

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

January 27, 2000 LB 120

handled physically. But I think that there is a significant issue in terms of not, as Senator Landis said, in not choosing one party or the other as the better parent and letting them be the winner in this situation. I think that that's very significant for the continuance of both people in involvement in that child's life, and I think that that is ultimately the best interest of the child, to have both parents involved in their life. Thank you.

SENATOR WICKERSHAM: Senator Kristensen, followed by Senator Crosby.

SPEAKER KRISTENSEN: Thank you, Mr. President, members of the Legislature. We are close with this bill to slipping into a very, very difficult position on the floor of the Legislature, because the amendment does introduce some concepts that have not been there before. And if it's going to be the vehicle to do that, I would suggest to you there are some other concepts that need to be considered with visitation and so on. You all know that the law talks about that child support and visitation have never been connected. If you begin to go further into this, over the years I'm moving more towards the attitude that visitation and child support should be connected. If you don't...if you're not allowed visitation, you shouldn't have to pay child support. You don't pay child support, you shouldn't have visitation. That's a very difficult thing to do, but this bill is moving towards that concept. What the law is today is that the Supreme Court has frequently and consistently expressed their disapproval with joint custody as a solution for very difficult custody decisions. It's always easier to say we're not going to decide custody for you, or for you, we'll just jointly do it, you'll all feel better, and that's how we avoid making a difficult decision. The court has never ever approved that. And only in the rarest cases do they allow for joint custody, and that's only if the parties have agreed. Now Senator Landis was starting to move into a position that would be, I think, acceptable and is a big change, is a huge change, and that is that if you just eliminate the requirement for the parties to agree and let the courts decide whether joint custody is in the best interest of the children or not. That puts a big burden on the courts. The case law is still there that it's reserved for the rarest of occasions, because quite frankly