

money to the lawyers, for sure we know that, but they have not told a lawyer, you cannot bring a request for joint custody. That has not been said. The lawyers claim that their assumption is that these actions cannot be brought so they don't do it and they're supposed to be acting in the best interests of the client? Let them bring the request and let a trial judge say that based on Trimble v. Trimble joint custody is prohibited in this state and you cannot bring this action and if there is a lawyer on the other side he or she will immediately appeal and say the Supreme Court decision said it can be considered albeit in the rarest of cases. And you have not got the right to stop me from bringing this and if somebody is telling Senator Hannibal that that's what the law is, they have misled Senator Hannibal and not stated the law at all. Now on this case of what is granted by Senator Hannibal's amendment, if you accept it, first of all, the court can place the child in joint custody, but then, here's the next sentence. In the event, in that event that joint custody is granted, the parents shall have equal rights to make decisions in the best interests of the child. So when you put in the statute they shall have equal rights, the court cannot restrict those rights. The court cannot supersede the law and say you may decide in this and you may decide in that. Each parent shall have the right. And if a judge tried to restrict it, then the parent could go in to have that part of the judge's order stricken as being violative of the statute. If we as the Legislature say they shall have equal right, they shall have it and I don't care what a judge says.

SPEAKER NICHOL: One minute.

SENATOR CHAMBERS: So, I shall have the right to say my child won't go to church. I don't care what is in the judge's order and I have the statute right here to prove it. And if we don't have a primary residence for the child required by law, I can take the child because I have equal right to the child just like the wife, the former wife, and now when two people are about to have a divorce before a determination has been made as to who gets the house, each person has an equal right to be there and if one tries to have the other put out and the police are called, they will tell the people he or she has as much right to be here as you or the other one because there has been no court order making a determination and that is the law also. So a lot