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House Bill 155 – “Court System Provide Visitors & Experts”

Sponsor Statement

The Court Visitor Program was created to act as an investigative arm of the Alaska Court System in certain protective probate proceedings. Court visitors conduct independent investigations into whether guardianships or conservatorships are necessary. They also review each existing guardianship and conservatorship at least once every three years. Additionally, court visitors participate in psychotropic medication proceedings during involuntary commitments to investigate whether the patient can give or withhold informed consent.

Since 1984, the court visitor program has been administered by the Office of Public Advocacy. Unfortunately, there is no legislative history that clarifies why this judicial branch program was placed under the direction of an executive branch office. The only inference that can be made is that anything having to do with “guardianships” was placed with OPA because the office provides public guardians and attorneys for these proceedings.

As the court visitor program has continued to grow, it has become increasingly unwieldy because OPA cannot effectively supervise independent contractors who act as “the eyes and ears” of the court. There is also duplicity of services between the executive and judicial branches of government because the court system independently contracts with and directly pays for court visitors in conservatorship proceedings. OPA is only responsible for providing court visitors in guardianship proceedings. The differences between how OPA and the Court System handle these proceedings have caused frustration among the court visitors who work both types of cases.

Both the Alaska Court System and OPA agree that transferring the program to the court system is long overdue and would make the program more efficient. The transfer would allow the Court System to put in place standards for reports and who it chooses to use as a court visitor.