

SENATOR MATZKE: Thank you, Mr. Speaker and members of the Legislature and Senator Hall. In handling this bill I've run into objections from the adoption agencies to many items, and probably the one matter that has upset them and concerned them and been the basis for their opposition to this bill is their allegation that there is a potential cost in the appointment of a guardian ad litem. I do not agree with their position at all, I think it's erroneous. I've had practical experience in this area and I have to speak from that own, personal experience. I think we all have to realize that in any type of court proceedings involving juveniles the county court has innate, unwritten authorization and authority to appoint a guardian...guardian ad litem any time they want to. Now, for the record, and of course I think most of you are familiar, because we've had other bills dealing with guardian ad litem, a guardian ad litem is really a lawyer appointed to represent some party to a legal proceeding. The court can do this is any event, and probably this language is unnecessary. Senator Hall does raise the critical question, that is, is this language too broad because it does say any interested party may request that the court appoint a guardian ad litem. In the normal case the court itself would determine and decide without even a petition or application if a guardian ad litem had to be appointed. But we're dealing with a little different situation here. We're dealing with a situation where the attorney or agency interested in the adoption may feel insecure, they may feel that not an adequate job has been done to give the notice to the biological father or even obtain his identity, so that they think that in either...in most cases they would feel that the attorney handling the adoption simply hadn't done a good enough job of trying to ascertain who the biological father was and give him the notice that he's entitled to. So in a situation like that the court on its own motion or on the petition of any interested party, now that could be, it could be the attorney who is handling the adoption but it probably wouldn't be because he would be the person who is asking for the guardian ad litem because he wasn't doing the job well enough. Now in a situation like this, if the biological father had been given notice he would be an interested party, he could ask for the appointment of a guardian ad litem. Any party that was interested in the well-being of the child, now that could be someone who is not actually involved in the legal proceeding. So I agree with Senator Hall that the language is rather broad in permitting anyone who is interested in the adoption proceedings itself,