

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

January 25, 2000 LB 120

change in circumstances. They're just going to say, because the law changed there automatically then has been a material change in circumstances, and they are eligible for modification. And so I think that you're going to see a huge swing, because never before have we had a mechanical or mathematical equalization requirement for visitation. That all those fights and all those divorce cases that we all have, you know that they come back looking for those fights to occur. Now we've given them a statutory reason to have a mathematical formula. Every one of those cases are going to come back and we're going to have a calendar saying, well, I got...I mean is it number of days? Is it number of hours? I just think you're going to see a huge flood of modifications, and you're going to see a lot more of those cases litigated. I guess that causes me real problems. That's the reason I'm not going to vote for the committee amendment. It's uncomfortable to stand up here also and talk about the fact that joint custody doesn't always work, because it sounds very good. It's like a dessert, it sounds very good, but if the parties, quite frankly, didn't get together and couldn't cooperate and work together while they were married, why do you think that they're going to get together and be able to work together when they are divorced? It doesn't happen. There are some rare cases. There are some amazing individuals who joint custody works for and very well, and that's the reason I think you see that they pay child support more. It's not because that they have joint custody; it's because they are individuals. They are able to work together. But that is not the rule. That is by far the exception. And certainly the courts, in the past, have not favored it. My six-year-old has a tough enough time knowing where her coat and her homework is when she lives in the same house. If she is going to be put into a situation where she is going to split time equally in a joint custody situation, at six, she's going to need a schedule of which day of the week is it and whose house am I going to be at. And, quite frankly, that's going to add a tremendous amount of, not only confusion, but I don't think that's in the best interests of the child. I think it's in the best interest...

PRESIDENT MAURSTAD: One minute.

SPEAKER KRISTENSEN: ...of the parents. I can't disagree with that. I think it is easier and I think it saves face. And I