

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

April 11, 2006      LB 128, 1113

SENATOR CUDABACK:    Senator Hudkins.

SENATOR HUDKINS:    Thank you, Mr. President and members of the body. The amendment I have, AM3217, is actually LB 128 which I introduced last year. And you know, this bill is several years too late. On your desks, you should all have a copy of a newspaper article and I didn't write where it came from but it is from the Omaha World-Herald, headline is, custody battle led to shootings. But it's from the World-Herald from last Thursday. I won't read it to you. I will just very quickly tell you what it says. Case of divorce, the mother got custody but she would not allow the father visitations. In eight years, the father was not allowed to see his son in the summertime. The wife got remarried, the husband was concerned about the fact that the child was not enrolled in school, living conditions were less than sanitary and several other reasons. And so he applied for, or filed for temporary custody. He got that and then the mother and the stepfather with the one son and then another younger boy left town. Then the father filed for and was going to receive permanent custody of the 11-year-old son. And when the mother and stepfather found out about this, the stepfather took a .22, killed both boys, then his wife, and then himself. So the story is here. If we had had a bill such as this earlier, where it was prohibited to interfere with court-mandated visitations, we might have at least saved the lives of two little boys. So that's what this amendment does. It is aimed at preventing a custodial parent from intentionally interfering with court-ordered child visitation rights. Specifically, this amendment makes it a crime to violate the visitation privileges of a valid court order by detaining or concealing a child with the intent to deprive another person of his or her rights to visitation. The amendment provides affirmative defenses to prosecution when the accused acted in the reasonable belief that he or she was protecting the child from imminent physical harm and his or her actions were a reasonable response to such anticipated harm, with the mutual consent of all persons having a right to custody and visitation of the child, or in a manner otherwise authorized by law. And finally, the amendment allows proof of conviction for unlawful visitation interference to be admissible as evidence in a civil action. This bill went to the Judiciary Committee. It remains