

FOR IMMEDIATE RELEASE**Contact:** Kate Burkhart, 907-465-4970, kate.burkhart@akleg.gov**OMBUDSMAN INVESTIGATES PUBLIC GUARDIAN,
OFFICE OF PUBLIC ADVOCACY**

April 16, 2020 Juneau – Alaska State Ombudsman Kate Burkhart recently concluded an investigation of a complaint about the Public Guardian Program at the Office of Public Advocacy (OPA), Department of Administration. In June 2018, the Ombudsman received a complaint from a family member concerned that the Public Guardian had not kept in regular contact with a ward, whose death went unnoticed by the agency for nearly four months.

The Ombudsman investigated three allegations:

1. The Office of Public Advocacy did not conduct quarterly visits with the ward, as required by AS 13.26.720.
2. The Office of Public Advocacy did not spend the ward’s funds on safe and consistent shelter.
3. After the ward’s death, the Office of Public Advocacy continued to receive Supplemental Security Income and Adult Public Assistance benefits on his behalf and disbursed those funds for unnecessary services, leading to a loss to the estate.

The investigation included interviews of the guardian, other OPA staff, agency managers, and other witnesses; review of the guardianship file, as well as documents from the Court System and the State Medical Examiner’s Officer; and a review of relevant law and policy.

Ombudsman Burkhart explained, “The people who work as public guardians have good intentions, and work with an often challenging population.” The investigation showed that public guardians can have very high caseloads and often do not have the resources they need to perform the duties required by law.

The evidence showed that OPA met with the ward twice, and only spoke with him directly four times, in the 18 months prior to his death. OPA did not monitor the ward, and so was unaware of his death for several months. This resulted in OPA receiving and spending public benefits issued after the ward’s death, creating a loss to his estate.

Despite the ward’s significant disabilities requiring a high level of support and services, OPA placed the ward in a motel from which he was repeatedly locked out by the manager. OPA did not respond when the ward reported that he was homeless and did not respond to concerns raised by family members. OPA did not apply for Food Stamps for the ward, despite the ward’s lack of funds for food or other basic needs.

Based on a preponderance of the evidence, the Ombudsman found all three allegations to be justified. While OPA accepted the finding that the agency did not conduct the quarterly visits with the ward, as required by law, the agency disputed the other findings.

“We made recommendations designed to ensure that the guardians’ intentions and outcomes for wards are more closely aligned,” said Burkhart. The Ombudsman made 10 recommendations to OPA to ensure that guardians receive adequate supervision and to improve the agency’s capacity to communicate and maintain consistent contact with wards, apply for Food Stamps for all eligible wards, monitor wards’ health and financial activity, and address a ward’s sudden homelessness.

OPA agreed to implement the recommendation that guardians apply for Food Stamps for all wards who are not institutionalized, and to track when wards cash allowance and other checks, but declined the remaining recommendations, in whole or in part.

A public report of this investigation (A20180791), findings, and recommendations is available online at <https://ombud.alaska.gov/case-summaries>.

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