

May 4, 1981

LB 346

the juvenile is brought before the court, if it is parental rights determination?

SENATOR NICHOL: Would you say it again please?

SENATOR VICKERS: If it is parental rights determination that is going to be terminated, is there ever a case where the juvenile is the one that is brought before the court?

SENATOR NICHOL: You say, is there ever a time when the juvenile is the only one brought before the court, is that what you are saying? I can't quite understand your words.

SENATOR VICKERS: Yes. The section we are trying to amend says that when a juvenile, when any juvenile shall be brought without counsel before juvenile court, now in that case could it be parental termination of rights that would be being brought before the court if the juvenile is the one that was brought there?

SENATOR NICHOL: Both the juvenile and the adult are brought into the court and both at their request shall have attorneys, sure. That is what it says now. We are not changing that.

SENATOR VICKERS: Okay, thank you. I understand what you are saying in that case but I don't think that Section 28 says that. I think Section 28 to me says that when the juvenile is brought before the court and that we are going to pay both sides, not both sides but we are going to pay an attorney fee for both the juvenile and their parents and I don't think this section, to me at least, deals with parental termination of rights because in that case I think it would be the parent being brought before the court. I don't think it is worded that way in this section so I disagree, I guess, with Senator Nichol that it is being done this way right now. I don't think it is. Again I urge the adoption of this amendment.

PRESIDENT: Senator Schmit, you may close on your amendment.

SENATOR SCHMIT: Mr. President, members of the Legislature, again Senator Nichol has done a lot of work on the bill. He understands the bill much better than I do but I want to tell you that I think if you vote for the Vickers and Schmit amendment you are going to be in better shape with your county boards than if you don't. Now there may be something that I don't see in there but I think that at the present time I think the Schmit-Vickers amendment is a reasonable amendment. It is one which you can defend and one which I think is not going to be costly. Senator Nichol said it was going to