

February 25, 1982

LB 215

CLERK: Mr. President, I have a motion on the desk.

SENATOR CLARK: Read the motion.

CLERK: Senator Landis would move to return LB 215 to Select File for a specific amendment. (Read the Landis amendment as found on page 850 of the Legislative Journal.)

SENATOR CLARK: Senator Landis.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, this was brought to me late yesterday. Let me read again the one sentence that makes a change here and I will tell you what it does. "A determination that the district court is a more appropriate forum shall not be a final order for the purpose of enabling an appeal." This is a determination of parental rights. The bill says in the event there is a divorce case and the divorce case is in district court, if the more appropriate forum is a juvenile court for the determination of a child termination, the case should be transferred to juvenile court, the reason being juvenile court has expertise with the handling of children and it is a question of parental rights. Now, a district court can hold onto both the divorce and the child termination issue. Because the district court has to decide that it is the proper forum, there is a potential for an appeal on just the issue of whether or not it is the right forum all the way up to the Supreme Court before you would proceed with the other questions which are the divorce and the termination. This one sentence was brought to me by the Bar Association. It has, I believe, the concurrence of the judges who work in this area and the idea is this. The district court will decide it is the appropriate forum. The case will proceed and one appeal will be available to the Supreme Court based on the issues that the district court decides, but you don't get to delay the process which either an unscrupulous or a well financed parent would use against each other in a divorce proceeding by running up this issue of whether or not the district court was the appropriate forum to the Supreme Court for an appeal and stop the proceedings with respect to the divorce or the termination of the parental rights. Our change in the law was not designed to create another administrative or appeal loophole that will allow for the delay of justice and the delaying of a decision on the question of a divorce or the question of the termination of parental rights. Now, Senator Chronister is the introducer of the bill. He is here and would he yield to a question?

SENATOR CLARK: Senator Chronister.