rep. John Sund's office

#### SECTIONAL ANALYSIS

Section 1, subsection (a)(6) allows the Office of Public Advocacy set up a program to train and supervise volunteers to serve as guardians ad litem. 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 2/25/87, 10 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.

Subsection (b)(3) allows the Office of Public Advocacy to solicit funds from governments and persons. Offers of monetary assistance for training and materials have been forthcoming from the Alaska Bar Association, the City of Anchorage and others, so this subsection was included in the bill to allow entities other than state government to support the program.

Section 2: restricts non-attorney guardians ad litem from giving legal advice or acting as an attorney for a minor and limits the civil liability of volunteer guardians, while participating within the program.

Sec. 44.21.450.: Limits the civil liability of volunteer guardians, while participating within the program. The National Court Appointed Special Advocate Association (CASA) suggested that the liability issue be addressed, as volunteer guardian programs in states without legislative protection are finding difficulty in obtaining affordable liability insurance.

Sec. 44.21.460.: Prohibits a nonattorney volunteer guardian ad litem from giving legal advice or acting in the capacity of an attorney. This section was added in Judiciary CS at the request of the OPA.

Sec. 44.21.490.: Defines volunteer guardian ad litem as a court-appointed special advocate (CASA) to relate Alaska's program to the national program. This section was added in the Judiciary CS at the request of the Court System.

Original sponsors: Sund, Gruenberg  
and Goll

Change from CS HB 7 (Ind):  
New sec. 2 - see p. 2,  
line 23

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 7 (Finance)

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 gran-  
22 tor.

23 \* Sec. 2. AS 44.21.410 is amended by adding a new subsection to read:

24 (c) The commissioner of administration shall separately account  
25 for money received under (b)(3) of this section and deposited in the  
26 general fund. The annual estimated balance in the account may be used  
27 by the legislature to make appropriations to the Department of Admin-  
28 istration to carry out the purposes of this section.

29 \* Sec. 3. AS 44.21 is amended by adding new sections to read:

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

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

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

12           Sec. 44.21.490. DEFINITION. In AS 44.21.410 - 44.21.490, "vol-  
13 untee guardian ad litem" means a court-appointed special advocate  
14 (CASA).  
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