

may be granted by the court under two circumstances, one to enforce the provisions of an oral or written agreement or stipulation of visitation. In other words, if the parents already made an agreement concerning visitation rights but the parent is now refusing to honor the agreement, the grandparent can go in and enforce that agreement, or the grandparent can go to court for visitation rights to continue substantial relationships with the grandparent, and that means simply if the grandparents had the child for a while or the grandparents had an ongoing relationship with the child for quite a while as a substantial relationship, the grandparent....

SENATOR CLARK PRESIDING

SENATOR CLARK: You have one minute left.

SENATOR JOHNSON: ..can get visitation rights under those circumstances. However, the ultimate touchstone is that everything must be in the best interests of the child. That also is provided. This amendment deals with the adoption issue. Finally, the amendment provides that the grandparent shall pay attorney's fees to the parent when the parent incurs attorney's fees unless the court itself finds the custodial parent acted in bad faith in denying visitation. Now that will inhibit some grandparents from fairly arbitrarily or capriciously going into court to get visitation rights knowing that they are going to end up having to pay a reasonable attorney's fee to the parent that they have hailed into court on this very issue. I would urge your support of this amendment.

SENATOR CLARK: Senator Hoagland.

SENATOR HOAGLAND: Mr. Speaker and colleagues, I have an amendment up on the board which we will consider a little bit later, to Senator Johnson's amendment. What I would like to do at this point is take this opportunity to express the grave misgivings I have about this particular piece of legislation, and I would prefer that it be held over for study this summer so that we can get some more input on the bill. If you take a look at the report from the hearing before the Judiciary Committee, there were only two outside persons that came in to support the bill and nobody appeared in opposition to the bill. I think that there are many kinds of communities from whom we should have input on this concept before we make such a major change in Nebraska law. I would like to hear, for instance, what judges in Lancaster and Douglas County and elsewhere in this state who regularly