

to the debate.

PRESIDENT ROPAK: Thank you, Senator Lindsay. The Chair recognizes Senator Abboud.

SENATOR ABOUD: Madam President, colleagues, I've represented juveniles as a guardian ad litem. I haven't done it for a number of years, but I've had a few cases involving guardian ad litem cases. And I really think the amendment, as well as the bill breaks down to an issue of cost. You're allowing absolutely no discretion on the part of the judge, as well as the guardian ad litem to determine what would be in the best interests of the child. Now, that child may be...could be anywhere in the world, could be anywhere in this country. And sometimes, because of the cost factor, there is a reason, I suppose, not to send a guardian ad litem if some child is based or living in Los Angeles for some reason, you have to fly the guardian ad litem out there and interview that child or talk to the child. And sometimes the guardian or the judge that is overseeing the case, juvenile judge, will feel in the best interests of the child that there is no need to send that attorney out there to talk to the child for five or ten minutes. Each situation is different. And it's interesting because the fiscal note really doesn't talk about this, and it didn't talk about it as it was originally introduced either, where it mandated it. But that's what you're going to...that's really the issue here you're talking about. I don't know if Senator Vrtiska knows how much more this is going to cost because there was no testimony that really addressed that issue. I assume Senator Avery doesn't know either. By allowing flexibility in the system you're at least allowing some cost control when you're dealing with these situations. It's been my experience that judges bend over backwards in trying to determine what is in the best interests of that child, and that's the reason why a guardian ad litem is appointed in the first place, because involving these types of cases they're trying to determine possibly the parent is not in the best...looking out for the best interests of the child, possibly the state is not looking out for the best interests of that child, so you need a third party in there to determine what is, in fact, in the best interests of that child. So the committee, in its wisdom, chose to allow some discretion to the court as well as to the guardian ad litem involving this contact. In almost all instances I would assume that guardian ad litem is going to have personal contact and talk to that child, because that would obviously be