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# STATE OF ALASKA

## Records Retention and Disposition Schedule

**Agency I.D: 65      Schedule No: 02-65.1**

DEPARTMENT OF ADMINISTRATION  
 65 - OFFICE OF PUBLIC ADVOCACY (OPA)

The Agency will follow retention periods for common records as listed in the most current State of Alaska General Administrative Records Retention Schedule (GARRDS), unless those records have been listed on this schedule.

Unless otherwise noted all record series may contain confidential information under AS 25.23.150, AS 47.10.090 or AS 13.26.013. This schedule supersedes #25007.

All records that have potential permanent legal and historical value may be reviewed by the State Archivist for possible permanent retention in the State Archives in accordance with AS 40.21.030.

Under 4 AAC 59.005, it is the responsibility of agencies to ensure that records created and maintained in electronic systems remain accessible and durable for their prescribed retention period. This requires addressing the issues of periodic media refreshment, digital migration strategies and security plans. Backups produced for system recovery purposes do not serve a recordkeeping function or substitute for archived business essential duplicates.

Pursuant to the provisions of AS 40.21 and 4 AAC 59, the records listed on this schedule are approved for retention and disposition as indicated.

Division Director <b>Richard Allen</b>	Signature of Division Director *	Date <b>6/14/12</b>
Attorney General/Designee *	Date	Commissioner of Administration/Designee * <b>6/26/12</b>
State Archivist *	Date <b>7/3/12</b>	Records Analyst * <b>7/3/12</b>

\* Original signatures held on file.

Item No - Record Series Title & Description	Format	Total Retention	Bus. Ess.	Remarks
<p><b>001 - Public Guardian Case Files</b>                      Under the provisions of AS 13.26.360 - 410 the OPA serves as court appointed guardian for minors or incapacitated persons. Case files include appointment documents, medical reports, psychological reports, visitor reports, annual implementation plans and financial or tax records.</p> <p>Arranged alphabetically by year closed.</p>	H & E	C+15	Y	<p>C = Until term of guardianship is concluded.</p> <p>In the event the ward dies, retain records for three years after death to ensure that the estate has been fully probated and that no outstanding litigation exists. Any IRS tax liability must be addressed within this time frame.</p> <p>Justification for "C+15" retention: There is no statute of limitations regarding incapacity and there is a likelihood client may come under the jurisdiction of the State at a later date.</p>
<p><b>002 - Guardian Ad Litem Case Files</b>                      Under the provisions of AS 47.17.030 and AS 13.26.025 the OPA serves as guardian ad litem in child protection actions and towards and respondents in actions involving incapacitated persons. Case files include appointment documents, reports and correspondence.</p> <p>Arranged alphabetically by court year.</p>	H & E	C+25	Y	<p>C = Until term of guardianship is concluded.</p> <p>Justification for "C+25" retention: Records must be maintained for seven years after the client reaches the age of majority to allow time for litigation.</p>
<p><b>003 - Conflict Case Files</b>                      OPA provides legal representation to clients in multi-defendant cases in conjunction with the Public Defender Agency. Includes both felony and misdemeanor cases.</p> <p>Arranged alphabetically by court year.</p>	H & E	C+15	Y	<p>C = Until all appeals are settled.</p> <p>Justification for "C+15" retention: Records must be maintained for "C+15" to allow time for litigation.</p>

You can transfer records to an approved records center at any point - complete a Records Transfer List (RTL) and submit it to your Records Officer for approval.

<p><b>Retention Key</b></p> <p>A = Until Audit                      C = Cut-off event/date                      CY = Current Year                      CFY = Current Fiscal Year                      PA = Permanent (Transfer to State Archives)</p> <p>PO = Permanent (Retain in agency office)                      S = Until Scanned                      T = Transfer                      TO = Term of Office</p>	<p><b>Format Key</b></p> <p>H = Hardcopy                      E = Electronic                      D = Database                      M = Microform</p>	<p><b>Bus. Ess = Business Essential</b></p> <p>1. Are necessary for emergency response                      2. Are necessary to resume or continue operations</p>
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<p><b>004 - Trust Account Financial Records</b>                      This series consists of ledgers and journals, bank statements, cancelled checks, deposit slips, receipts and client financial reports for funds held in trust.</p> <p>Arranged chronologically by month and year.</p>	H & E	C+15		<p>C = Until the term of guardianship is concluded.</p> <p>This series contains the public guardian client account records for open cases. (See item #001).</p> <p>Refer also to the General Administrative Records Retention Schedule.</p>
<p><b>005 - OPA Agency Financial Documents</b>                      This series consists of office copies of court-appointed billings, contractor billings and contract documents, agency invoices, agency journal entries, receipts for expenditures from petty cash and requests to replenish petty cash funds.</p> <p>Arranged alphabetically by vendor.</p>	H & E	CFY+3		<p>Nonconfidential.</p> <p>Refer also to the General Administrative Records Retention Schedule.</p>
<p><b>006 - Adult &amp; Juvenile Representation Section Case Files</b>                      The Adult &amp; Juvenile Representation Section of OPA provides legal representation to parents, Indian custodians and minors in Child-in-Need-of-Aid cases under AS 44.21.410 (3); respondent representation in guardianship cases; juveniles in delinquency cases; parties in Flores cases; third tier criminal defense in misdemeanor and felony cases; criminal appeals and post-conviction relief cases.</p>	H & E	C+15	Y	<p>C = Until all appeals settled, term of guardianship is concluded or administrative need is met.</p>

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<p><b>007 - Public Guardian Trust Account Datafile</b>                      The CompuTrust case management system runs on a Windows 2003 server utilizing IBM Universe software. The system captures financial data regarding trust accounting, personal client information, case notes documenting medications, descriptors, etc.</p>	D	C	Y	<p>C = Until information complies with authorized records retention requirements under AS 40.21 (Management &amp; Preservation of Public Records) and 4 AAC 59.005 (Retention &amp; Preservation of Electronic Records).</p> <p>OPA uses a Tivoli client to back the data files up to the TSM server in Anchorage (online/offsite storage). The backup is incremental and occurs nightly.</p>
<p><b>008 - Elder Fraud and Assistance Case Files</b>                      Under AS 44.21.415, this section investigates complaints involving fraud committed against older Alaskans who are not otherwise able to bring a complaint without assistance, as defined in regulation, and to provide assistance to older Alaskans who are victims of fraud. Case files include copies of subpoenas, court orders, interview notes and correspondence, business records, advances, transactions, and relevant records associated with the alleged fraud committed against an older Alaskan.</p>	H & E	C+25	Y	<p>C = Until term of investigation/litigation is concluded.</p> <p>Justification for C+25 retention: Records must be maintained to allow time for litigation.</p>
<p><b>009 - Appeals and Statewide Defense</b>                      Provides legal representation for criminal appeals and post-conviction relief cases.</p>	H & E	C+15	Y	<p>C = Until all appeals/litigation are settled or administrative need is met.</p>

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