

May 4, 1981

LB 346

PRESIDENT: Motion carries. The amendment is adopted. I think somebody better move to raise the Call since people aren't paying any attention to it anyway. Yes, Senator Fitzgerald, thank you. The Call is raised. Now those that have left are legally gone for awhile. So let's go ahead, Mr. Clerk, then. Any further amendments?

CLERK: Yes, sir. Mr. President, Senator Schmit-Vickers moves to amend and that is found on page 1694 of the Journal.

PRESIDENT: The Chair recognizes Senator Schmit.

SENATOR SCHMIT: Mr. President, and members of the Legislature, this amendment is an amendment which I hope would correct the problem that I think may exist when the counties find themselves in the position of having to provide counsel both for the juvenile and for the parents. It seems a little strange that we place the county boards in this sort of a position. I think it is perhaps understandable that we provide the counsel for the juvenile but to provide both sides is getting to be a little bit costly I believe. This would restore the situation to the present situation as it stands today. It would also then allow the judge to use his own discretion as to how he shall detain an individual, a young person. Now it is very simple perhaps in the more populated areas to find someplace other than a jail to detain a young man or woman. That may not be true in the western part of the state. It is also conceivable and maybe in the eyes of the judge preferable to detain an individual, for example, in the Butler County jail rather than to send that person to Kearney for a day or so. I don't think the judges have been guilty of any flagrant violations of the children's rights in the past. I think that the adoption of this amendment could very well reduce the cost of the operation of the system, at the same time exercise sufficient protection for the young people and I have some other concerns with the bill but this does, I believe, take care of a couple of the points and I think Senator Vickers wishes to address it also.

PRESIDENT: The Chair recognizes Senator Vickers.

SENATOR VICKERS: Mr. President, members, I rise to urge the adoption of this amendment also. As Senator Schmit pointed out when the counties find out that the attorneys fees have to be paid for both the juvenile and the juvenile's parents, I think that some of the counties are going to realize that an additional cost has been incurred by this Legislature that is going to be a little bit hard for some of us to defend. So it seems to me that that certainly should be taken out of the bill. Also this section that deals with prohibiting a

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