

March 5, 1980

LB 749

to intrude into that delicate psychological difference or rather that psychological relationship can only, in effect, do damage because it is based on a faulty knowledge of the future. Let me say, for example, that the book, I think, is very provocative and let me read just a section to you. "No one, and psycholanalysis creates no exception, can forecast just what experiences, what events, what changes a child or for that matter his adult custodian will actually encounter, nor can anyone predict in detail how the unfolding development of a child and his family will be reflected in the long run in the child's personality and character formation. Thus the law will not act in the child's interests but merely add to the uncertainties if it tries to do the impossible. Guess the future and impose on the custodian special conditions for the child's care", and that is what is being offered to you by LB 749, special conditions on the psychological parent in their relationship with the child. This book says that in fact the law is short-sighted, that it attempts to play magician, that it attempts to guess the future and that the strongest, clearest course for a child is to be left to develop a full-fledged unfettered relationship with their psychological parent and that relationship is the single most important determinant of a child's happiness and welfare and 749, as well intended as it is, is an obstacle to that relationship's fruition, and to that extent, I oppose LB 749.

SPEAKER MARVEL: Senator Rumery and then Senator Fowler.

SENATOR RUMERY: Mr. President and members of the Legislature, I would like to ask Senator Nichol a question or two if he would yield. Senator Nichol, this year we are being asked to designate who wants these bills and would you mind telling us who wants this bill that you are introducing?

SENATOR NICHOL: Mostly grandparents were asking for it.

SENATOR RUMERY: You know them personally, do you?

SENATOR NICHOL: Several of them, yes, in my area.

SENATOR RUMERY: One other question, you referred to what this law would allow a judge to do, does he not have that same authority at the present time?

SENATOR NICHOL: Well, he does if he knows about it.

SENATOR RUMERY: But...