

the criteria that we are looking at is the best interest of the child, then it might well be conceivable that in many instances an aunt who has taken care of a child for years, an unrelated person, a friend, a foster parent, I think I could name a dozen examples of people who in one situation or another in our society these days has the opportunity, does in effect, baby-sitters, develop a close relationship with the child, and it would seem...it seems, it has always seemed to me a little bigoted that one particular group should request the right, that maybe we ought to consider the right in a broader sense, that is you get back to the philosophic question, is it a right of blood or is it a right of relationship? And I think that unless you are going to make a number of other assumptions, that it should be a right of relationship. But the problem that it gets you into is that it has a tremendous effect on the breakdown of parental rights which may or may not be good. But it seems to me it is very difficult to make distinctions and if you say that eliminating subsection (c) is a narrow view, I would be honestly interested in your response to whether limiting it to grandparents particularly isn't a rather narrow view.

PRESIDENT: Senator DeCamp, do you wish to speak again?

SENATOR DEKAMP: I certainly do. Because, you see, I happen to agree completely with what you have said. Nebraska was I think the first state in, as I recall, 1971 we were the first or second state, '71 or '72, to change the laws on custody. It was a presumption automatically that the mother always should get the children, an absolute presumption in this state. Go back and check the court cases. That is what happened. In 1971 or 2, at the request of a friend of mine who had a rather large quantity of children, I introduced legislation, and we did pass it, that said there shall be no presumption that the mother is the best or the father is the best and children shall be awarded for custody purposes based strictly on what is in the best interest of the children. Seven states, Senator Beutler, happened to do exactly what you just described, exactly what you described. And in those seven states it has worked rather excellently if you want to take the time to check it out. In other words, it goes beyond a mere blood relationship. There may be an auntie, there may be an individual that has a closer relationship with that child than anybody else and it would be maybe in the best interests of the child to go to that