

May 4, 1981

LB 11, 346

PRESIDENT: Chair recognizes Senator Koch. Senator Koch, okay. We will proceed then to LB 346, Mr. Clerk.

CLERK: Mr. President, LB 346, yes, sir, there are E & R amendments, Mr. President.

PRESIDENT: Senator Kilgarin.

SENATOR KILGARIN: I move we adopt the E & R amendments to LB 346.

PRESIDENT: Motion to adopt the E & R amendments to LB 346. Any discussion? If not, all those in favor of adopting the E & R amendments to LB 346 signify by saying aye, opposed nay. That is great. The E & R amendments are adopted. Mr. Clerk.

CLERK: Mr. President, I now have an amendment from Senator Vard Johnson found on page 1440 of the Journal. 1440, Senator. (Read.)

PRESIDENT: The Chair recognizes Senator Vard Johnson.

SENATOR V. JOHNSON: I have to make certain, Mr. Speaker, I know which this amendment is. Mr. Speaker, members of the body, this is an amendment that we discussed on General File and then I said in the interest of time I would withdraw the amendment and hold it for Select File so now it is back. If you have in front of you your copy of LB 346 which is a lengthy bill and you look at page 40 thereon you will see what it is that I am attempting to do with the amendment. 346 is described as a recodification of the juvenile code without any major substantive changes in existing law, that whatever changes do exist in the recodification process, the changes are very minor. I went through the bill pretty carefully and I did find a few changes I thought were a little more than minor but by and large they were acceptable. This is a change which I believe is a relatively significant change but in the end it probably does not have any major effect on the juvenile court process. What my amendment would do very simply is it would say that when a juvenile court is in the process of attempting to terminate somebody's rights to a child, terminate parental rights, they cannot use as a ground for termination that the parent is unable to discharge parental responsibilities because of mental illness or mental deficiency. Right now our termination statutes allow a juvenile court to affect a termination of parental rights upon a showing that a parent of a child is mentally ill or mentally deficient