

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of the Judiciary Committee amendments.

SPEAKER BARRETT: The committee amendments are adopted. Senator Coordsen, would you care to explain the bill as amended.

SENATOR COORDSEN: Thank you, Mr. President, members of the body. I was asked a question a few weeks ago that probably should be put somewhat delicately, and the question revved around the issue of why I would become involved in an issue such as this that was highly controversial. I think the comment that was made was, George, why would you put your butt in the beehive? I became aware of the issue that is addressed in LB 182 late last winter, or early spring, during a coffee drinking session with a county judge. Shortly after the Supreme Court decision that in effect said that whenever custody of a juvenile was given to the Department of Social Services that the department had total authority over the placement of that juvenile, the treatment that they received, or it received, and, as a matter of fact, the total control over that life. The only option that was left open for the court was to retrieve custody from the Department of Social Services and assign the custody to the county. Well, two things came to my mind that, one, was that since we were talking about a department of state government, a state agency basically being given the authority to ignore a court order without anyone having any recourse to appeal that, with the exception of the return to the county, a county that we've taken away by law any mechanical ability to provide services for these juveniles, a county that in most cases do not have the money being, in many cases across Nebraska, up to their constitutional limit as to the amount of money that they can raise, a county that does not have access to any federal matching funds to prepare for...to provide for the care of the juvenile, it seemed to me that what we had was a travesty, in my mind, of the separation of powers doctrine that is so evident in not only the Constitution of the United States but in the Constitution of the State of Nebraska. Even though we had this thin thread of constitutionality that remained in effect, we had a situation where a person, working for a state agency, could ignore a court order. I have no personal ax to grind in this matter. I have no friends or relatives or acquaintances of any kind that have ever fallen through the cracks in the system, but since we began work on this issue it has become readily apparent to me that there are far too many