

March 5, 1980

LB 749

SENATOR NICHOL: Well, frankly, no, he doesn't actually have that authority to do at this time, no. Excuse me, I misspoke. Go ahead.

SENATOR RUMERY: Well, I just wanted to be sure that we weren't plowing some old ground here.

SENATOR NICHOL: No, he doesn't have this right.

SENATOR RUMERY: Thank you.

SPEAKER MARVEL: Senator Fowler, and then Senator Dworak.

SENATOR FOWLER: I rise to support the kill motion. When I first saw the bill and the concept, it seemed to me to be reasonable and understandable as to why people would be interested in doing this, but unlike, I guess, from what Senator Beutler said, I have heard from single parents, women who are concerned about this bill, women who are concerned about an extension of a right to grandparents that does not exist now. I disagree with Senator Kahle. He does not have any legal right now to visit grandchildren. That is not established, and as Senator Nichol indicated, that is exactly why the bill is here. Parents who say that if they were married, before they were widowed or divorced, the court could not interfere with their family and say that this grandparent or that grandparent must be accorded visitation rights, but when death or divorce strikes that family, suddenly we decide that the judges of our state are the ones who should start making these types of family decisions and I think that is quite an extension of the power of the court. I think that is quite a change in the perspective that we have on the rights of the nuclear family to maintain itself. I think that it is quite an accusation at the parents of this state as to their judgment as to raising children and it is quite an extra burden for the courts of our state to be able...it is quite a burden for the courts of the state to ask them now to step in as judges and decide when grandparents should have this right and when they don't. It is not the case that this could be applied just when visitation rights have been totally denied. Let's say that a single parent decides the grandparents should be allowed to visit only on certain times because of family situations. If a grandparent doesn't like that, they can file in court for greater visitation rights and drag into court that sort of dispute. It is the sort of thing where the court then has to mediate family disputes. We are asking the courts to interfere in