

what happens if we reach no decision? The panel says, yes, the child ought to go here. The Department of Social Services says, no, it should go here, and the court says, no, it should go a third place. Who is going to decide? I mean, the problem with your panel is very good in terms of you get all the points of view and it's a very good arbitration but it doesn't solve our problem. What you can do...

SPEAKER BARRETT: One minute.

SENATOR KRISTENSEN: ...with a three-judge panel is mandate the change back to the court. That's the power of three judges. They can do that. I don't think that you can have citizens mandate to a court what they should do.

SENATOR SMITH: See, I don't think that was the intent. It's to help arbitrate and negotiate.

SPEAKER BARRETT: Excuse me, the time had expired. Now, Senator Smith, we're back on your time.

SENATOR SMITH: Thank you, Mr. Speaker. I would like to continue my discussion and then give the rest of my time to Senator Kristensen. Senator Kristensen, I would just say then if that's the case, if you had a dispute that was not resolvable, you're saying because they have both sides and nothing came out of the negotiations or the arbitration, and I guess the way it is now, according to what we're saying the Department of Social Services is able to make a final decision. Is that what you're saying?

SENATOR KRISTENSEN: Well, I think it's important for you to go back and look at the law the way it is today. Once a ward is made...or a child is made a ward of the State of Nebraska, placement is made by the Department of Social Services and then there is a little phrase in the law called "with the assent of court". Okay, they come back to the court and say, here's the placement. We suggest the child go, let's say, to placement A. The court said, well, we don't like that. So the placement doesn't happen and the Department of Social Services has to come back again and present another plan. After a while what happens is that you have this inevitable dispute. The Department of Social Services may well get their placement but it doesn't work and the court reaches this frustration. The court can't place the child and pretty soon the Department of Social Services