

SPEAKER WITHEM: One minute.

SENATOR HALL: ..it serves, spelled out in the record. Now that doesn't mean that the court is bound by that at all and we all know what they have ruled with regard to legislative intent in the past, but clearly this provides an alternative to the approach. As I stated earlier, many folks within the... the agency community that work in this area have felt that their concerns have not... not been addressed and I want to offer this and would urge the support of...for the adoption of this amendment because I believe that they do an excellent job and have done an excellent job in this area for a very long period of time. With that, again, I'd be willing to respond to any questions and would urge adoption of the amendment. Thank you, Mr. President.

SPEAKER WITHEM: Thank you, Senator Hall. Senator Stuhr on the Hall amendment.

SENATOR STUHR: Mr. Speaker and members of the Legislature, I rise in opposition to Senator Hall's amendment. I do thank him for the work that he's done on the bill. It is a different approach, but I think it leaves out many of the sections, as Senator Matzke earlier alluded to, and I have a question I'd like to ask Senator Hall. I think one of the most important sections in 712 is Section 17 which refers to the best interests of the child.

SENATOR HALL: Um-hum.

SENATOR STUHR: And the original bill says the court shall determine the custody of the child according to the best interest of the child, weighing the superior rights of a biological parent who has been found to be fit, proper and suitable parent against any detriment the child would suffer. Is Section 17, is that included in your amendment?

SENATOR HALL: Mr. President, members, Senator Stuhr, no, it's not but it doesn't need to be and the reason for that is that's the standard by which the... basically juvenile law...all... it's the building block on which all juvenile law I guess is raised up. It is the best interests of the child and all, really, Section 17 does is restate what the courts would do in any case. Whether it was in... listed in this amendment or not,