

March 5, 1980

LB 749

on General File or rather on Select File two weeks ago and I think we are all fairly familiar with the issues that are involved. My opinion has not changed about the mistaken social policy that this particular bill represents. As indicated earlier, the way this bill is now written if there happens to be an accident of some sort and one particular member of a marriage is killed, why the way this particular bill is written, a new cause of action is created so that surviving grandparents could come in and could contest visitation rights with the surviving spouse. Another particularly objectionable part of this bill as written now is that natural parents of a person who has custody of his or her own children could come in and file an action or institute legal proceedings, in effect, to attempt to gain visitation rights over the children that are in the custody of the grandparents natural child. Now in both of these areas we are significantly expanding current law. In both of these areas we are creating new situations where people can come into the courts of this state to attempt to resolve what are essentially private family problems. Now I think we all recognize that for the most part the courts are really not a place to resolve these kinds of problems. I don't think by creating a new cause of action and permitting these problems to be taken into court we are really going to help anybody and I think that when you take a look at the extent to which we are changing the current law, that when you take a look at the committee report in this particular case and see that nobody basically in this entire state who works on the thousands of dissolution of marriage actions that take place annually in Nebraska really came in to let their views known. We have dozens of judges around the state that handle dissolution of marriage and child custody problems on a regular basis. We have dozens of attorneys around the state who spend forty, fifty or a hundred percent of their time working on marriage dissolution problems. We have dozens of psychologists and counselors and social workers who work with families that have marriage dissolution problems all the time and none of those groups came in. None of those groups came to the hearing on this bill and let their feelings be known about it to really let the committee know whether this is wise social policy and I, for one, don't think it is wise social policy. Now I think that there are some isolated situations where grandparents do need to have some kind of relief but this bill goes way beyond that. This bill opens up the courts to all kinds of complaints and all kinds of claims that the courts have never been opened up to before and I suggest that we study