

lost in the overall termination shuffle than they do in juvenile court because juvenile court just has a lot more experience in the area and that is the basic reason behind the transfer. Juvenile court has been doing this for years under our statutes. Our statutes have always allowed juvenile courts to terminate parental rights. They have experience in the area. They have probation officers to monitor the family situation prior to effecting a transfer. It is a better system and that is the basic purpose behind this amendment.

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

SENATOR FENGER: Yes, Mr. Speaker. At first glance, I'm looking at page three of the amendment, lines 8 and 9 say that the courts shall transfer jurisdiction to a juvenile court. This is mandatory language. Further it says, "unless a showing can be made in that district court that it is a more appropriate forum." In regard to the testimony that we received on the bill mentioned by Senator Johnson, it is very obvious that our juvenile courts, at least the three we have pronounced as juvenile courts, are currently apparently overworked because of the previous mentioned day to day operation that they had with their juveniles. I believe a good case can be made that they are either over worked or inept and until such time as we find out which I cannot vote for any amendment that would lay an additional burden on them. I have to vote against this amendment.

SPEAKER MARVEL: Is there any further discussion? Senator Johnson, do you wish to close?

SENATOR V. JOHNSON: Yes, I do wish to close and I do wish to respond to Senator Fenger's remarks. Senator Fenger has concluded that some juvenile courts are overburdened and possibly inept and his conclusion may not be totally inappropriate, but what this does, it does not, and I call this to Senator Goodrich's attention too, this bill, this amendment would not require a district court judge to transfer every termination case. It says he shall transfer the case unless an affirmative showing can be made that the district court is a more appropriate forum and in making such determination the district court may consider such factors as cost to the parties, undue delay, congestion of dockets which could be district court dockets as in Lincoln or which could be juvenile court dockets as in other communities and relative resources available for investigative and supervisory assistance. So it is basically designed to use the mechanism in the juvenile court but that mechanism is not to be used if an affirmative finding can be made that is not appropriate to do so. That is the simple nature of the amendment. I think it is a solid amendment and I would ask that it be passed.