

State of Alaska FY2009 Governor's Operating Budget

**Department of Administration
Office of Public Advocacy
Component Budget Summary**

Component: Office of Public Advocacy

Contribution to Department's Mission

Provide legal advocacy and guardian services to vulnerable Alaskans.

Core Services

The Office of Public Advocacy (OPA) provides legal, guardian ad litem, and public guardian representation, upon court orders of appointment, for:

- Abused and neglected children involved in protective proceedings;
- Mentally incapacitated adults, most commonly the chronically mentally ill, developmentally disabled, and those who suffer from age-related dementia;
- Parents involved in child protective proceedings, and individuals accused of crimes, where the Alaska Public Defender Agency has a legal conflict of interest precluding representation by that agency.

The Office of Public Advocacy, through its Office of Elder Fraud and Assistance, also investigates and pursues civil legal remedies for senior citizens who are the victims of fraud or other financial exploitation.

End Result	Strategies to Achieve End Result
<p>A: Public Guardian clients will receive all financial benefits to which they are entitled.</p> <p><u>Target #1:</u> All Clients receive all financial benefits to which they are entitled. <u>Measure #1:</u> Percent of clients not receiving income to which they are entitled.</p> <p><u>Target #2:</u> Clients will not experience a lapse in any benefit to which they are entitled. <u>Measure #2:</u> Percentage of clients who experience a lapse in benefits or income.</p>	
End Result	Strategies to Achieve End Result
<p>B: Public Guardian clients will have shelter available to them.</p> <p><u>Target #1:</u> Clients will not be without shelter. <u>Measure #1:</u> Percentage of Office of Public Advocacy Public Guardian clients without shelter.</p>	
End Result	Strategies to Achieve End Result
<p>C: Public Guardian clients' income/assets/resources are properly managed to meet their basic needs and to prevent waste and dissipation.</p> <p><u>Target #1:</u> 100% of clients' monthly expenses are paid or accommodations are made to address or resolve debt.</p>	<p>C1: To create and manage a budget for each Public Guardian client and review annually.</p> <p><u>Target #1:</u> Budgets are created for all clients. <u>Measure #1:</u> Percentage of clients for whom budgets are created.</p>

Measure #1: Percent of clients' monthly expenses paid or with accommodations made to address/resolve debt.	
End Result	Strategies to Achieve End Result
<p>D: Child's best interests are represented at all stages of child in need of aid proceedings.</p> <p><u>Target #1:</u> Every child who is involved in a Child in Need of Aid (CINA) case, in which a guardian ad litem is appointed pursuant to AS 44.21.410(3), will have his/her best interests represented to the court by the guardian ad litem.</p> <p><u>Measure #1:</u> The percentage of children whose best interest is represented to the court by his/her guardian ad litem at a Child in Need of Aid proceeding.</p>	<p>D1: The guardian ad litem will visit with each child as early as possible to explain proceedings, obtain information and assess child's interests.</p> <p><u>Target #1:</u> All children are met within five working days of guardian ad litem appointment.</p> <p><u>Measure #1:</u> Percentage of children met within five working days of guardian ad litem appointment.</p> <p>D2: The court is fully informed of child's best interests at disposition phase of child in need of aid (CINA) proceedings.</p> <p><u>Target #1:</u> All guardian ad litem predisposition reports are filed in a timely manner.</p> <p><u>Measure #1:</u> Percentage of guardian ad litem predisposition reports filed on time.</p>

FY2009 Resources Allocated to Achieve Results							
FY2009 Component Budget: \$17,848,700	<p>Personnel:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-left: 20px;">Full time</td> <td style="text-align: right;">116</td> </tr> <tr> <td style="padding-left: 20px;">Part time</td> <td style="text-align: right;">2</td> </tr> <tr> <td style="padding-left: 20px;">Total</td> <td style="text-align: right; border-top: 1px solid black;">118</td> </tr> </table>	Full time	116	Part time	2	Total	118
Full time	116						
Part time	2						
Total	118						

Performance Measure Detail

A: Result - Public Guardian clients will receive all financial benefits to which they are entitled.

Target #1: All Clients receive all financial benefits to which they are entitled.
Measure #1: Percent of clients not receiving income to which they are entitled.

% of clients not receiving income to which they are entitled.

Year	semi-annual	semi-annual/annual
FY 2005	6.0%	8.0%
FY 2006	2%	5.3%
FY 2007		2.0%

Data provided on a semi annual basis for FY2005 and FY2006. The data for FY2007 is for the entire fiscal year.

Analysis of results and challenges: The percent of clients not receiving income to which they are entitled decreased during fiscal year 2007. This is attributable to less staff turnover and the addition of a benefits specialist to the public guardian staff.

Target #2: Clients will not experience a lapse in any benefit to which they are entitled.

Measure #2: Percentage of clients who experience a lapse in benefits or income.

% of clients who experienced a lapse in benefits or income.

Year	semi-annual	semi-annual/annual
FY 2005	10.0%	13.0%
FY 2006	3.4%	9.6%
FY 2007	0	4.0%

Data provided on a semi annual basis for FY2006 and FY2007. The data for FY2007 is for the entire fiscal year.

Analysis of results and challenges: The percentage of clients who experienced a lapse in benefits to which they are entitled declined significantly during fiscal year 2007. This is attributable to less staff turnover and the addition of a benefits specialist to the public guardian staff.

B: Result - Public Guardian clients will have shelter available to them.

Target #1: Clients will not be without shelter.

Measure #1: Percentage of Office of Public Advocacy Public Guardian clients without shelter.

% of OPA Public Guardian clients without shelter.

Year	semi-annual	semi-annual/annual
FY 2005	12%	2.0%
FY 2006	3.4%	8.5%
FY 2007		2.0%

Analysis of results and challenges: The percentage of public guardian clients without shelter available to them declined during fiscal year 2007. Again, we believe this can attributed to less staff turnover.

C: Result - Public Guardian clients' income/assets/resources are properly managed to meet their basic needs and to prevent waste and dissipation.

Target #1: 100% of clients' monthly expenses are paid or accommodations are made to address or resolve debt.

Measure #1: Percent of clients' monthly expenses paid or with accommodations made to address/resolve debt.

% of client's monthly expenses paid or with accommodations made to address/resolve debt.

Year	semi-annual	semi-annual/annual
FY 2006	95%	93%
FY 2007		97%

Analysis of results and challenges: The percentage of public guardian clients' monthly expenses paid or with accommodations made to address/resolve debt increased during fiscal year 2007. Again, this can be attributed to less staff turnover.

C1: Strategy - To create and manage a budget for each Public Guardian client and review annually.

Target #1: Budgets are created for all clients.

Measure #1: Percentage of clients for whom budgets are created.

% of clients for whom budgets were created for them.

Year	semi-annual	semi-annual/annual
FY 2004	84%	95%
FY 2005	89%	91%
FY 2006	92%	86%
FY 2007		95%

Analysis of results and challenges: The percentage of public guardian clients for whom budgets were created and maintained increased significantly during fiscal year 2007. Again, this can be attributed to less staff turnover.

D: Result - Child's best interests are represented at all stages of child in need of aid proceedings.

Target #1: Every child who is involved in a Child in Need of Aid (CINA) case, in which a guardian ad litem is appointed pursuant to AS 44.21.410(3), will have his/her best interests represented to the court by the guardian ad litem.

Measure #1: The percentage of children whose best interest is represented to the court by his/her guardian ad litem at a Child in Need of Aid proceeding.

% of children whose best interest is represented to the court by his/her guardian ad litem at a CINA proceeding.

Year	semi-annual	semi-annual/annual
FY 2004	98.6%	99.0%
FY 2005	99.0%	99.0%
FY 2006	99.0%	99.0%
FY 2007		100%

D1: Strategy - The guardian ad litem will visit with each child as early as possible to explain proceedings, obtain information and assess child's interests.

Target #1: All children are met within five working days of guardian ad litem appointment.

Measure #1: Percentage of children met within five working days of guardian ad litem appointment.

% of children met within five working days of guardian ad litem appointment.

Year	semi-annual	semi-annual/annual
FY 2004	59.0%	69.0%
FY 2005	52.0%	59.0%
FY 2006	52.0%	65.0%
FY 2007		51.0%

Analysis of results and challenges: .

07/01/03–12/31/03: 59% of the children were seen within 5 working days; an additional 13% were seen within 10 working days of the guardian ad litem appointment (Statistic obtained from Anchorage staff guardian ad litem only).

01/01/04-06/30/04: 69% of the children were seen within 5 working days; an additional 8% were seen within 10 working days; 13% were out of state, out of region, on runaway status, or otherwise unavailable. (Anchorage staff statistics).

07/01/04-12/31/04: 52% of the children were seen within 5 working days; an additional 16% were seen within 10 working days; 29% were out of state, out of region, on runaway status, or otherwise unavailable. (Statewide staff statistics).

01/01/05-06/30/05: 59% of children were seen within 5 working days; an additional 14% were seen within 10 working days; 26% were out of state, on runaway status, or otherwise unavailable.

07/01/05-12/31/05: 52% of children were seen within 5 working days; an additional 11% were seen within 10 working days; 27% were out of state, on runaway status, or otherwise unavailable.

01/01/06-06/30/06: 65% of children were met within 5 working days; an additional 13% were met within 10 working days; 18% were out of the region or otherwise legitimately unavailable to be met within 5 days.

07/01/06-06/30/07: 51% of children were met within 5 working days; an additional 20% were met within 10 working days; 15% were out of the region or otherwise legitimately unavailable to be met within 5 days.

D2: Strategy - The court is fully informed of child's best interests at disposition phase of child in need of aid (CINA) proceedings.

Target #1: All guardian ad litem predisposition reports are filed in a timely manner.

Measure #1: Percentage of guardian ad litem predisposition reports filed on time.

% of guardian ad litem predisposition reports filed on time.

Year	semi-annual	semi-annual/annual
FY 2004	58%	56%
FY 2005	68%	80%
FY 2006	61%	70%
FY 2007		68%

Analysis of results and challenges:

07/01/03-12/31/03: 58% of reports were filed on or before the due date; 16% were filed one day late; 16% were filed 2 days late. In all, 90% of reports were filed within two days of the filing deadline (Statistic from Anchorage staff guardian as litem only).

01/01/04-06/30/04: 56% of reports were filed on or before due date; 29% were filed one day late; 8% were filed 2 days late. In all, 93% were filed within two days of deadline (Anchorage staff statistics only).

07/01/04-12/31/04: 68% of reports were filed on or before due date; 18% were filed one day late (Statewide staff statistics).

01/01/05-06/30/05: 80% of reports were filed on or before their due date; and 8% were filed one day late.

07/01/05-12/31/05: 61% of reports were filed on or before their due date; and 20% were filed one day late.

01/01/06-06/30/06: 70% of reports were filed on or before their due date; and 18% were filed one day late.

07/01/06-06/30/07: 68% of reports were filed on or before their due date; and 18% were filed one day late.

Key Component Challenges

Because of the difficulty in accurately projecting case types and costs for upcoming budget years, OPA workload and caseload increases have often been funded through supplemental appropriations. According to court system records, felonies filings were up 9% and children's matters 22% statewide in fiscal year 2007. Significant increases are expected in the upcoming fiscal year. Advocating for abused and neglected children, providing guardianship services to incapacitate adults, and providing representation in public defender conflict cases becomes increasingly difficult as case load per professional staff member continues to grow.

Significantly, the Office of Public Advocacy has established its various sections and offices as separate "law firms" to reduce the number of "conflict cases" that must be sent to more costly private contractors. The result has been that OPA is retaining many more cases in-house and realizing significant budget savings by utilizing more cost-effective staff attorneys. In order to continue to retain more cases in-house while ensuring adequate representation of OPA's clients, additional staff attorneys, guardians ad litem, public guardians, and support personnel may need to be added. In addition, offices may be opened in geographical regions currently served solely by contractors where the economies of scale would indicate more efficient advocacy with OPA staff. Current areas being reviewed include the Kenai Peninsula and Juneau. OPA will continue to monitor caseload growth and budget projections to determine future funding needs as accurately as possible.

In 2006, the Legislature created a new Office of Elder Fraud and Assistance within OPA to sue to recover on behalf of

Alaskans 60 years and older who have been the victims of fraud and other kinds of financial exploitation. OPA will be working closely with other agencies to ensure that there is no duplication of efforts and will primarily receive referrals through Adult Protective Services. As this is a new section, OPA will be closely monitoring its needs to staff this section and report to the legislature.

Significant Changes in Results to be Delivered in FY2009

OPA will continue to establish procedures to reduce the number of conflicts of interest such that OPA may retain more cases in-house, thus reducing OPA's reliance on contract attorneys. Contract attorneys are more costly than providing representation and advocacy in-house. This may involve the opening of additional satellite offices where the cost of an OPA office is more cost efficient than paying contractors to service the area. It may also require additional staffing, both professional and support.

OPA established the Office of Elder Fraud and Assistance in July 2006, drafting regulations to implement the authorizing statute and cooperative agreements to work with Adult Protective Services, the Department of Law, the long-term care ombudsman, law enforcement agencies, and others to ensure that there is no duplication of efforts and that there is full cooperation between the agencies. This section is currently staffed with two attorneys, an investigator, and a paralegal. OPA will monitor the case load for this section.

Finally, OPA will strive to provide greater support staff, technical support, and training to enable professional staff to adequately manage large case loads while maintaining zealous advocacy and services.

Major Component Accomplishments in 2007

- OPA created the Office of Elder Fraud and Assistance to pursue civil remedies on behalf of elderly Alaskans who have been the victims of fraud and other forms of financial exploitation. This section has already recovered hundreds of thousands of dollars in cash and property on behalf of elder Alaskans, and currently, the office receives approximately one new report every day of an exploited elder.
- OPA opened the Appeals and Statewide Defense Section to represent clients in appeals, applications for post-conviction relief, and in serious felonies throughout the state. This was accomplished through a re-organization of current staff. This section will also be providing legal research and support to our contractors and other staff members throughout the state. This section is also developing statewide litigation strategies and providing sample pleadings to attorneys statewide to increase attorney efficiency and to provide more effective representation to our clients.
- OPA created the Juvenile Representation Unit within the Anchorage Civil Section to represent children accused of delinquent acts. In addition to representing kids within Anchorage, the attorneys in this unit will travel throughout the state to represent young people within the delinquency system. By allowing attorneys to develop expertise in this area, we hope to provide the young people they represent with the services to keep them out of the criminal justice system long term.
- OPA recently implemented a Native recruitment project to increase the number of Alaska Native CASA volunteers. While 25% of Alaskan children are Native, they constitute nearly 60% of the children in state custody. Having child advocates who understand Alaskan Natives' cultures and the unique issues faced by Native families will greatly aid in gaining the children's trust and advocating for them in court. In 2007, OPA was able to triple the number of Alaska Native CASA volunteers over the 2006 numbers.
- OPA's Child Advocacy Unit completed the independent study edition of the Guardian ad Litem training curriculum and implemented a system for certifying all GALs (staff and contract) as required by CINA Rule 11.
- OPA updated and expanded its website to provide information to the public and resources for child advocates statewide.
- OPA has implemented electronic billing through its database to streamline the contractor billing process, to increase our ability to track case expenditures, and to reduce staff time needed to process contractor bills.
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Statutory and Regulatory Authority

AS 44.21.400 et seq. Office of Public Advocacy

Contact Information

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**Office of Public Advocacy
Component Financial Summary**

All dollars shown in thousands

	FY2007 Actuals	FY2008 Management Plan	FY2009 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	9,679.1	10,710.9	10,954.2
72000 Travel	282.7	113.2	113.2
73000 Services	6,528.8	6,714.2	6,714.2
74000 Commodities	205.2	38.2	38.2
75000 Capital Outlay	0.0	28.9	28.9
77000 Grants, Benefits	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	16,695.8	17,605.4	17,848.7
Funding Sources:			
1002 Federal Receipts	50.0	52.6	52.6
1004 General Fund Receipts	14,247.2	14,953.5	15,164.8
1005 General Fund/Program Receipts	130.8	130.8	130.8
1007 Inter-Agency Receipts	306.8	511.8	511.8
1037 General Fund / Mental Health	1,554.5	1,549.7	1,581.7
1108 Statutory Designated Program Receipts	406.5	407.0	407.0
Funding Totals	16,695.8	17,605.4	17,848.7

Estimated Revenue Collections

Description	Master Revenue Account	FY2007 Actuals	FY2008 Management Plan	FY2009 Governor
Unrestricted Revenues				
Statutory Designated Program Receipts	51063	82.6	93.0	93.0
Unrestricted Total		82.6	93.0	93.0
Restricted Revenues				
Federal Receipts	51010	50.0	52.6	52.6
Interagency Receipts	51015	306.8	511.8	511.8
General Fund Program Receipts	51060	130.8	130.8	130.8
Statutory Designated Program Receipts	51063	406.5	407.0	407.0
Restricted Total		894.1	1,102.2	1,102.2
Total Estimated Revenues		976.7	1,195.2	1,195.2

**Summary of Component Budget Changes
From FY2008 Management Plan to FY2009 Governor**

All dollars shown in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2008 Management Plan	16,634.0	52.6	918.8	17,605.4
Adjustments which will continue current level of service:				
-Correct Unrealizable Fund Sources for Salary Adjustments: Exempt	0.4	0.0	-0.4	0.0
-Correct Unrealizable Fund Sources for Salary Adjustments: GGU	10.6	-3.3	-7.3	0.0
-FY 09 Health Insurance Increases for Exempt Employees	11.8	0.0	0.4	12.2
-FY 09 Bargaining Unit Contract Terms: General Government Unit	220.5	3.3	7.3	231.1
FY2009 Governor	16,877.3	52.6	918.8	17,848.7

**Office of Public Advocacy
Personal Services Information**

Authorized Positions		Personal Services Costs		
<u>FY2008</u>				
<u>Management</u>	<u>Plan</u>	<u>FY2009</u>	<u>Governor</u>	
Full-time	116	116	Annual Salaries	7,437,103
Part-time	2	2	COLA	217,885
Nonpermanent	1	1	Premium Pay	34,253
			Annual Benefits	3,733,244
			<i>Less 4.10% Vacancy Factor</i>	(468,285)
			Lump Sum Premium Pay	0
Totals	119	119	Total Personal Services	10,954,200

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Accountant III	1	0	0	0	1
Accounting Tech II	3	0	0	0	3
Accounting Tech III	2	0	0	0	2
Admin Operations Mgr II	1	0	0	0	1
Administrative Assistant II	1	0	0	0	1
Administrative Clerk II	3	1	0	0	4
Administrative Clerk III	2	0	0	0	2
Administrative Officer I	1	0	0	0	1
Assoc Attorney II	12	2	1	1	16
Attorney II	2	1	0	0	3
Attorney III	3	1	0	2	6
Attorney IV	14	3	0	4	21
Attorney V	8	2	1	2	13
Attorney VI	1	0	0	0	1
Division Director	1	0	0	0	1
Investigator III	3	1	0	1	5
Law Office Assistant I	4	1	0	2	7
Law Office Assistant II	1	0	0	0	1
Paralegal I	7	2	1	1	11
Paralegal II	1	0	0	1	2
Project Coord	1	0	0	0	1
Public Guardian	9	3	2	2	16
Totals	81	17	5	16	119