

Sponsor Statement for SB 190

Guardianships; Conservatorships

An Act relating to guardianships, conservatorships, and protective orders; relating to the actions of the office of public advocacy concerning guardianships and conservatorships; relating to the appointment and duties of a court visitor appointed for a patient through the office of public advocacy; amending Rule 77, Alaska Rules of Civil Procedure; and providing for an effective date.

Released: February 19, 2002
Contact: Senator Gary Wilken's office at (907) 465-2872

Senate Bill 190 is the product of a year-long review of the guardianship system in Alaska and many hours of consensus building discussions.

In 1998, the Alaska Mental Health Trust Authority funded a study to look proactively at the future of guardianship services in Alaska. The *Alaska Guardianship Study*, conducted by the McDowell Group of Juneau, found the Alaska guardianship system to be complex, fragmented, and confusing.

Also in 1998, the 12-member *Long-Term Care Task Force*, composed of legislators, state officials, and private citizens, recommended the Department of Administration give serious consideration to the formal recommendations of the *Alaska Guardianship Study* and propose any necessary statutory changes.

In June of 1999, the Division of Senior Services, Department of Administration, formed a stakeholder group to review the formal recommendations of the study and reach a consensus on the needed changes to the guardianship system. The stakeholders included representation from the Alaska Court System, court visitors, the Office of Public Advocacy, the Alaska Mental Health Trust Authority and other advocacy groups for the trust beneficiaries, for-profit guardian companies, and private guardians for Alaskans. Senate Bill 190 incorporates the statute changes as recommended by this stakeholder group as follows:

- Clarifies the role of an attorney who represents a ward or respondent
- Creates an interim guardian
- Allows the expanded use of private for-profit guardianship services
- Clarifies that a guardian may also serve as a conservator
- Requires a report on the availability of a private guardian or conservator be on an annual basis instead of every six months
- Clarifies that the Office of Public Advocacy may not use improper pressure to influence recommendations

I respectfully request your consideration and support for Senate Bill 190.