

talked to any attorney who said that a judge told him or her the case could not be brought for joint custody?

SENATOR HANNIBAL: I have not talked to an attorney who said a judge told him not to bring it in. No. We have talked to some district judges who have opinions on what has happened here. There is disagreement among our Nebraska State District Court judges as to whether this is a good idea or a bad idea.

SENATOR CHAMBERS: We're not talking about the idea of whether joint custody is good or not because as you pointed out they're different. I'm talking about what the law permits. Did any of the judges you talked to tell you that based on the Trimble decision, if two parents sought joint custody he would refuse to hear or consider their request?

SENATOR HANNIBAL: I'm not aware of anything like that.

SENATOR CHAMBERS: Okay. So, members of the Legislature, you can see that the law has not changed. You've got a disgruntled individual saying that a lawyer told him that the courts probably wouldn't grant joint custody but there is nothing to say that the courts will not hear such a case. Nothing that says that if the case is appropriate for joint custody, joint custody will not be granted. Courts on difficult issues will look at the legislative history of a proposition. If the one offering this proposition has said that the trial court can still determine custody including joint custody...

SPEAKER NICHOL: One minute.

SENATOR CHAMBERS: ...that he has no evidence that any judge has said he will not hear a joint custody case, the courts only assumption can be that no law is intended to be redundant so something is intended by the Legislature to be added to the law. So what is the only thing you can add? That the courts have been too meticulous in determining when joint custody should be granted and they should lighten up and make it easier to achieve despite the problems that develop because the Legislature has adopted such a policy. I'm opposed to it because the law is all right as it is. Nobody can show that the courts have improperly handled the situation and if you put this into law you are saying that something in addition to the existing law is being added by