

SENATOR CROSBY: Thank you, Mr. Speaker. Senator Landis, I'm supporting the bill. I just wanted to ask you a quick question that has to do with something I read in the description of the bill and the aim. Because I have LB 373 introduced this year, having to do with...in determining...I will just read to you out of the bill...determining which of the parents, the children or any of them remain. This is in a divorce case when the court finds evidence of abuse, as defined in Section 42-903, to either the children or a spouse, the court shall enter orders for custody and visitation which best protect the children and the abused spouse. That bill is still in Judiciary and, given the lethargic way we're moving along here, whether it gets out of committee or not I'm sure we won't talk about it this year. But my point is when I read all the description and a wonderful supportive letter from Mel Luetchens which would this bill...will the dispute thing help in this kind of mediation or problems when you do have spouse abuse because I think everybody realizes and recognizes that sending a child, giving custody to a parent who is abusing the spouse is not a good idea. So just give me a little...

SENATOR LANDIS: Sure. There is... among the critics of mediation are groups that indicate that if battered women are forced into mediation, they may be sitting across the table from a very intimidating spouse or ex-spouse, and that that circumstance doesn't make mediation then very successful. This bill tries to recognize that by saying that the only way you get to mediation is by both parties agreeing to it. And the distinction here is between court-annexed mediation and court-ordered mediation. Court-annexed mediation is like this. The courts say, look, you've come to us for a solution by litigation but we have this other process. There's a center that you can go to and you can get your case dealt with within, let's say, a month's time. For us, it's going to be on the docket and maybe we'll get to it in six months' time. Would you like to try that? If both parties say yes, they could then be referred out to the mediation. In other states, battered women have objected when courts have said you may not come to us as a court until you have gone through mediation. And this bill is not the latter style, it's the former. It means that no battered woman facing the decision of the custody of her child will be forced to use this mechanism.

SENATOR CROSBY: Oh, good. Okay, so there are two sides of it.