

but the manner in which this particular effective change in law came about, a Supreme Court opinion that didn't change anything in statute, but changed it in practice I think ought not to be a part of the Supreme Court's policy or their jurisdiction. If we as a Legislature say we want to allow joint custody, fine. If we as a Legislature say we want don't want to allow joint custody, fine. But don't have the Supreme Court issue an opinion, especially if it wasn't even called for, issue an opinion that says we're going to change the law, this Nebraska State Legislature, by making a statement and that's what they have done. What we're trying to do is unsay that statement, unsay it, and say it's back out in the old arena. If the court decides it's good for the child or the children, if the court says this can happen and these are the best ways to go, let it happen. At least let it be presented and I know that Senator Chambers knows law. He knows...he's eloquent but he knows the law better than I do and I am really quite surprised that Senator Chambers would argue that an opinion of the Supreme Court that changes law effectively ought to be proper policy as opposed to saying let's decide it in here. This is where it belongs. The Nebraska State Legislature makes those decisions. Good or bad, they make them and for him to argue that let's let the Supreme Court do it for us is kind of inconsistent with all the other kinds of logical analytical arguments that he makes on this floor so eloquently. I know that we're probably going to have another chance to argue this or debate or discuss, I hope it's on the same level and I would urge the adoption of the committee amendments and I'm sorry, to the chairman, I've taken an awful lot of time. I'll yield the rest of the closing to the chairman of the committee.

SPEAKER NICHOL: Senator Hoagland, you have about a minute.

SENATOR HOAGLAND: About a minute, Mr. Speaker? Let me just make a couple of points in conclusion. Let me emphasize as I know it's been emphasized already that under the committee amendments the court cannot grant joint custody unless both parents agree. Both parents have to agree before the court can do it. What these committee amendments do is they simply give the court a great deal more discretion to do what it thinks is right and what it thinks is in the best interests of the child than does Trimble v. Trimble, the recent Supreme Court decision. I think it makes sense. I think the courts are perfectly capable of screening out the