

OVERVIEW

OFFICE

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OFFICE OF PUBLIC ADVOCACY

Briefing 2001



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OPA Takes Care of Children

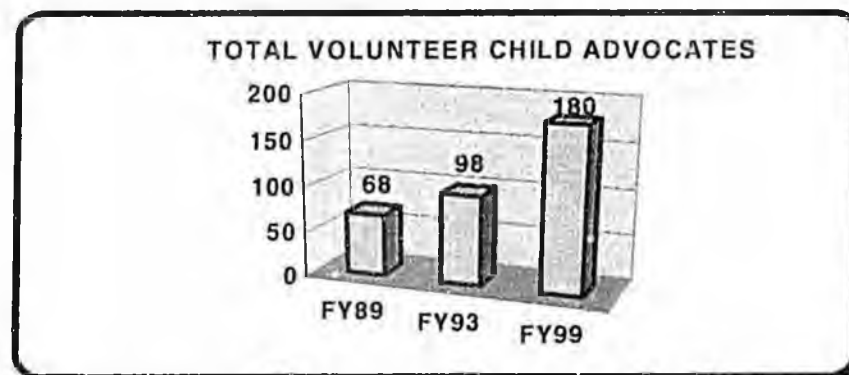
The Office of Public Advocacy's primary clients are abused and neglected children. Every month, more than 2000 children are represented in Alaska courts by OPA child advocates throughout Alaska. These court proceedings involve custody, adoption, termination of parental rights, child in need of aid actions, and emancipation.

OPA has been innovative in planning how to best meet the needs of these children. Before the creation of the agency, *child advocate* representation (meaning court-related services provided by an adult advocate for a child) was provided mostly by appointed attorneys, whose legal training provided little insight into many of the problems faced by the young clients. OPA changed that.

OPA determined that these children are best served by child advocates who are trained in child development, family dynamics, and the dynamics of child abuse, child neglect, substance abuse, and domestic violence. A child advocate investigates the matters involving the young client, and makes recommendations to the court about the best interests of the child.

The quality of individual care given to the child clients of OPA is significantly enhanced by the "Court Appointed Special Advocate" [CASA] volunteer program. Through that program, more than 180 community volunteers work with OPA child advocates to obtain important information relevant to the child's case, and provide that information to the courts. Supervised and trained by OPA advocates, the CASA volunteers provide Alaska with more than 24,000 hours of volunteer assistance each year.

OPA's vigorous advocacy on behalf of children results in cost savings to the state. The efficient resolution of children's issues saves public money spent on the court system, social workers, foster care, and public attorneys involved in the case. A swift response to these cases directly benefits the children as well.

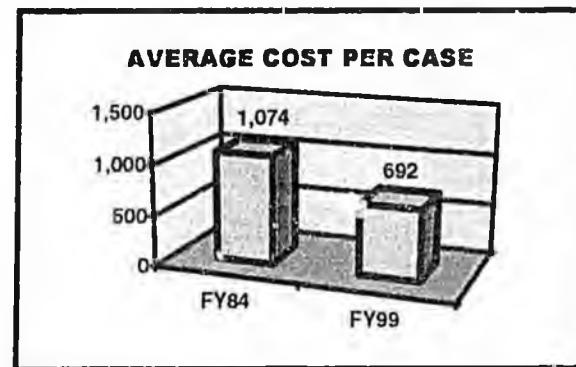
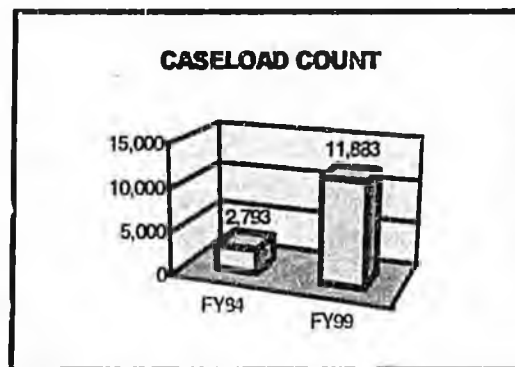


What does OPA do?

The Office of Public Advocacy has three main jobs.

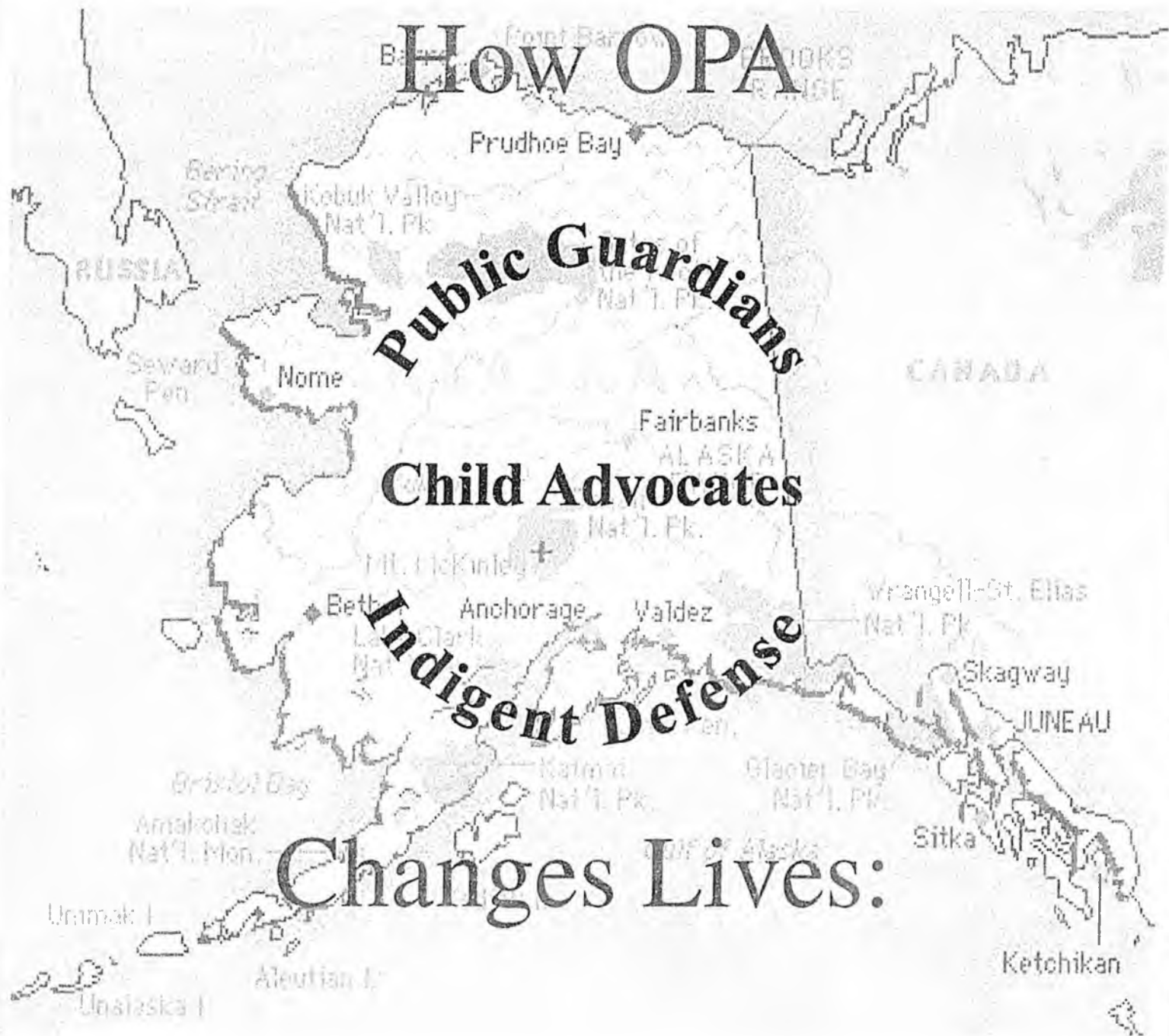
1. OPA provides guardian and conservator services to Alaskans who are mentally incapable of managing their own affairs. As illustrated by the story of OPA guardian Bill Herman and his client Maria* on page 5, sometimes a little help goes a long way.
2. OPA represents indigent criminal defendants when the Public Defender Agency has a conflict of interest. OPA attorney Leslie Hiebert's case involving a mistaken identification in a felony charge is on pages 6-7.
3. OPA represents abused and neglected children in child protection court cases. This work is done by *guardians ad litem*, employees of the agency who represent the children's interests in these cases. The story of Chris and Jenny Shriver, pages 8-9, who were able to rejoin their mother illustrates some of the work that OPA *guardians ad litem* like Marcia Honea do.

OPA also provides representation in other civil cases involving children, including divorce and custody cases, adoption proceedings, emancipation proceedings and juvenile delinquency cases.



In FY84, the last year the Alaska Court System was responsible for administration of the functions now performed by OPA, the average cost per case was \$1074. In 1999, the average cost was \$692. The agency has consistently improved cost effectiveness while absorbing enormous caseload increases.

* The names of OPA clients throughout are fictitious.



How OPA

Public Guardians

Child Advocates

Indigent Defense

Changes Lives:



Maria Moves from Despair to Hope

OPA Public Guardian Bill Herman never gave up on Maria*, even when it seemed that she was giving up on herself. Maria, a 41-year old woman, was both developmentally disabled and mentally ill. For the past 25 years, she had been in and out of mental institutions. Maria had turned to alcohol and to drugs to ease her own pain, and had added addiction to her list of troubles. She had been in two bad marriages. She had been the victim of physical and sexual violence.

OPA was appointed to handle all financial affairs for Maria in 1993. This task included receiving her income (public assistance, disability payments, and dividends from Native Corporations), creating a budget, paying her bills, and working out day-to-day problems (which sometimes meant daily requests for money by a person with addiction problems). It seemed that Maria was bent on self-destruction. Her public guardian's efforts to help her were disregarded and resisted. There was conflict between them. Maria moved several times between Anchorage and Juneau, and was assigned to different guardians at OPA. Eventually, she was assigned to Bill Herman.

In 1998, Maria hit the bottom of her orbit. She and her husband were drinking and using drugs. They were evicted from their apartment, and became homeless. Maria tried to kill herself. She was committed to the Juneau psychiatric unit.

Bill Herman stuck by Maria. He recognized that she might be ready to change, and he supported her increasingly positive decisions to be sober, to work part-time, and to take classes towards a GED. Maria started to stabilize. She moved from the homeless shelter into subsidized housing. What had once been a bitter and confrontational relationship between Maria and her guardian became a trusting and pleasant relationship for both. Maria sees Herman as a friend who has always been there to act in her best interest, and who remains ready to help her as she moves forward in her life.



LESLIE HIEBERT, ATTORNEY

False Witness Exposed

Through the fast and skillful investigation done by a lawyer in the criminal section of OPA, an innocent young man and his innocent brother were saved from long jail sentences and a lifetime of harm from unjust felony convictions. The fabricated charges made by a drug dealer were proven false, and the boys were acquitted.

Jamie, 17 years old, occasionally bought small quantities of marijuana from Sharon, a woman who lived near his girlfriend. Jamie took his friend, Sam, over to Sharon's house one day. Jamie went in to make a purchase, while Sam sat in Jamie's car. When Jamie returned, Sam said he wanted to go in, too, and went into Sharon's house, alone. After a few minutes, Sam came rushing back to the car, telling Jamie to "Go, go, go!" He told Jamie that he had stolen pot from Sharon. Jamie was upset and angry at Sam. He knew that Sharon would think that he had set her up to be robbed by Sam.

Sharon called the police. She told them that Jamie and another man had taken \$300 at gunpoint. Jamie was arrested and put in jail. He was desperately afraid. He knew nothing about any gun or any money. The police also arrested Jamie's brother, Jerold, and charged him with the same crime. It was Jerold's bad fortune to look almost identical to Sam (although they were not related in any way). The Public Defender Agency was appointed to represent Jerold. OPA was appointed to represent Jamie.

OPA attorney, Leslie Hiebert began investigating immediately. Jamie told her that it had been Sam who had been with him that day, not Jerold. She went to interview Sam. Sam admitted that he had stolen pot from the drug dealer, and said that he had done it on

his own, without help from Jamie. He said that some of what he had taken had been in a little plastic cosmetic bag when he took it, and that he took the bag when he took the pot.

Hiebert studied Sam's face, and saw that there was, indeed, an uncanny similarity between Sam and poor Jerold. She convinced Sam to tell the police what he had done (a real feat since Sam knew that it might mean he would face a jail sentence himself). She had Sam taken to police headquarters, where he was interviewed by the police on videotape.

Sharon denied ever having possessed or sold marijuana. She said she was an innocent victim of a robbery. Sharon said that Jamie had known that she always kept her money to pay her monthly bills on the shelf, that it was part of her routine, and that he had come to her apartment expressly to steal the money, bringing with him an accomplice with a gun to threaten her.

At trial, Hiebert was able to produce testimony from the gas company, the power company, and the telephone company that Sharon had never paid *any* of her bills while she lived at that apartment, let alone paid in cash. Hiebert showed the jury the videotape of Sam's confession, so that the jury could see how much Sam looked like Jerold, and how Sam had already admitted that *he* was the one who had been with Jamie on that day. Hiebert also showed the jury the cosmetic bag that Sharon had admitted was hers. This was the same cosmetic bag that Sam had admitted to taking from Sharon, the bag that held her pot.

Hiebert also proved that Sharon was a drug dealer, and was selling pot on the same day as the robbery, by calling Tommy Shelton to testify: Shelton said he had bought marijuana from Sharon himself on that very day. Tommy was not a friend of either of the defendants, and was worried that he would get in trouble himself for what he was saying. He only came because he was subpoenaed by Hiebert.

The investigation done by OPA proved that the charges against Jamie and Jerold were based on the word of a lying drug dealer. The jury agreed, and acquitted both brothers of all of the felony charges. Jamie was released from jail, where he had been imprisoned for six months, and went home, where he was reunited with his mother and brother.



MARCIA HONEA, GAL

Mom Comes Home

Two year-old Chris Shriver and his four year-old sister Jenny rocked from side to side in their mother's car as it swerved from left to right down the highway. Their mother, Becky, was drunk again. Becky's erratic driving caught the eye of a patrolling state trooper, who pulled her over. Becky's blood alcohol was more than twice the legal limit permitted a driver.

Becky was arrested, and Chris and Jenny were placed in emergency foster care. The Division of Family and Youth Services filed for legal custody of the children. Marcia Honea, a *guardian ad litem* at OPA, was appointed by the court to serve as an advocate for the best interests of the two young children.

Under court order, Becky began an outpatient alcohol treatment program. She did everything she was supposed to do, according to her case plan. To all appearances, Becky had turned a corner. Jenny and Chris were sent back home. Becky said that she had quit drinking. She went back to college.

The Court was about to release legal custody of the two children back to Becky. On behalf of the two Shriver children, Honea kept an eye on the family. Honea was troubled by a nagging doubt about whether or not Becky was really committed to change, a doubt that was confirmed when Honea got a call from Becky's neighbor, who said that Becky was drinking again.

Honea confronted Becky with what she knew, and with the fact that the children's only hope of happiness lay in Becky's sobriety. She laid out in plain, powerful, and direct terms what would happen if Becky didn't change. Honea also informed Becky's treatment program of the relapse. Further pretense on Becky's part was not possible.

Becky went back into treatment, and this time she committed herself to sobriety. That was four years ago. Becky completed college, and is working full-time as a technical writer in a private company.

Chris and Jenny Shriver got back the mother they love, a mother on whom they could truly rely. Becky loves her children, and has made them a safe and happy home. Becky says she owes her success to her own desire to change and to the determined intervention made by Honea. Through Honea's commitment, the Shriver children are growing up with a hopeful future, and the inter-generational chain of loss that could have been set into motion by Becky's alcoholism has been avoided.

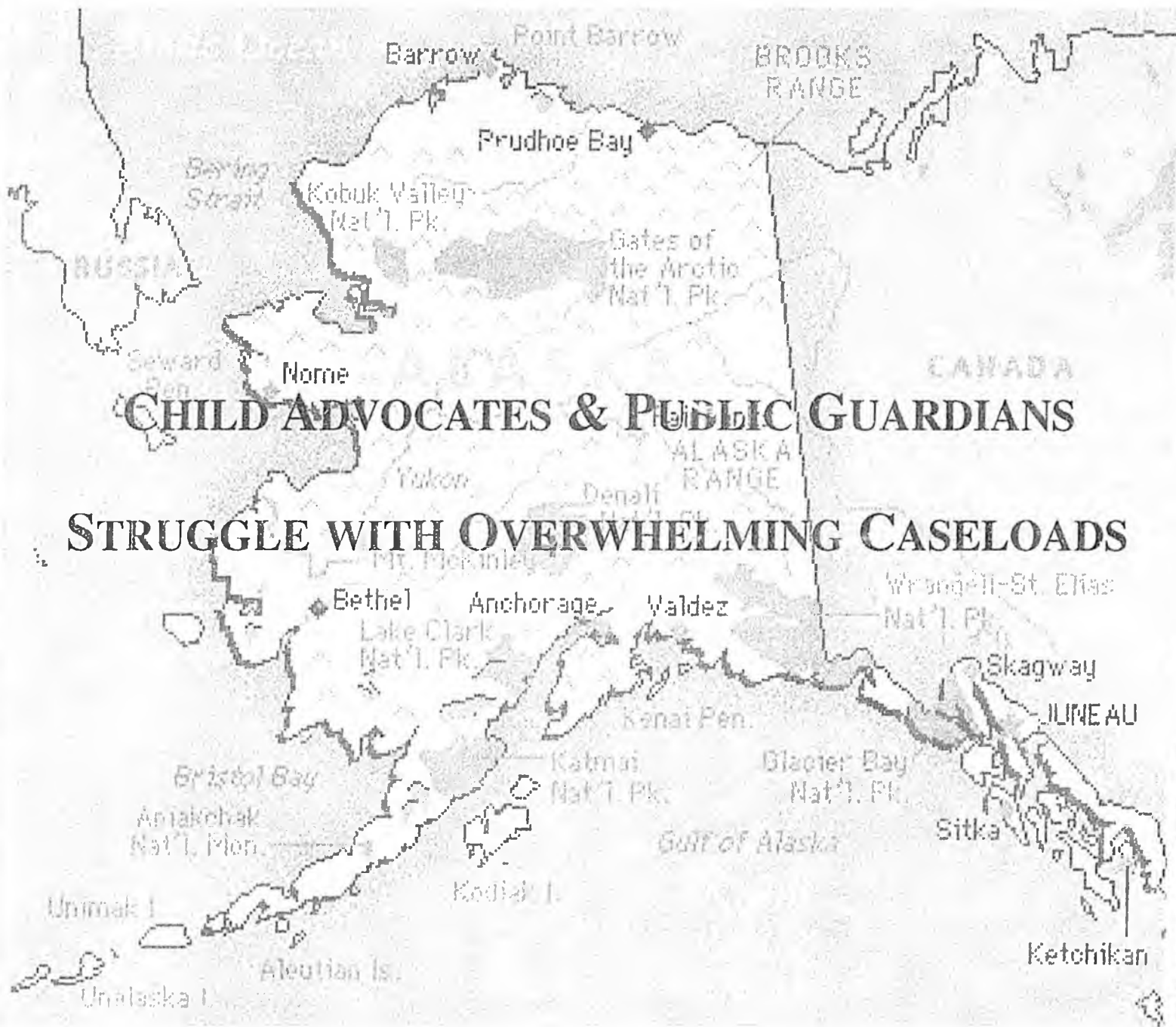


The Pickens Family. Back row: mom Judy, Andrea, Jillian.
Middle row: Adrianna, Anthony, dad Marvin, Erin.
Bottom row: Lesley, Paul.

A Happy New Home

Most of the time, intervention on behalf of children in troubled families can be brief, and the family can be reunited. This usually involves helping the children's parents to do what needs to be done so that the children will live in a safe home. Sometimes, however, this is not possible, because the parents are unwilling or unable to make the necessary changes.

In these situations, a new family needs to be found for the children. Often this is a relative or friend of the child's family. Sometimes a new adoptive family is found. Judy Sullivan-Pickens and Marvin Pickens recently adopted three children who had been represented by OPA child advocates.



CHILD ADVOCATES & PUBLIC GUARDIANS

STRUGGLE WITH OVERWHELMING CASELOADS

Child Advocates Carry a Heavy Load

A *guardian ad litem* (GAL) is a person appointed by the court to act as an independent advocate for a child's best interests. OPA staff GALs work in Anchorage, Fairbanks and Juneau. Some are attorneys and some are professionals from many other fields. Staff GALs are assisted in many cases by volunteer Court Appointed Special Advocates. Staff work together in teams to ensure the best possible representation of Alaska's abused and neglected children.

The GAL has a key role in child protection proceedings. Unlike the other participants, the GAL has no interest other than that of the child. The GAL's job is to ensure that the child is protected (in the child's own home, if possible), that appropriate services are provided to the child and the family, and that a timely permanent plan is implemented for those children who cannot safely be reunited with their families. Often referred to as the "eyes and ears of the court," the GAL provides information and makes recommendations to the court to enable the court to make the best possible decision.

The OPA child advocates carry such heavy caseloads that they are unable to do many of the things that they are supposed to do for each child who is represented. A GAL should be spending about *6 hours per month* for a child client in a relatively straightforward case. These hours should be spent interacting with the child, and the child's family, school, and other caregivers, and in communication with the courts and other authorities involved in the case. [See the box on next page for further details.] OPA child advocates, however, are able to spend only an average of *one hour per month per child*, because each GAL represents about 140 children.

Children are being underserved. Even the dedication, experience, and mature judgment for which OPA child advocates are known cannot allow them to make up the difference between what is needed and what can be done in the time available. What this means is that each child faces greater risk: the child advocate may not be able to meet with the teacher, or work as closely with the DFYS social worker, or monitor the child's situation as well as should be done. In addition to the increased risk to children, this ends up costing the state more money, because the right outcome is not always achieved as efficiently as it otherwise would be.

GAL Responsibilities for Each Child

Investigate each assigned case

- ◆ Meet with and interview the child as soon as possible
- ◆ Obtain and read relevant records, including:
 - DFYS file
 - Medical, educational, mental health, and law enforcement records
 - Court records
- ◆ Interview adults important in the child's life, including:
 - Family members/relatives/caregivers
 - DFYS social workers
 - Tribal representatives
 - Other professionals (teachers, doctors, therapists, etc.)

Monitor and move each case through the child protection system

- ◆ Participate in creating the DFYS case plan
- ◆ Maintain contact with the child and child's situation to:
 - nurture relationship with child and observe changes in child over time
 - develop knowledge of situation
 - explain proceedings in terms that the child can understand
- ◆ Advocate for child to obtain appropriate care and services
 - Consult with caregiver, teachers, and other providers as needed
 - Protect the child's cultural needs
 - Confirm that child's relatives have been identified and located
 - Maintain contact with tribal representatives
- ◆ Follow parents' progress in completing the case plan
 - Maintain contact with child's parents
 - Consult with parents' service providers and DFYS
 - Observe interaction between child and parents

Ensure that all relevant information is available to court

- ◆ Participate in court hearings and meetings related to case
- ◆ Inform court how the child is doing and identify barriers to permanency
- ◆ Complete reports to court as required
- ◆ Testify, call witnesses, question witnesses and make arguments
- ◆ Protect the interests of a child called as a witness
- ◆ Obtain legal advice/representation if needed
- ◆ Request court reviews or judicial intervention when needed
- ◆ Inform the court of the child's wishes

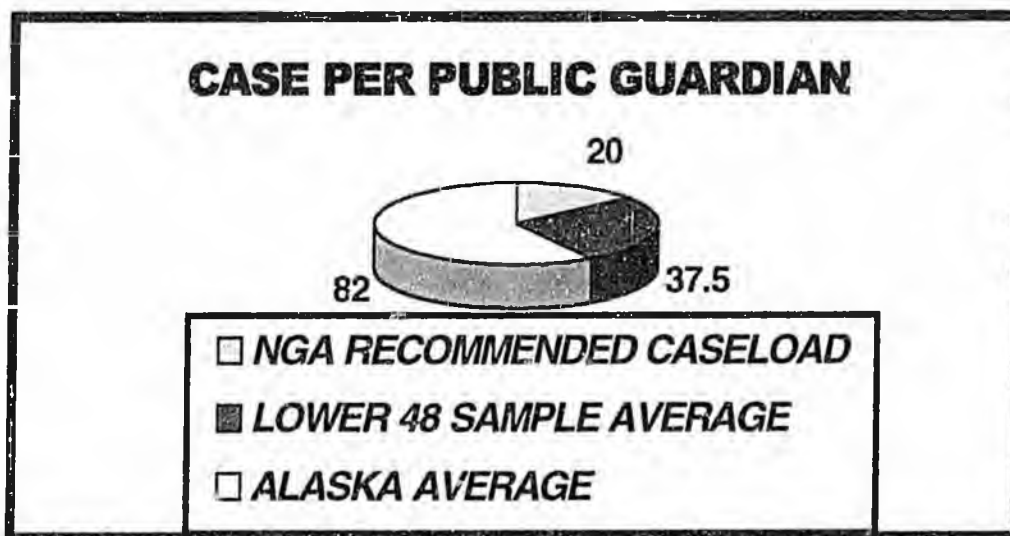
Seek cooperative solutions to assist the child to find stability, safety, and love

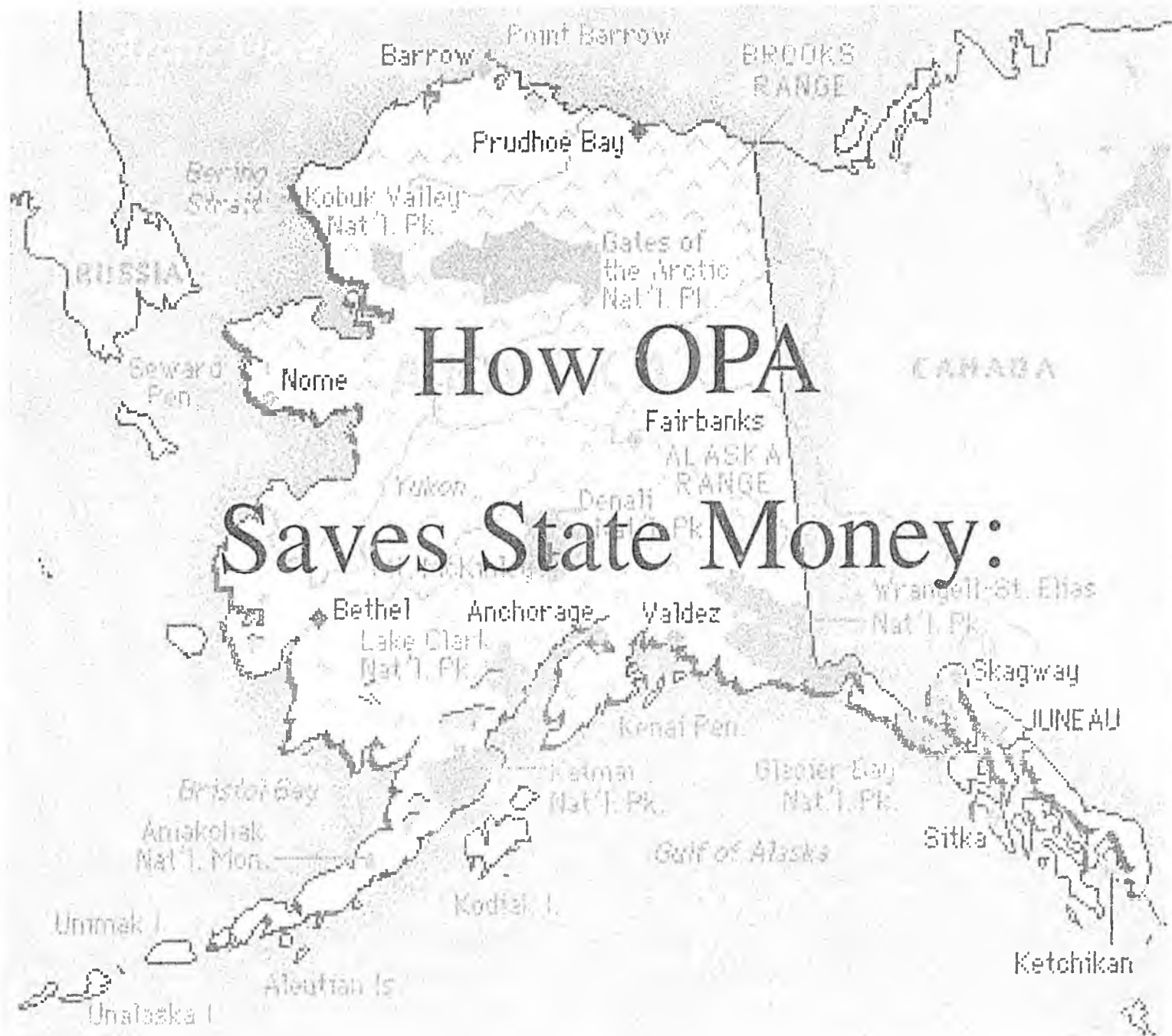
OPA Public Guardians Manage Overwhelming Caseloads

OPA's public guardians are responsible for managing the affairs of adults who have been found by a court to be legally incapacitated, and who have no friends or family to take care of them. Public guardians may be responsible for arranging for all the needs of a client, including educational, legal, financial, housing, and physical and mental health-related needs of their clients. Most of these clients suffer from chronic mental illness, developmental disabilities or age-related dementia, such as Alzheimer's disease.

OPA public guardians are juggling huge caseloads — caseloads that are more than *two times larger* than the load recommended by the National Guardianship Association. A comprehensive study of public and private guardianship in Alaska was completed in September, 1998 by The McDowell Group (at the request of the Department of Administration). The analysts found that OPA public guardians are dedicated, respected, and efficient, but that "the public guardian staff have unreasonable caseloads by any measure." The analysts concluded that these unreasonable caseloads made it impossible for OPA to meet its statutory commitments for complete guardian service.

There is an *urgent* need to remedy this situation. The graph below shows a comparison based on an extrapolation from a legislative audit conducted some years ago.





Legislature Saves Money: OPA Provides Cost-Effective Services Statewide

In 1984, the Alaska Legislature created OPA to solve a persistent and expensive governmental problem. The purpose of the agency was to provide *effective and cost-efficient* legal representation for three different groups of indigent Alaskans: abused and neglected children, adults who need guardians, and certain indigent criminal defendants. The legislature moved this duty from the judicial branch to the Department of Administration.

The legislative plan has worked even better than could have been expected. From a budgetary perspective, the use of OPA employees rather than private attorneys has cut costs dramatically. From a consumer perspective, the quality of representation available to OPA clients has been consistently high. This is a marked improvement over the earlier system, which involved using the appointed services of a wide range of private providers, whose cost and quality varied.

In every case, OPA is appointed to represent a client by the Superior Court. This means that OPA has no direct control of its caseload, or of the cases to which it is assigned. Representation of these clients is provided by OPA employees, paid contractors, and unpaid volunteers.

Almost all of OPA's paid staff members are located in the major population centers of Anchorage and Fairbanks. This provides cost-effective, efficient representation in the locations where the greatest number of cases arise. OPA contracts with attorneys and other professionals in every other Superior Court location in Alaska. These contractors provide OPA representation when they are appointed to cases by that court.

Because no contract system can anticipate every court appointment made under the OPA statute, the office maintains a list of more than 100 attorneys throughout Alaska who are willing to take cases at reduced hourly rates under maximum compensation ceilings.

Unpaid CASA volunteers are an important part of the OPA team. Through the efforts of these citizen volunteers, thousands of hours of time are donated to protecting the welfare of at-risk children, by persons trained and supervised by OPA staff. 24,000 hours were donated by CASAs last year, the equivalent of over 12 full time positions.

The Advocate

*This is not about rescue, so as to feel good
when the child lights up with a smile.*

This is not about the comfort of compassion.

This is hard work,

*struggling with ripped families
and children in clouds of pain,
anger dancing round their hearts
and the turmoil of a world made crazy*

This is caring,

Yes, but also what is just,

what should be demanded.

It takes love

and a certain measure of courage.

*And in the simple act of person helping person
it becomes extraordinary.*

—Mercedes Lawry, CASA



A powerful voice in a child's life.

*CASAs for Children supports CASA volunteers
and the abused and neglected children they
represent. CASAs for Children provides for
camp scholarships;
training of volunteers;
funding for recreational and
cultural activities;
volunteer recognition and support; and
supplemental educational opportunities
and emergency needs.*

*Please consider a donation
to help fund these activities.
Your financial support is needed
and much appreciated.*

CASAs for Children

PO Box 242484

Anchorage, AK 99524-2484

Federal Tax ID: 92-0133200

It matters to children...

that someone stands up for them in court to
prevent further harm. Abused and neglected
children in Alaska need caring and
committed adults who are trained to
present their best interests in court.

Would you like to be one of those adults?

We need you.

Please call the Office of Public Advocacy
Alaska CASA Program, 269-3500, to find out
more about becoming a CASA volunteer.

Photography by Andrea Swensen. Publication of this brochure by
Graphic Arts students of King Career Center, Anchorage School
District, April 2000.



CASAs for Children



What is CASA?

The Alaska CASA Program, organized under the State of Alaska Office of Public Advocacy, is part of a growing national coalition that speaks up for children who have been abused and neglected.

A CASA (Court Appointed Special Advocate) is a trained community member who is assigned to represent the best interests of children who are involved in the court system due to abuse or neglect. CASA volunteers are carefully screened and complete 35 hours of training prior to receiving a case. The CASA provides the judge with carefully researched information about the child's background along with current first-hand observations about the child's needs. This information helps the court to make a sound decision about the child's future.

In 1999, 180 CASAs contributed 24,000 hours volunteering their time to 633 abused and neglected children in Alaska. On a national level, there are over 42,400 CASAs who advocated for more than 164,000 abused and neglected children throughout all 50 states, Washington, D.C. and the U.S. Virgin Islands.

What is CASAs for Children?

CASAs for Children is a non-profit organization dedicated to the support, recognition and continuing education of Court Appointed Special Advocates. CASAs for Children promotes public awareness of the CASA Program and advocates on behalf of abused and neglected children in Southcentral Alaska.

CASAs for Children (CFC) was formed in 1991 to provide support and recognition to the volunteer CASAs and services to the abused and neglected children the CASAs represent. CASAs for Children has a ten-member volunteer Board of Directors that meets monthly and administers a \$26,000 annual budget.

CFC raises money by means of corporate, individual and service organization donations, an annual quilt auction, and sales of CASA merchandise. The money raised is used to send children to summer camp (48 children in 1999); monthly recreational activities, notebooks and tickets to local activities for special outings with the children and their CASA; and other special needs that may arise throughout the year.

CFC also provides support for volunteer training and recognition. Topics for volunteer training sessions can range from fetal alcohol syndrome to investigations, negotiations, domestic violence and its impact on children, understanding psychological evaluations, families and addictions, child sexual abuse, safety issues during home visits, and teen substance abuse—all issues that the CASAs deal with on a daily basis when advocating for abused and neglected children.

Your contribution to CFC, whether in the form of purchasing CASA merchandise or by a cash donation, is greatly appreciated. All money received stays in Alaska for the benefit of Alaskans. Please make your check payable to CASAs for Children. Your donation is tax deductible as allowed by law.



In a world where we have so much and know so much, you'd think we could create a safe and happy world for our children. But for many children, childhood is filled with heartache and pain. Being a CASA is one step in making the world a better place for children and their future.
— Pauni Lucier
CASA Volunteer



"CASAs provide a face and a voice for the child in the courtroom. They increase the court's understanding of the case and bring fresh perspectives into the decision making process. Often they are the one thread continuing through a maze of issues, leading the child back to a sense of permanency and belonging."

— William Hitchcock, Children's Court Master