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April 5, 2000

LB 1167

SENATOR COORDSEN: You've heard the motion to adopt E & R amendments to LB 1167. Those in favor please say aye, those opposed nay. They are adopted. Next item, Mr. Clerk.

CLERK: Senator Wickersham, AM3249. (Legislative Journal page 1516.)

SENATOR COORDSEN: Senator Wickersham to open on your amendment.

SENATOR WICKERSHAM: Mr. President, members of the body, this is an amendment that was discussed briefly when the...what I think Senator Suttle would characterize as the CASA amendment, if that is correct, on General File. And at that time, we had a discussion of the fact that in some courts in the state of Nebraska, that laypersons were being appointed guardian ad litem. Now, first of all, that was a surprise to me. But the second surprise to me was, as soon as we had finished the discussion, both Senator Suttle and Senator Thompson came to me and said, well, Senator, don't you know that that's authorized by statute. There are statutory provisions that actually allow county judges to appoint laypersons as guardians ad litem. And I said I was unaware of that. But I will tell you, as I spoke to them, I will tell you candidly, I do not think that should ever be possible. And the fact that we have statutes that authorize that is troubling to me. And I will bring an amendment to remove those sections from the statutes. The amendment that you have, AM3249, is the amendment that does just that. And it would eliminate those provisions in two different sections in the statutes. And once that's eliminated, there will be no statutory authority for a county judge to appoint a layperson as a guardian ad litem, to protect the interest of a minor in a judicial proceeding. I can't imagine that judges would actually have done that under the existing law. I can't advise you why the statutory provisions are there allowing that to happen. I can only advise you that in my judgment, that is completely inappropriate, and should never be allowed, and should never happen. Children, like everyone else, are entitled to counsel, and they're entitled to counsel trained in the law. That is their best chance of having their interests protected, and to have the best chance that the proceedings will be resolved in a way that is as favorable as possible to their