

January 7, 1982

LB 215

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of the committee amendment.

SPEAKER MARVEL: Senator Chronister, do you wish to explain the bill?

SENATOR CHRONISTER: Mr. Speaker and members of the body, the purpose of LB 215 is to amend Section 42-364 which provides for the termination of parental rights in conjunction with court cases. LB 215 would remove from Section 42-364 language that was found to be constitutionally deficient by the Nebraska Supreme Court in 1980. The bill would then add language which provides standards of conduct to which parents should conform so as not to risk termination of parental rights. Under this bill, parental conduct or conditions which could give rise to termination, when the court finds termination to be in the best interest of the child, involve abandonment, neglect, unfitness or mental illness. The bill's descriptions of parental conduct or condition have been substantially borrowed from Section that was formerly 42-209 but which has been recodified as 43-292 by LB 346 in 1981. The Nebraska Supreme Court ruled in 1980 that Section 42-364 is vague and lacks adequate and understandable standards of conduct to which parents should conform so as not to risk the termination of parental rights. Therefore, said the court, this section violates the due process requirement of the 14th Amendment of the U. S. Constitution. LB 215 would insert standards of parental conduct into Section 42-364. This bill was prepared by the Judiciary Committee staff and reviewed by District Court Judge Fahrbruch, who is Chairman of the Supreme Court Committee on Practice and Procedure. At the present time, juvenile matters which go to the juvenile court or the county court sitting as a juvenile court, when termination of parental rights come up, there are guidelines to follow. Divorce cases which go to the district court and sometimes involve the termination of parental rights do not have the benefit of these guidelines today and we are simply taking the guidelines from the juvenile court statutes and placing them in the statutes pertaining to divorce proceedings in the district court so as to provide this conformity in the law. I urge the passing of LB 215.

SPEAKER MARVEL: Senator Landis, do you wish to be recognized?

SENATOR LANDIS: Very briefly, Mr. Speaker. I want to put the body on notice that Senator Johnson and I have some, I am speaking of Senator Vard Johnson and I have some concerns about LB 215 which we will address in the form of an amendment which we intend to offer on Select File allowing for