

**State of Alaska**  
**FY2003 Governor's Operating Budget**

**Department of Law**  
**Civil Division**  
**Budget Request Unit Budget Summary**

## Civil Division Budget Request Unit

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### BRU Mission

The mission of the Civil Division is to protect the human, financial, and natural resources of the state.

### BRU Services Provided

The Civil Division BRU supports the Civil Division of the Department of Law. The Civil Division serves the interests of Alaska's citizens by providing legal counsel to the executive branch in all civil actions. The division defends and prosecutes civil litigation to which the state is a party; handles legal matters for and provides legal advice to the governor, executive branch agencies, and -- upon request -- the legislative and judicial branches; reviews regulations prepared by executive agencies; drafts legislation for introduction by the governor; and reviews all legislation before it is acted upon by the governor.

Activities of the Civil Division help protect the financial and natural resources of the state, defend Alaskans' access to the state's land and natural resources, and ensure that the laws and regulations that govern businesses, individuals, and government agencies are constitutional. The division takes action to protect children from abuse and neglect, enforce child support obligations, guarantee that state programs are administered fairly and that money owed to the state is collected, defend the state's interests relative to the federal government, and defend the state from unreasonable demands for payment of costs of lawsuits, personnel actions, and personal injuries. It protects the state's financial resources by advising agencies on decisions that might lead to financial claims, defending against unreasonable claims, and facilitating reasonable settlements or other appropriate resolution of issues.

The Civil Division BRU includes components supporting the following sections: (1) the Deputy Attorney General's Office; (2) Collections and Support; (3) Commercial; (4) Environmental Law; (5) Fair Business Practices; (6) Governmental Affairs; (7) Human Services; (8) Legislation and Regulations; (9) Natural Resources; (10) Oil, Gas and Mining; (11) Special Litigation; (12) Transportation; and (13) Timekeeping and Support.

(1) The Deputy Attorney General's Office supports the Deputy Attorney General as she assists the Attorney General and the department in carrying out its statutorily prescribed functions. The Deputy Attorney General for the Civil Division serves as the chief operating officer for the division and is responsible for leading, managing, and coordinating the activities of the attorneys and paraprofessionals in each of the substantive sections of the four locations of the Civil Division.

(2) The Collections and Support section consists of two units: the collections unit and the child support unit. The section protects the state's financial resources by collecting outstanding civil and criminal debts, and protects Alaska's children by establishing paternity and ensuring compliance with child support orders. The collections unit collects unsecured debts owed to the state. The majority of these debts are criminal judgments, but the unit also collects various civil judgments and civil penalties. Effective January 1, 2002, the collections unit will begin collecting restitution on behalf of victims in criminal and juvenile delinquency proceedings. The child support enforcement unit represents the Child Support Enforcement Division (CSED) in court, provides legal support in matters relating to administrative child support enforcement actions, drafts legislation and regulations, and provides general legal advice to CSED.

(3) The Commercial section provides legal services on revenue and commercial matters; protects the integrity of the state's public finances through fair interpretation, implementation, enforcement, defense, or adoption of statutes and regulations governing state revenue, the permanent fund dividend, the employment security program, and lending programs; and protects public health and safety through fair interpretation, implementation, enforcement, defense, or adoption of statutes and regulations governing occupational licensing, alcoholic beverage control, banking, securities, and corporations. The section serves the Income and Excise Audit Division, Permanent Fund Dividend Division, Alaska Housing Finance Corporation, Alcoholic Beverage Control Board, Occupational Licensing Division, Investments Division, Banking, Securities and Corporations Division, Office of the Commissioner of Commerce, Employment Security Division, Alaska Commission on Postsecondary Education, Alaska Student Loan Corporation, and the Agricultural Revolving Loan Fund. The section also protects the student loan program by providing legal services and advice to the agencies that direct the program.

(4) The Environmental Law section provides legal representation to state agencies for the investigation, defense, and prosecution of claims regarding contaminated sites around the state as well as legal advice on environmental matters. It also provides legal representation to state agencies for the defense and prosecution of claims regarding the EXXON VALDEZ oil spill and the expenditure of restoration funds. It provides legal services to help recover the state's contribution to the Trans-Alaska Pipeline Liability Fund. The work of the Environmental Law section helps to protect the environment of the state, to ensure that the costs of contaminated site cleanup are borne by the responsible parties, to minimize the state's exposure to claims for damages relating to environmental problems, and to ensure that the costs of the available restoration funds from the EXXON VALDEZ settlement are expended in accordance with the law and for the maximum benefit of the Alaska environment. It serves Alaskans by helping to protect the environment and restore already-damaged sites and by making sure that those who are responsible for environmental damage are required to pay the costs of remediation. The component is also involved in prosecuting cruise lines that fouled Alaska's air and waters and advising DEC on implementation of Alaska's cruise ship oversight program.

(5) The Fair Business Practices section, which includes the consumer protection/antitrust unit, protects the public by enforcing consumer protection and antitrust laws and by providing legal services and advice to the agencies that monitor insurance companies and personnel, public utilities, and certified teachers. The section also protects the public by handling enforcement actions in occupational licensing cases. Agencies served by the section include the following: Division of Occupational Licensing, Division of Insurance, Regulatory Commission of Alaska, the Professional Teaching Practices Commission, and Postsecondary Education.

(6) The Governmental Affairs section provides legal assistance needed for governmental management, including budget, public finance, employment, labor relations, civil rights, procurement, retirement programs, Medicaid rate disputes, and investment of treasury and Permanent Fund Corporation funds. It provides legal assistance on problems associated with institutional relationships within state government, the interaction between state and local governments, and the conduct of elections. The section provides legal assistance to the departments of Administration, Community and Economic Development, the Offices of the Governor and Lieutenant Governor, the Office of Management and Budget, the Permanent Fund Corporation, AIDEA, the Alaska Public Offices Commission, the Human Rights Commission, the Division of Elections, the Department of Labor, and the Alaska Court System.

(7) The Human Services section provides legal advice and representation to the departments of Education and Early Development, Labor and Workforce Development, and Health and Social Services. It provides legal services and advice to these agencies regarding the state's education, health services, social services, juvenile justice, public assistance programs, workers' compensation, childcare licensing, and occupational safety and health programs. This section provides representation for the Department of Health and Social Services in all child abuse and neglect cases, juvenile delinquency proceedings, mental commitment proceedings, foster care licensing cases, and public assistance and public health matters, including Medicaid recipient/provider hearings and appeals.

(8) The Legislation and Regulations section drafts and edits legislation on behalf of the governor for introduction in the legislature, and provides legal review of regulations adopted by executive branch agencies for compliance with constitutional and statutory requirements.

(9) The Natural Resources section provides legal advice and representation to state departments, boards, and commissions that regulate Alaska's lands, waters, and renewable natural resources. It protects Alaskans' interests by ensuring that the state's natural resources are managed and allocated by state agencies in a manner that is consistent with the law, defending against legal challenges to actions taken by the state's natural resource agencies, and pursuing legal actions against persons who are illegally using, damaging, or destroying Alaska's lands, waters, or renewable natural resources. It advises state agencies on issues relating to mental health lands and Native Allotments and represents the state in legal actions involving those lands. The Natural Resources section supervisor also oversees the activities of the Statehood Defense BRU.

(10) The Oil, Gas, and Mining section is responsible for litigating oil, gas, and mining resource disputes involving the state. It protects Alaskans' interests by making sure that the state receives the royalty and tax revenues to which it is entitled for current and past production, defending against challenges to state oil and gas lease sale programs, and protecting the state's title to resource-rich lands. The Oil, Gas, and Mining section supervisors oversee the activities budgeted for in the Oil & Gas Litigation and Legal Services BRU.

(11) The Special Litigation section provides legal defense in tort litigation cases filed against the state, state agencies, and state employees, including personal injury, property damage, and civil rights suits brought under 42 U.S.C. §1983.

The section also provides defense in contested workers' compensation claims against the state, and provides advice and training to reduce the state's liability exposure. The section provides legal services to the Division of Risk Management and, through it, to all state agencies.

(12) The Transportation section provides legal advice to and representation of the Department of Transportation and Public Facilities. The section enhances the department's ability to efficiently provide the public infrastructure necessary for the safety and well-being of Alaskans by providing advice and representation on all aspects of the construction and operation of the state's public facilities, including building, highways, ferries, airports, harbors, communications facilities, and other public works.

(13) The Timekeeping and Support section, which is comprised of those cost elements of the Civil Division support pool that are division-wide, rather than section-specific, includes the costs of law office management (for the Juneau, Anchorage, and Fairbanks offices), case management, and division timekeeping and billing. The section provides day-to-day support to the legal staff by ensuring that resources necessary to perform their jobs are available. The section is responsible for maintaining work management and timekeeping records, providing accurate and timely billing to client agencies, and ensuring that office operations flow efficiently and unencumbered while state and department policies are followed and consistently applied.

### **BRU Goals and Strategies**

- Provide effective legal advice to and representation of the state.
- Protect Alaska's children and youth by handling child abuse, neglect, and juvenile delinquency cases expeditiously.
- Ensure the state receives its correct share of oil and gas taxes and royalties; clarify and improve the rules governing taxpayers to reduce disputes and litigation.
- Resolve questions of state versus federal control and management of natural resources, lands, and waters.
- Increase collections of money owed the state by businesses and individuals for child support, fines, loans, and other unpaid obligations.
- Ensure that the department's legal review of regulations projects continues to be efficient, timely, and responsive to the needs of agencies and the public.

### **Key BRU Issues for FY2002 – 2003**

#### **CHILD PROTECTION**

Child protection workloads continue to be of concern to the department. Statutory changes at the state and federal level have necessitated changes in how long children may remain in the child protection legal system, and when certain actions must occur, and they define parental responsibility more concretely. These changes move cases to conclusion faster to ensure that when reunification with the family is not in the child's best interest, the child can be made legally eligible for placement in a permanent home more quickly. The accelerated schedules severely impact attorney workloads. Maintenance of our existing resources for child protection is absolutely critical in order to for us to effectively manage this important responsibility. In FY 2002, for example, we had to cut half of an attorney position in the Human Services component due to a reduction in the Balloon Project funding received by DHSS. This cut has had a direct impact on the Anchorage Human Services section, resulting in an increase in the average per attorney child abuse and neglect caseload. Another key issue for this component is the need for paraprofessional support to assist our Fairbanks Human Services section.

#### **VICTIM RESTITUTION**

A key issue for the Collections and Support section in FY 2002 – 2003 is the adoption and implementation of new regulations and procedures for the collection of restitution awarded to victims in criminal and juvenile delinquency

proceedings in Alaska. Effective January 1, 2002, the collections unit will begin collecting restitution on behalf of victims in criminal and juvenile delinquency proceedings.

## CONSUMER PROTECTION AND ANTITRUST ENFORCEMENT

Alaska is a target state for many types of consumer fraud, among them telemarketing, prizes and sweepstakes, deceptive home business opportunity sales, automobile sales and service, and a variety of retail sales and services. Under the terms of the Alaska Consumer Protection Act, the Attorney General's office is authorized to investigate and bring enforcement action against businesses that engage in unfair or deceptive trade practices. Given the current resources and the large areas of enforcement the office is responsible for, we are still forced to turn away many legitimate cases of consumer fraud. Enforcement activities are directed to situations affecting a large number of consumers or involving large dollar amounts, and often there are not enough resources for those cases. However, we have been able to increase enforcement activity because of additional statutory designated program receipt resources appropriated to the civil division in FY01. Using existing resources, the division refined and expanded its consumer protection web page that is assisting consumers in identifying and protecting against consumer fraud. The division will continue to take appropriate steps to ensure receipt of SDPR on a regular basis in FY03 to help fund the consumer protection and antitrust enforcement program.

### Major BRU Accomplishments in 2001

- Child Protection: The Civil Division continued its participation in the interagency effort on the Balloon Project to reduce the backlog of children in foster care longer than new state and federal laws permit. As of September 15, 2001, 89 percent of the 662 children in foster care the longest were in a permanent placement, and in another 8 percent of the cases, the legal work to free these children for adoption is complete. As these oldest cases have been successfully resolved, the next oldest group of cases has been added. The project now has five phases including more than 1,600 children, of which 72 percent now have permanent homes, and another 14 percent are legally free for adoption.
- Collections: The division collected over \$3.9 million in FY 2001 in criminal fines, cost of appointed counsel, cost of imprisonment, and civil judgments owed the state. This was a record amount, surpassing the prior year's collections by more than \$1 million.
- Governmental Affairs: Successfully concluded a mediation with the Bank of America in which the bank agreed to pay the state and affected agencies and municipalities a total of \$35,600,000 in compensation for mismanagement of public funds held in trust. This recovery will be shared by the state treasury and the affected public corporations and municipalities.
- Environmental cleanup: Recovered almost \$2 million for state costs and penalties related to contaminated sites, obtained cleanup agreements with polluters with an estimated value of over \$500,000, and recovered approximately \$3,886,000 for EXXON VALDEZ oil spill related matters.
- Alaska Native Law Developments: Continued efforts to develop the law as it relates to Alaska Natives and the relationship between Alaska Natives and the state, in particular, the law concerning tribal recognition and the scope of tribal jurisdiction and authority following the Venetie decision which held that ANCSA lands are not Indian country.
- Oil and Gas: Continued our work on litigation involving oil and gas, bringing into the state treasury approximately \$80.5 million in back taxes and royalties owed by oil and gas companies. We also successfully defended at hearing the Department of Revenue's property tax assessment of the Trans Alaska Pipeline of approximately \$3 billion.
- Consumer Protection and Antitrust Enforcement: We successfully resolved a number of significant consumer protection cases: (1) Negotiated settlements in three auto dealers cases involving multiple violations of Alaska's Unfair and Deceptive Trade Practices Act, the federal Truth in Lending Act, and the federal Magnuson-Moss Warranty Act. These settlements will involve payment of restitution to consumers and substantial civil penalties to the state in excess of \$35,000; (2) Obtained consent judgments in settlement of three multi-state consumer protection sweepstakes cases involving Publishers Clearing House, Time, Inc., and Readers Digest. The settlements will result in recovery of \$225,000 for the state and thousands of dollars for restitution to consumers including consumers in Alaska; (3) Obtained settlements in multi-state antitrust case involving Bausch & Lomb and

Johnson & Johnson, manufacturers of contact lens. The settlements will result in recovery to the state of approximately \$20,000 to \$40,000 and in restitution to consumers who have purchased replacement contact lenses since January 1, 1988.

- Regulation review: Conducted legal review of over 2,000 pages of regulations during FY 2001; we also completed and published the 2000 edition of the Drafting Manual for Administrative Regulations and provided extensive training for state employees on regulation drafting.
- Roadless litigation: Filed a major lawsuit in federal court challenging the Forest Service's Roadless Rule.
- Submerged Lands: Began hearings before the Special Master appointed by the United States Supreme Court in the state's original action in the Supreme Court to quiet title to all lands underlying marine waters in Southeast Alaska, including those within Glacier Bay National Park and the Tongass National Forest.

### Key Performance Measures for FY2003

**Measure:**

The legislature intends to measure the success of the division in achieving its mission by considering the monetary value of disputed oil and gas taxes received by the state, whether obtained through court judgment or settlement; Sec 96 (b) (1) Ch 90 SLA 2001(HB 250)

**Alaska's Target & Progress:**

FY 1999 - \$62,032,574  
 FY 2000 - \$433,079,583  
 FY 2001 - \$38,470,447

**Measure:**

Monetary value of disputed oil and gas royalties received, whether obtained through court judgment or settlement; Sec 96 (b) (2) Ch 90 SLA 2001(HB 250)

**Alaska's Target & Progress:**

FY 1999 - \$1,500,000  
 FY 2000 - \$14,500,000  
 FY 2001 - \$42,018,249

**Background and Strategies:**

These amounts shown in Sec. 96 (b) (1) and (2), will vary from year to year depending on a number of factors including the length of audit cycles, which sometimes cover more than one year, and the number and value of disputed payments.

**Measure:**

Monetary value of the criminal and civil judgments collected, including indigent defense costs, costs of incarceration for offenders convicted of driving while intoxicated, and other fines and costs owed to the state and the number of civil and criminal judgments satisfied in full; Sec 96 (b) (3) Ch 90 SLA 2001(HB 250)

**Alaska's Target & Progress:**

	Amount Collected	Judgments Satisfied
FY 1997	\$2,278,500	Not available
FY 1998	\$2,469,900	8,569
FY 1999	\$3,111,000	10,125
FY 2000	\$2,769,600	8,805

FY 2001

\$3,993,590

15,981

In the FY 2002 Governor's budget, it was anticipated that FY 2001 collections would be unusually high. As predicted, one of the reasons for the high dollar amount and number of collections related to catching up on a backlog that had built up due to staffing vacancy. Additionally, implementation of the unit's new EXCEL database allowed the capturing of two years of minor offense fines and related court and collection costs that had previously been uncollectable because there was no way to track and match them for the PFD attachment. The unit oversees 81,565 unpaid judgments at this time.

#### Background and Strategies:

The function of the collections unit is to collect money owed to the state in criminal, civil, and some administrative cases. The criminal cases include the cost of imprisonment in driving while intoxicated or refusal cases, cost of appointed counsel in cases where a public defender or public advocate appointment is made to represent a defendant, and outstanding fines and bond forfeitures. While the courts can collect on fines and bond forfeitures (these cases are only transferred to the collections unit if they are overdue to the court) the cost of appointed counsel cases are automatically transferred to the unit. Civil case collections must have a judgment in excess of \$250 entered with the court and the money collected must be free for deposit into the general fund.

There are a number of factors that affect the amount collected. The most important factor is the amount and number of judgments transferred by the courts. If a judgment is not transferred, it is unlikely the unit will receive voluntary payments and cannot seize money from a permanent fund dividend. The second factor is the number and dollar value of voluntary payments made by defendants. The only recourse the department has for nonpayment is the potential to seize the obligor's permanent fund dividend. Additional factors include the actual amount of the permanent fund dividend, the number of defendants applying for dividends; the number of defendants determined to be eligible for dividends; and other agencies or cases with statutory priority to seize dividends before our seizures are possible.

#### Measure:

Number of new cases files opened, categorized by type of case, for each year for the past 10 years;  
Sec 96 (b) (4) Ch 90 SLA 2001(HB 250)

#### Alaska's Target & Progress:

File Type	FY 1990	FY 1991	FY 1992	FY 1993	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000
Oral Advice/Aid to Agency General Litigation	1,447	1,467	1,941	1,826	1,871	1,718	1,842	1,548	1,122	948	899
Executions	1,519	1,682	1,637	1,638	1,851	1,851	1,559	1,610	1,770	1,523	1,360
Torts	62	55	57	62	61	93	98	63	68	40	41
Child Support Proceedings Children's Proceedings	135	123	103	127	128	147	130	134	132	127	135
Legislative Drafting	767	695	833	1,142	1,456	2,222	1,650	1,848	918	998	1,184
Legislative Review	1,105	1,294	1,185	1,130	1,154	1,211	1,007	1,063	1,405	1,434	1,350
Regulations Review	65	110	87	79	51	55	79	111	61	74	86
	215	107	155	86	151	115	166	120	148	103	144
	131	136	125	170	173	146	134	139	168	145	171
	5,446	5,669	6,123	6,260	6,896	7,558	6,665	6,636	5,792	5,392	5,370

#### Background and Strategies:

Child Support Enforcement file openings decreased when a concerted effort was made to resolve concerns using the administrative hearing process. In recent years, the number of cases opened by Department of Law has once again increased, as a reflection of the growth in this area of state government.

Beginning in FY 1999, Department of Law changed the case opening procedure with respect to mental commitments. Prior to FY 1999, a file was opened for each new respondent in a mental commitment case. Because of few of the

cases go to a hearing, in FY 1999, a new file was opened only if the case went to a hearing. This change would have affected General Litigation files.

Some additional factors contributing to changes in file numbers are due to reusing aid-to-agency file numbers rather than opening new files each year, and the possibility that the tendency toward mediation rather than litigation in recent years may have an effect. The count on other types of files has remained relatively steady over past years. The growth in the child protection category would not be detected by an analysis of this type, because those attorneys often use one generic file type in each office location. This reduces the administrative burden of opening many hundreds of new files each year on attorneys who are whose caseloads are higher than the benchmarks suggest.

**Measure:**

Number of new cases opened relating to protecting children in the state against abuse and neglect;  
Sec 96 (b) (5) Ch 90 SLA 2001(HB 250)

**Alaska's Target & Progress:**

In FY 2001, 568 child protection cases representing 999 Alaskan children were opened statewide.

**Background and Strategies:**

This represents a 13.5 percent decrease from FY 2000, and a 16.2 percent decrease from FY 1999. While statewide statistics indicate a decrease overall, this was largely felt in southcentral Alaska. Northern Alaska had a much smaller decrease, and southeast actually had more child protection cases opened in FY2001 than in the prior year.

**Measure:**

Percentage of child abuse and neglect cases completed in the permanency placement backlog;  
Sec 96 (b) (6) Ch 90 SLA 2001(HB 250)

**Alaska's Target & Progress:**

(1) 661 children were identified for the Balloon Project as having been in out-of-home care 15 of the prior 22 months as of November 19, 1997. As of 9/15/01, 590 of these children were in permanent placements, and another 53 were legally free for adoption, completing the Department of Law's role in their placement. These children represent 98 percent of the original cases. New phases (Phases II -V) involving additional children in out-of-home care have been gradually added to the project. The five phases include more than 1,600 children, and all who were in state custody more than 24 months on April 2, 2001. As of 9/15/01, 1,167 of these children were in a permanent placement, and another 224 are legally free for adoption. These children represent 86 percent of the total project.

**Background and Strategies:**

See Background and Strategies discussion for Sec. 96 (b)(7).

**Measure:**

Percentage of other child abuse and neglect cases that are resolved within the statutory deadline of no more than 21 months of out-of-home placement;  
Sec 96 (b) (7) Ch 90 SLA 2001(HB 250)

**Alaska's Target & Progress:**

(2) New statutory deadlines for legal action in child abuse and neglect cases became effective on September 14, 1998; thus the department looked at 164 children's cases opened in October and November of that year as the benchmark. Of 164, 91 percent had the required legal action taken in their cases within 21 months, and in 2 percent, the required legal action took between 21 and 23 months to complete. Seven percent are still pending. This year the department looked at 116 children's cases opened in December 1998 and January 1999. Of those cases, 83 percent had the required legal action taken within 21 months of the child's entry into foster care. In 13 percent of the cases, the required legal action took more than 21 months, and 4 percent of the cases are still pending.

The success in meeting statutory deadlines is largely driven by Law's attorney workload. According to the American Bar Association, Center for Children and the Law, a reasonable caseload for child protection attorneys is between 40 and 50 active cases. Caseload statistical data has been developed over the course of the last four years. The following average statewide child protection caseloads of Law's Human Services section are "snapshots in time" and

reflect that the success of our efforts in permanency placement for Alaskan children is largely driven by staff levels that result in much more reasonable caseloads per attorney.

October 1, 1997	95.2
December 9, 1998	91.0
September 2, 1999	70.0
September 25, 2000	57.6
October 1, 2001	69.3

**Background and Strategies:**

With the passage of Ch. 99, SLA 98, the new state child protection law and the new federal Adoption and Safe Families Act, important changes were made as to how long children may remain in the child protection legal system, and when certain actions must occur. These new statutory changes at the state and federal level more concretely define parental responsibility and the changes move cases to conclusion faster to ensure that when reunification with the family is not in the child's best interest, the child can be made legally eligible for placement in a permanent home more quickly. The large number of cases placed on the accelerated schedules when the legislation became effective severely impacted attorney workloads.

The legislation defines the timelines for permanency hearings and termination of parental rights. As previously discussed, in order to achieve those timelines, and in order to eliminate the permanency placement backlog and provide the assistance outlined above, the per attorney caseload must be manageable. Maintenance of our existing resources for child protection is necessary in order for us to effectively manage this important responsibility. In FY 2002, for example, we had to cut half of an attorney position in the Human Services component due to a reduction in the Balloon Project funding received by DHSS. This cut has had a direct impact on the Anchorage Human Services section, resulting in an increase in the average per attorney child abuse and neglect caseload.

**Measure:**

Number of child support enforcement cases completed;  
 Sec 96 (b) (8) Ch 90 SLA 2001(HB 250)

**Alaska's Target & Progress:**

Fiscal Year	Number of Closed Files
FY 1999	688
FY 2000	1,425
FY 2001	1,328

The FY 2000 increase of more than 200% stems from two factors: first, beginning in February 1998, CSED migrated to a new computer system and the ensuing year was a transition period that resulted in far fewer files transferred to Law's child support unit; second, an additional attorney was added to the unit in November of 1999. The end of the computer system transition period at CSED and the attorney added during FY 2000 resulted in a renewed focus on processing these cases.

**Background and Strategies:**

The child support unit represents the Child Support Enforcement Division (CSED) in court, including paternity establishment and disestablishment, modification of child support orders, employer non-compliance actions, criminal non-support prosecutions, licensing appeals, and miscellaneous other activities related to enforcement of child support orders. In addition, the unit provides legal support in matters relating to administrative child support enforcement actions, drafts legislation and regulations, and provides general legal advice to CSED. A reimbursable services agreement from CSED funds this work in the Department of Law.

The downturn in the number of cases completed in FY 2001 is an indication of the changing nature of CSED cases. Up to the time of the implementation of welfare reform, the bulk of the workload for this unit involved custodial parents and obligors who were on public assistance. Dollars related to these disputes were small, oppositions were rarely filed, very few cases went to hearing so it was possible to close quite a large number of cases quickly. Since welfare reform, there has been a dramatic drop in the number of custodial parents receiving public assistance - which was,

after all, one of the intentions of welfare reform. However, as a result dollars in dispute tend to be more significant, the cases are more complicated and frequently oppositions are filed. Before welfare reform, just 10% of the cases went to a hearing, now about 50% do.

The unit is finding that specializing provides some relief. Some paraprofessionals and attorneys just do paternity cases while others handle bankruptcies or appeals. The Governor's FY 2003 budget includes an increment for CSED to pay for the 8 attorneys positions designated to perform this work. Currently, in FY 2002, one of those positions is being held vacant because of a funding shortfall. However, full funding for all positions may not result in additional case closures in FY 2003. At this time, we have been unable to develop a strategy to remarkably increase resolving cases short of adding new staff.

**Measure:**

Number of collections of civil and criminal judgments overseen by the collections unit.  
Sec 96 (b) (9) Ch 90 SLA 2001(HB 250)

**Alaska's Target & Progress:**

FY 2000 - 76,000 approximately

FY 2001 - 81,565

**Civil Division**  
**BRU Financial Summary by Component**

All dollars in thousands

	FY2001 Actuals				FY2002 Authorized				FY2003 Governor			
	General Funds	Federal Funds	Other Funds	Total Funds	General Funds	Federal Funds	Other Funds	Total Funds	General Funds	Federal Funds	Other Funds	Total Funds
<b><u>Formula Expenditures</u></b>	None.											
<b><u>Non-Formula Expenditures</u></b>												
Dep. Attny General's Office	1,478.9	0.0	44.8	1,523.7	206.3	0.0	0.0	206.3	200.2	0.0	0.0	200.2
Collections and Support	341.7	0.0	1,373.3	1,715.0	519.9	0.0	1,342.3	1,862.2	647.6	0.0	1,374.5	2,022.1
Commercial Section	307.7	0.0	1,396.3	1,704.0	275.2	0.0	1,575.5	1,850.7	440.8	0.0	1,686.9	2,127.7
Environmental Law	549.6	0.0	640.9	1,190.5	607.8	0.0	627.6	1,235.4	603.2	0.0	641.3	1,244.5
Fair Business Practices	413.5	0.0	1,069.0	1,482.5	483.8	0.0	1,149.3	1,633.1	475.7	0.0	1,146.0	1,621.7
Governmental Affairs	1,100.7	0.0	2,638.6	3,739.3	1,461.7	0.0	1,656.1	3,117.8	1,037.6	0.0	2,518.2	3,555.8
Human Services	2,868.8	0.0	1,427.7	4,296.5	2,937.3	0.0	959.7	3,897.0	3,298.5	0.0	1,004.1	4,302.6
Legislation/Regulations	395.6	0.0	132.2	527.8	375.2	0.0	127.2	502.4	385.1	0.0	130.4	515.5
Natural Resources	929.6	0.0	175.7	1,105.3	960.4	0.0	307.6	1,268.0	995.5	0.0	328.7	1,324.2
Oil, Gas and Mining	0.0	0.0	2,684.8	2,684.8	0.0	0.0	2,867.9	2,867.9	0.0	0.0	2,919.1	2,919.1
Special Litigation	66.4	0.0	2,251.4	2,317.8	7.0	0.0	2,354.3	2,361.3	2.7	0.0	2,418.5	2,421.2
Transportation Section	0.0	0.0	2,026.4	2,026.4	0.0	0.0	2,065.8	2,065.8	1.6	0.0	2,142.2	2,143.8
Timekeeping and Support	0.0	0.0	542.7	542.7	15.9	0.0	719.2	735.1	15.9	0.0	753.3	769.2
<b>Totals</b>	<b>8,452.5</b>	<b>0.0</b>	<b>16,403.8</b>	<b>24,856.3</b>	<b>7,850.5</b>	<b>0.0</b>	<b>15,752.5</b>	<b>23,603.0</b>	<b>8,104.4</b>	<b>0.0</b>	<b>17,063.2</b>	<b>25,167.6</b>

**Civil Division****Proposed Changes in Levels of Service for FY2003**

\$98,700 in general funds is requested to support the work of the Fairbanks Human Services section in child abuse and juvenile delinquency cases. The section has no paraprofessional support; the heavy caseload of the 4 attorneys in the office and the broad geographical coverage of the office (including Barrow) demand this support. This is a cost-effective way to enable staff attorneys to more effectively manage their caseloads and deadlines.

\$106,500 in general funds is requested for the Collections & Support component to enable the division to fully implement the Victim Restitution project.

\$148,300 in general funds is requested for an attorney position in the Anchorage Human Services section. This increment fully funds the therapeutic court's fiscal note for the Civil Division that accompanied the legislation in 2001. The addition of a superior court judge in Anchorage for the therapeutic court has impacted the ability of the attorneys in the Human Services section to cover on-going court proceedings and cases, necessitating the need for another position in the section.

\$70,300 in interagency receipts is requested to fund a half-time attorney position to do banking and securities work in the Commercial section in Juneau.

\$140,300 in interagency receipts is requested to fund an attorney position in the Juneau Governmental Affairs section to handle the increasing litigation and legal service caseload for the Division of Retirement & Benefits.

\$120,000 in general funds is requested by the Commercial Component to continue funding outside counsel in Washington D.C. to represent Alaska by responding to telecommunications issues raised by or before the Federal Communications Commission and the Congress where Alaska is impacted.

The Department of Law implemented a reclassification of its legal support positions in the final pay period of FY 2001. The study was undertaken for a number of reasons: primarily because recruitment of legal secretaries was becoming increasingly difficult – applicant pools were practically nonexistent in some locations – and retention was increasingly problematic – 46% of legal secretary positions turned over in FY 2000; additionally the class specifications for these positions had last been reviewed in 1969, long before the technology explosion; finally, the State had undertaken a study of the Secretary I&II positions in 1998 and collapsed them into the upper range of 11 – while Legal Secretary I's remained at range 10 (this latter set of circumstances resulted in a union grievance against the state). The Legal Secretary study commenced in February of 2000. The department appointed a temporary classification specialist to undertake the technical work. Each legal secretary position and office manager position in the department was separately reviewed. The study was completed in the late spring of FY 2001 and approved by the Division of Personnel in June. The reclassification called for higher salary ranges for nearly all positions involved in the study. The timing of the completion and approval of the study did not allow for inclusion in the FY 2002 budget request; however the department did make known the likely effects anticipated by the study to all affected parties, including the legislature. All Criminal Division components were affected by the implementation of this study, and as a result, this budget request includes an increment for this purpose in each component.

**Civil Division**  
**Summary of BRU Budget Changes by Component**  
**From FY2002 Authorized to FY2003 Governor**

*All dollars in thousands*

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
<b>FY2002 Authorized</b>	<b>7,850.5</b>	<b>0.0</b>	<b>15,752.5</b>	<b>23,603.0</b>
<b>Adjustments which will continue current level of service:</b>				
-Dep. Attny General's Office	-6.1	0.0	0.0	-6.1
-Collections and Support	8.5	0.0	23.8	32.3
-Commercial Section	38.8	0.0	38.1	76.9
-Environmental Law	-7.8	0.0	10.5	2.7
-Fair Business Practices	-11.9	0.0	-4.9	-16.8
-Governmental Affairs	-428.1	0.0	10.1	-418.0
-Human Services	88.7	0.0	25.6	114.3
-Legislation/Regulations	7.5	0.0	3.2	10.7
-Natural Resources	22.4	0.0	13.9	36.3
-Oil, Gas and Mining	0.0	0.0	40.9	40.9
-Special Litigation	-4.3	0.0	43.2	38.9
-Transportation Section	1.6	0.0	60.8	62.4
-Timekeeping and Support	0.0	0.0	14.8	14.8
<b>Proposed budget decreases:</b>				
-Fair Business Practices	0.0	0.0	-6.5	-6.5
<b>Proposed budget increases:</b>				
-Collections and Support	119.2	0.0	8.4	127.6
-Commercial Section	126.8	0.0	73.3	200.1
-Environmental Law	3.2	0.0	3.2	6.4
-Fair Business Practices	3.8	0.0	8.1	11.9
-Governmental Affairs	4.0	0.0	852.0	856.0
-Human Services	272.5	0.0	18.8	291.3
-Legislation/Regulations	2.4	0.0	0.0	2.4
-Natural Resources	12.7	0.0	7.2	19.9
-Oil, Gas and Mining	0.0	0.0	10.3	10.3
-Special Litigation	0.0	0.0	21.0	21.0
-Transportation Section	0.0	0.0	15.6	15.6
-Timekeeping and Support	0.0	0.0	19.3	19.3
<b>FY2003 Governor</b>	<b>8,104.4</b>	<b>0.0</b>	<b>17,063.2</b>	<b>25,167.6</b>