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LB 749

what you ought to all consider is that somebody is assuming the primary responsibility for the care and upbringing of the child or children in question and that is not the grandparent or grandparents. The bill, I think, is pernicious and it can work toward the destruction of what fragment of a family may remain. I am in favor of Senator Hoagland's motion.

SPEAKER MARVEL: Senator Landis and then Senator Rumery.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I, too, rise in support of the kill motion offered by Senator Hoagland. It is with reluctance that I do this but, however, in a reading of some of the material in this area, I am forced to the conclusion that Senator Hoagland's motion is far more humanitarian than the noble attempt suggested in LB 749 will in effect be. If you listen to the introducers, they use time and time again the defense that a juvenile court acting under the standard of the best interests of the child will make good decisions and that we can trust that situation, that in fact there is a measure of responsibility and concern and that none of the negative potential scenarios that have been outlined by critics will in fact come about. I disagree. I would like to direct your attention to a book called "Beyond the Best Interests of the Child" written by a lawyer and two psychoanalysts in discussing the standard of "The Best Interests of the Child". In essence the book comes to the conclusion that the best interests of the child are often measured in legal terms but not what is best psychoanalytically for the child. The children measure time, distance, separation in ways different than we do as adults, that in fact what is attempted by that standard is a guess as to what will be in the future the most likely situation to bring about the actualization, the fruition of the child's potentials, but that in fact the law cannot do that which this standard attempts to do which is to guess into the future and make a prognosis as to what is the best thing for the psychological health of the child, best based on the standard of best interests. In fact the authors claim that the only true, the most clear support or umbilical cord of health for a child, mental health, is a close relationship with the psychological parent. Now this may be the natural parent, biological parent. It may be an adoptive parent who has taken over the role of the parent, but for every child there is a psychological parent and that relation needs to be unfettered. It needs to be close. It needs to be a matter of their relationship and no other. Now a law that seeks