

# **State of Alaska FY2006 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;
- Individuals accused of crimes where the Alaska Public Defender Agency has a conflict of interest.

End Results	Strategies to Achieve Results
<p><b>A: Public Guardian clients will receive all financial benefits to which they are entitled.</b></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>	<p><b>A1: Least restrictive placement option is identified for Public Guardian clients.</b></p> <p><u>Target #1:</u> Housing options will be developed for each client in need of shelter.  <u>Measure #1:</u> Percentage of Office of Public Advocacy public guardian clients without housing and without housing options created.</p> <p><b>A2: Appropriate services and providers are identified for each Public Guardian client.</b></p> <p><u>Target #1:</u> Referrals for services are made within 2 weeks of assessment results received.  <u>Measure #1:</u> Percentage of referrals made within two weeks.</p>
End Results	Strategies to Achieve Results
<p><b>B: Public Guardian clients will have shelter available to them.</b></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>	<p><b>B1: Create and manage a budget for each Public Guardian client and review annually.</b></p> <p><u>Target #1:</u> Budgets are created for all clients.  <u>Measure #1:</u> Percentage of clients for which budgets are created.</p>
End Results	Strategies to Achieve Results
<p><b>C: Public Guardian clients will receive services that the Office of Public Advocacy is statutorily obligated to secure.</b></p> <p><u>Target #1:</u> Clients will not be without necessary and available services.  <u>Measure #1:</u> Percent of clients not receiving necessary</p>	<p><b>C1: Guardian ad litem visits with child as early as possible to explain proceedings, obtain information and assess child's interests.</b></p> <p><u>Target #1:</u> : All children are met within five working days of guardian ad litem appointment.  <u>Measure #1:</u> Percentage of children met within five</p>

services.	working days of guardian ad litem appointment.
End Results	Strategies to Achieve Results
<p><b>D: Public Guardian clients' income/assets/resources are properly managed to meet their basic needs and to prevent waste and dissipation.</b></p> <p><u>Target #1:</u> 100% of clients' monthly expenses are paid or accommodations are made to address or resolve debt.  <u>Measure #1:</u> Percent of clients' monthly expenses paid or with accommodations made to address/resolve debt.</p>	<p><b>D1: Court is fully informed of child's best interests at disposition phase of child in need of aid proceedings.</b></p> <p><u>Target #1:</u> All guardian ad litem predisposition reports are filed in timely manner.  <u>Measure #1:</u> Percentage of guardian ad litem predisposition reports filed on time.</p>
End Results	Strategies to Achieve Results
<p><b>E: Child's best interests are represented at all stages of child in need of aid proceedings.</b></p> <p><u>Target #1:</u> Every child who is involved in a child in need of aid 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.  <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><b>E1: The guardian ad litem will represent the children's best interests to the court based on current information up to and including the dispositional phase.</b></p> <p><u>Target #1:</u> The guardian ad litem will send out requests for information to the child's service providers and others with relevant information about the child before the disposition hearing in 90 percent of all cases.  <u>Measure #1:</u> Percentage of children for whom the guardian ad litem has sent out requests for information to the child's service providers and others with relevant information about the child before the disposition hearing.</p>

FY2006 Resources Allocated to Achieve Results							
<p><b>FY2006 Component Budget: \$13,545,800</b></p>	<p><b>Personnel:</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-left: 20px;">Full time</td> <td style="text-align: right;">80</td> </tr> <tr> <td style="padding-left: 20px;">Part time</td> <td style="text-align: right;">1</td> </tr> <tr> <td style="padding-left: 20px;"><b>Total</b></td> <td style="text-align: right; border-top: 1px solid black;"><b>81</b></td> </tr> </table>	Full time	80	Part time	1	<b>Total</b>	<b>81</b>
Full time	80						
Part time	1						
<b>Total</b>	<b>81</b>						

**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.

**Analysis of results and challenges:** .

07/01/03–12/31/03: New case management system being deployed in part to provide performance measurement.

01/01/04–06/30/04: 8 clients were identified as not receiving benefits they were entitled to or experiencing a lapse in benefits. This represents 1.4% of OPA clients.

**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.

**Analysis of results and challenges:** .

07/01/03–12/31/03: The reviews are not yet occurring. However, a snap-shot of client benefits was recently taken to determine whether clients were without benefits. With a total of 604 clients reviewed 7 currently do not receive the benefits they are entitled to. This constitutes 1.16 percent of clients not receiving benefits.

01/01/04–06/30/04: 8 clients were identified as not receiving benefits they were entitled to or experiencing a lapse in benefits. This represents 1.4% of OPA clients.

**A1: Strategy - Least restrictive placement option is identified for Public Guardian clients.**

**Target #1:** Housing options will be developed for each client in need of shelter.

**Measure #1:** Percentage of Office of Public Advocacy public guardian clients without housing and without housing options created.

**Analysis of results and challenges:** .

07/01/03–12/31/03: Of the 604 cases reviewed, six were without housing. The public guardians have not instituted a means for evaluating whether current placement options meet the least restrictive criteria such as someone at the psychiatric hospital who could be discharged to an assisted living home; however, this occurs automatically in institutional settings. Currently, if a client remains in place and is not requesting to be moved and funding remains consistent for them to be supported in their placement, that placement is likely to continue unquestioned by the public guardian. Options are explored on an as-needed basis.

01/01/04–06/30/04: Of the cases reviewed, six clients were without housing and no housing option had been created. This represents 1 percent of OPA clients.

**A2: Strategy - Appropriate services and providers are identified for each Public Guardian client.**

**Target #1:** Referrals for services are made within 2 weeks of assessment results received.

**Measure #1:** Percentage of referrals made within two weeks.

**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.

**Analysis of results and challenges:** .

07/01/03–12/31/03: Six clients are currently without shelter. This represents .99 percent of OPA clients.

01/01/04–06/30/04: Six clients are identified as currently without shelter. This represents 1.0 percent of OPA clients.

**B1: Strategy - 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 which budgets are created.

**Analysis of results and challenges:** .

07/01/03–12/31/03: Approximately 84% of clients have budgets created for them.

04/01/04–06/30/04: Data available in February 2005.

**C: Result - Public Guardian clients will receive services that the Office of Public Advocacy is statutorily obligated to secure.**

**Target #1:** Clients will not be without necessary and available services.

**Measure #1:** Percent of clients not receiving necessary services.

**Analysis of results and challenges: .**

07/01/03–12/31/03: Forty-eight clients are currently without services such as mental health services, case management services, substance abuse or dependency treatment that is necessary to prevent risk of significant harm. This is 7.95% of cases surveyed.

1/01/04–06/30/04: 19 clients were identified as without services necessary to prevent risk of significant harm. This figure represents 3.2 per cent of OPA clients.

**C1: Strategy - Guardian ad litem visits with 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.

**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 only.)

**D: 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.

**Analysis of results and challenges: .**

07/01/03–12/31/03: Seven clients are unable to pay for basic needs such as shelter, food and clothing without experiencing debt or loss or going without. This represents 1.16% of clients.

01/01/04–06/30/04: Six clients were identified as unable to pay for basic needs such as shelter, food and clothing without experiencing debt or loss or going without, or without a plan to address this problem. This represents 1 percent of OPA clients.

**D1: Strategy - Court is fully informed of child's best interests at disposition phase of child in need of aid proceedings.**

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

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

**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 ad 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.)

**E: 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 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.

**Analysis of results and challenges:** .

07/01/03–12/31/03: Statewide, guardian ad litem were appointed in approximately 98.6% of all Child in Need of Aid proceedings.

01/01/04–06/30/04: 99% of children involved in CINA proceedings were represented by GALs.

**E1: Strategy - The guardian ad litem will represent the children's best interests to the court based on current information up to and including the dispositional phase.**

**Target #1:** The guardian ad litem will send out requests for information to the child's service providers and others with relevant information about the child before the disposition hearing in 90 percent of all cases.

**Measure #1:** Percentage of children for whom the guardian ad litem has sent out requests for information to the child's service providers and others with relevant information about the child before the disposition hearing.

**Analysis of results and challenges:** .

07/01/03–12/31/03: New strategy; not measured.

01/01/04–06/30/04: GAL sent out requests for 94% of the children.

## 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. The difficulty in projecting OPA's budget needs has recently been somewhat exacerbated because a number of cost saving initiatives have been implemented and it is difficult to predict with certainty the amount of savings.

Most 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 and support personnel will need to be added. OPA will continue to monitor caseload growth and budget projections to determine future funding needs as accurately as possible.

## Significant Changes in Results to be Delivered in FY2006

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 branch offices where the cost of an OPA office is more cost efficient than paying contractors to service the area. It will also require additional staffing. (In FY '04, while OPA added numerous positions it achieved approximately \$370.0 in actual savings from the prior fiscal year by transferring work back in-house). In addition, OPA will continue to work collaboratively with the Public Defender Agency to return cases from OPA contractors to the Public Defender where the conflict causing the case to be assigned to a contractor has not materialized or gone away. This will further reduce OPA's reliance on contract counsel. Finally, OPA is implementing a new case management system that will better enable OPA to monitor contract costs, compare contractor efficiency so that work may be directed to more cost efficient contractors, and allocate cases more efficiently among staff.

## Major Component Accomplishments in 2004

- OPA reduced its actual expenditures for the first time in the agency's history from the prior fiscal year, in spite of increasing caseloads. By retaining more cases in house and more closely scrutinizing contractor's bills, OPA was able to achieve these savings.
- OPA opened a Palmer office, Bethel office and an Adult and Juvenile Representation section in Anchorage, operating as separate "law firms" so as to retain more cases by staff attorneys.
- OPA audited its fee collection practices in the Public Guardian section and instituted consistent and fair fee

collection procedures across the state, increasing fee collection from \$260,947 to \$479,125 – or an 84% increase.

- OPA continued to play a leadership role in advocating early and effective intervention in child abuse cases.
- OPA instituted monthly interagency meetings in Anchorage with OCS and the Attorney General's office for the purpose of resolving systemic issues in child protection cases.
- OPA recruited and trained 50 new CASAs (volunteer guardians ad litem) in Anchorage, Juneau, Fairbanks, and Palmer. CASA volunteers advocated for 464 children during the fiscal year.
- OPA transferred a GAL attorney position to supervise the public guardians to assist in addressing increasingly complicated legal issues facing our incapacitated adult clients and their guardians and conservators.

## 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*

	FY2004 Actuals	FY2005 Management Plan	FY2006 Governor
<b>Non-Formula Program:</b>			
<b>Component Expenditures:</b>			
71000 Personal Services	5,014.6	5,945.8	6,462.8
72000 Travel	211.3	102.2	102.2
73000 Services	7,927.8	6,926.6	6,938.6
74000 Commodities	164.7	25.8	25.8
75000 Capital Outlay	73.8	16.4	16.4
77000 Grants, Benefits	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
<b>Expenditure Totals</b>	<b>13,392.2</b>	<b>13,016.8</b>	<b>13,545.8</b>
<b>Funding Sources:</b>			
1002 Federal Receipts	43.7	52.1	52.1
1004 General Fund Receipts	10,833.3	11,075.6	11,432.1
1005 General Fund/Program Receipts	195.1	95.1	130.7
1007 Inter-Agency Receipts	475.5	278.6	284.7
1037 General Fund / Mental Health	1,411.6	1,415.4	1,439.7
1108 Statutory Designated Program Receipts	433.0	100.0	206.5
<b>Funding Totals</b>	<b>13,392.2</b>	<b>13,016.8</b>	<b>13,545.8</b>

**Estimated Revenue Collections**

Description	Master Revenue Account	FY2004 Actuals	FY2005 Management Plan	FY2006 Governor
<b>Unrestricted Revenues</b>				
None.		0.0	0.0	0.0
<b>Unrestricted Total</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>Restricted Revenues</b>				
Federal Receipts	51010	43.7	52.1	52.1
Interagency Receipts	51015	475.5	278.6	284.7
General Fund Program Receipts	51060	195.1	95.1	130.7
Statutory Designated Program Receipts	51063	433.0	100.0	206.5
<b>Restricted Total</b>		<b>1,147.3</b>	<b>525.8</b>	<b>674.0</b>
<b>Total Estimated Revenues</b>		<b>1,147.3</b>	<b>525.8</b>	<b>674.0</b>

**Summary of Component Budget Changes  
From FY2005 Management Plan to FY2006 Governor**

*All dollars shown in thousands*

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
<b>FY2005 Management Plan</b>	<b>12,586.1</b>	<b>52.1</b>	<b>378.6</b>	<b>13,016.8</b>
<b>Adjustments which will continue current level of service:</b>				
-FY 05 Bargaining Unit Contract Terms: GGU	21.0	0.0	1.0	22.0
-FY06 Cost Increases for Bargaining Units and Non-Covered Employees	95.7	0.0	4.8	100.5
<b>Proposed budget increases:</b>				
-Office of Public Advocacy Continuation Funding	288.0	0.0	106.5	394.5
-Benefit and Wage Cost Increases	11.7	0.0	0.3	12.0
<b>FY2006 Governor</b>	<b>13,002.5</b>	<b>52.1</b>	<b>491.2</b>	<b>13,545.8</b>

**Office of Public Advocacy  
Personal Services Information**

Authorized Positions		Personal Services Costs		
<u>FY2005</u>				
<u>Management</u>	<u>Plan</u>	<u>FY2006</u>	<u>Governor</u>	
Full-time	80	80	Annual Salaries	4,686,988
Part-time	1	1	COLA	29,748
Nonpermanent	0	0	Premium Pay	29,238
			Annual Benefits	2,327,724
			<i>Less 5.57% Vacancy Factor</i>	(394,298)
			Lump Sum Premium Pay	0
<b>Totals</b>	<b>81</b>	<b>81</b>	<b>Total Personal Services</b>	<b>6,679,400</b>

**Position Classification Summary**

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Accountant III	1	0	0	0	1
Accounting Clerk II	1	0	0	0	1
Accounting Tech II	2	0	0	0	2
Administrative Assistant	1	0	0	0	1
Administrative Clerk II	2	1	0	0	3
Administrative Manager III	1	0	0	0	1
Assoc Attorney II	12	3	0	0	15
Attorney III	2	0	0	1	3
Attorney IV	9	2	1	3	15
Attorney V	6	1	0	2	9
Attorney VI	1	0	0	0	1
Investigator III	1	0	0	1	2
Law Office Assistant I	2	1	0	0	3
Law Office Assistant II	1	0	0	0	1
Paralegal I	3	0	0	2	5
Paralegal II	1	0	0	0	1
Public Guardian	9	2	2	0	13
Public Guardian Associate	0	1	0	0	1
Social Services Specialist II	1	0	0	0	1
Social Services Specialist III	1	0	0	0	1
Social Worker II	1	0	0	0	1
<b>Totals</b>	<b>58</b>	<b>11</b>	<b>3</b>	<b>9</b>	<b>81</b>