

and say, I know you've got an adoption here, judge, I want you to appoint a guardian ad litem. It has to be someone who has an interest in the proceeding, in other words a relationship to the parties.

SENATOR HALL: A grandparent...

SENATOR MATZKE: And then...a grandparent.

SENATOR HALL: ...who didn't want the child given up for adoption.

SENATOR MATZKE: That's possible. But that itself is limiting. The second limitation is that the appointment of a guardian ad litem is not a matter of right with anyone, and this language does not automatically grant to the interested party a right to a guardian ad litem. That, as you know, is discretionary with the court,...

SENATOR HALL: Says they may...

SENATOR MATZKE: ...the court could say, frankly, we don't need a guardian ad litem in this, I think the proper procedure has been followed. We don't want that unnecessary expense. I think we have to leave that discretion with the court, and I think you can trust the courts not to, you know, just go crazy appointing guardian ad litem. I don't think the agencies have as much to worry about in this as they have said. And when we get to the A bill on this, I think that the Department of Social Services has greatly exaggerated the number of cases in which guardian ad litem would be appointed, I think it would be a very small minority of the cases.

SENATOR HALL: But at the same time the...and I think you very honestly state in your opposition to the amendment that the court does have the ability to appoint a guardian ad litem at present.

SENATOR MATZKE: That's right.

SENATOR HALL: And they do have that ability right now. And I guess the...to recognize that the ability is there for them to petition the court as a...I mean I would have no problem with the attorney or the agency, but when we go to any interested party I understand that interest is determined by the court,