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approach if it's predicated upon permission of both parties. That makes joint custody another implement in the war. To me, I agree with Senator Crosby and others that we want to put joint custody on the table as an option, if the best interests of the child so dictate. Now I, frankly, think that that's almost never going to be the case for a child of tender years. But so be it, that's my own, personal predilection. We could achieve that by going back to the green copy of the bill, taking a look at page 3, and in striking two sentences in the existing law. "After a hearing in open court, the court may place the custody of a minor child with both parents on a shared or joint custody basis when both parents agree to such agreement". You could strike that phrase, "when both parents agree to such an arrangement". If we struck that, I think we should strike the next sentence at well. "In that event, each parent shall have equal rights to make decisions in the best interests of the minor child in his or her custody". The difficulty is I think that there may be further restrictions and limitations and applications that the judge wants to use. Here's joint custody, but it will be done in this way, in this distribution...

SENATOR WICKERSHAM: One minute.

SENATOR LANDIS: ...of rights or responsibilities. The...I think that becomes a kind of thing that you could go back to court and fight on as to whether or not there's been "equal" rights, and then the war continues. So I'd strike those two things. That's what I'd do to the green copy of the bill. Let me tell you a second thing that I think would be an improvement over existing law. Kermit Brashear mentioned that we have parenting plans that are used in the case of children's cases in divorce. Seems to me it would be appropriate to say, if the court awards joint custody, a parenting plan will be filed with it. If we did those two things, if we took away the weapon of joint custody by permission only and allowed it to the court on the basis of the best interest, in an open hearing, and where the court awarded it we ask for parental plans to be filed...

SENATOR WICKERSHAM: Time.

SENATOR LANDIS: ...I think we would be better off than either the original green copy of the bill or the Beutler amendment,