

One Hundred Sixth Legislature - Second Session - 2020

Introducer's Statement of Intent

LB1118

Chairperson: Senator Steve Lathrop

Committee: Judiciary

Date of Hearing: February 27, 2020

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Recognizing the unique importance of the grandparent-grandchild relationship in the lives of children, every state has adopted a statutory scheme permitting grandparent visitation over the objection of a parent.

While parents have a fundamental right to autonomy in the upbringing of their children, cutting off the grandparent relationship can have serious emotional and psychological harms for the children in cases where the grandparents played a significant role in the child's life. The best interest of child is at the heart of grandparent visitation laws.

Under Nebraska's grandparent visitation law, one of the following conditions must be met for a grandparent to seek visitation: (a) The child's parent or parents are deceased; (b) the marriage of the child's parents has been dissolved or petition for the dissolution of such marriage has been filed, is still pending, but no decree has been entered; or (c) the parents of the minor child have never been married but paternity has been legally established.

The court is without authority to grant visitation unless the grandparent can prove that: (1) a significant beneficial relationship between the grandparent and the child exists; (2) it is in the best interests of the child that such relationship continue; and (3) such visitation will not adversely interfere with the parent-child relationship, which means the court must give special weight to the parent's decision to deny the grandparent's visitation.

LB 1118 would add a fourth condition that allows grandparents to seek visitation when such visitation has been denied by a parent or parents.

Principal Introducer: _____

Senator Jim Scheer