

March 25, 1992 LB 728

PRESIDENT MOUL: Thank you, Senator Abboud. Senator Rasmussen.

SENATOR RASMUSSEN: Yes, Madam Chairman and members of the body, I'd like to ask a question of Senator Ashford.

PRESIDENT MOUL: Senator Ashford.

SENATOR ASHFORD: Yes.

SENATOR RASMUSSEN: Senator Abboud just went through Section 9 which clearly states that once mediation starts it could be terminated if there is any suspicion or allegations of abuse. I'd like to know if there is any provision before that first mediation session which we are saying everybody must go to?

SENATOR ASHFORD: The answer to that question and I've been going back over the applicable sections and I think the answer to that is that we probably are going to need, though I think it's understood and implied in the bill, and that's the way I read it, we probably are going to need to add a section which would say simply that upon an allegation of abuse that no mediation shall take place. That was the intent and I think that when it reads no mediation I think you could also read it to mean that the mediation would have to start first before it could be discontinued and it's my intent that it would also prevent mediation if there was abuse. And in this case we're case we're talking about abuse between spouses as, right, I mean as opposed to...

SENATOR RASMUSSEN: Yes.

SENATOR ASHFORD: Yeah, so that's clearly the intent of the bill, at least my intent, and if we need to make some word changes we will.

SENATOR RASMUSSEN: Thank you. I think that is something that we do need to clarify that if there is any allegations of domestic violence that even the first mediation, it seems to me that in the Section 4, in subsection 2, part (b) where it says the personal interview on an individual basis is done with each one of the parties, at that point we might be able to insert some language that said that if there was any indication of domestic violence that the first joint session would not have to occur. I think some very good points have been made about the