

SPEAKER NICHOL: Debate is ceased. Senator Hoagland, did you wish to close on your amendment? Just a moment, you're not on.

SENATOR HOAGLAND: Let me just take a moment to close on this amendment to the committee amendments. What the amendment basically does is to require that when parents come in with an agreed upon joint custody arrangement the court has to direct its determination specifically to what is in the best interests of the child and make a finding that it is in the best interests of the child. Now let me tell you why that is important. We have judges in Douglas County, Lancaster County and elsewhere that are heavily overloaded with divorce cases. We get dozens and dozens of divorce cases filed in Douglas County every month and they develop an attitude towards divorce cases I suppose that we sometimes do toward consent calendar bills. They just want to try and dispose of the darn things as quickly as they can and if two lawyers come in and say our clients have agreed on joint custody this will dispose of the case. We won't have to have a trial. The judges will sign off on it. Now the problem is that what the lawyers and their clients work out is not necessarily in the best interest of the child. So what this amendment requires is that the judge take a harder look at the issue when joint custody is presented to be sure that it is in the best interest of the child. Now let me just make one comment. Senator Chambers has indicated that this will require an additional hearing. In most cases it will not require an additional hearing because in most cases the judge already has to have a hearing on two issues. He has to find, number one, that the marriage is irretrievably broken and he has to take testimony and make a finding on that issue and he has to find, number two, that the division of the property is not unconscionable. He's got to read the property settlement agreement before he signs off on a settlement and find that everybody is being treated fairly. This would simply require that at that same hearing he make an additional third finding that a proposed joint custody arrangement is in the best interests of the child. So I think this amendment to the committee amendment is a good amendment. It strengthens the committee amendments. If we're to pass the bill I think we clearly would want to require the courts to pause when they are presented with a joint custody proposal and be sure that it's in the best interests of the child because remember at that point the child does not have an attorney, only the