

May 4, 1981

LB 346

SENATOR V. JOHNSON: Yes, I will.

SENATOR PIRSCH: Senator Johnson, this is the way the law has been for a long time, correct?

SENATOR V. JOHNSON: Correct.

SENATOR PIRSCH: Can you give me, can you give me why you think this needs changing, what kinds of things are happening that give you cause to change this?

SENATOR V. JOHNSON: Well, ironically, I don't think very many things are happening that would give me cause to change it. I can't think, to be truthful with you, Senator Pirsch, of any stories that I believe are horror stories in the sense that a child...that the relationship of a parent to a child has been terminated improperly in my judgment by virtue of someone's mental illness, but what that means to me then, I also don't know of very many cases where this ground has been used. That is because we have other grounds that are more adequate to cover the subject. So what I say from sort of a value judgment position, why should we bother to single out mental illness and mental deficiency as a basis for terminating parental rights when we have plenty of other grounds that will work. Why should be put a red flag up in an area which really is a very sensitive area, and it seems to me that it is appropriate for us to delete this particular part of the terminations then.

SENATOR PIRSCH: Thank you, Senator Johnson. I do know of a case in particular where I feel this is a problem and I think that I would oppose this amendment. I feel that since there has been no abuse and possibly could be needed that we should not adopt this amendment.

PRESIDENT: Any further discussion on the Vard Johnson amendment? Senator Johnson, you may close on your amendment.

SENATOR V. JOHNSON: Just a couple of additional remarks, Mr. Speaker and members of the body, and that is this. Senator Pirsch asked me in a sense if I knew of any bad stories or horror stories, so to speak, involving the use of this particular provision and I said I did not and that continues to be true. I just feel...I feel in a sense that one of the things that is occurring in our society is as when we begin to treat mental illness more and more and begin to deal more and more with the mentally deficient in community based settings is that we have recognized that both mental deficiency in and of itself is certainly no reason why someone can't serve as a perfectly appropriate parent, and in addition, we also