

considered right now, but only in the rarest of cases and really only in the rarest of cases should it be considered. And those should be defined very meticulously and carefully in these judicial proceedings that would lead up to such a proposition being accepted by the court. I wouldn't want to see an amendment passed into law which would seem to broaden the conditions under which joint custody would be granted. It is for the judiciary to make the decision now. It would be for the judiciary to make the decision after additional hearings that Senator Hoagland is building into the amendment, so I don't see any need for it at all. I think Senator Hannibal has done an admirable job of representing the interest of a constituent who is concerned about this and I hope he doesn't take my opposition personally, but I told him before we got to this point that I was opposed to the amendments, so my opposition is not a surprise to him. I hope that you will reject this committee amendment because it is unnecessary. If those who support the amendment come after me and say that the court still will consider joint custody only in the rarest of cases, then we're not adding anything to the situation as it exists now. If we are trying to add something to it, the only thing we can be adding is that the court should not exercise as much care and discretion as it exercises now. That's the only reason for a law, to change what the courts are doing now, and if the position of the court is that only in the rarest of cases should joint custody be considered and we're going to pass a law in our statement that we're changing that, we mean in cases which would not be amenable for that now. We intend for it to be utilized and I don't think that is wise. So I'm definitely opposed to the amendment and I hope you will reject it.

SPEAKER NICHOL: Senator Hannibal, then Senator Schmit.

SENATOR HANNIBAL: Mr. Speaker, Senator Chambers is correct. We have talked about this before this issue came up and his position is not a surprise. I am fully prepared to defend my amendment, the amendment that will be the committee amendments. I did not think it was the time to do so because we're dealing with an amendment to the committee amendments and I would like to, if you decide that the amendment to the amendment is not acceptable or acceptable, really isn't going to change my feeling on the amendment. I will try in detail if you wish to defend the situation, then paint the picture for you exactly as it stands before the