

the process will be done in private. However, because of other provisions in the bill, it would be necessary if any disclosure of abuse were to surface, the mediator would have an obligation to make a report of that abuse or that purported abuse. If you look in lines 17 through 19 on page 6, you will find this language currently in the bill, "Nothing in the act shall restrict the mediator's obligation to report abuse as required by Nebraska law." The only way to avoid amending other provisions of statute is to say that any disclosure made during the mediation process would be confidential. The bill points out that whatever is made confidential by the bill, itself, meaning LB 629, could not be used in any proceeding or revealed. The only thing currently would be the contents of a final agreement between the parties that is open and available for disclosure. A number of senators, notably Senator Rasmussen, who vehemently, or vigorously, or strenuously, or some other term to let you know she didn't agree with the amendment, expressed the feeling that this may not be a wise policy decision. Her reasoning, if I recall it correctly, was to the effect that the bill is designed to help children, benefit children, who might be harmed or whose interest may not be adequately looked after under current law when a separation is going to occur between the parents. I can understand her concern and that of Senator Schimek, who expressed similar points of view, but it seems to me that the alleged abuse that we would be talking about would not have emerged prior to this. It was made known only during this process of mediation. The reason I say it has not emerged is because the bill goes on to talk about the supposed abuse not having been subject...the subject of any court. It had not been heard and ruled upon by the court, and the court would be the one pursuant to whose proceedings this mediation would be taking place. If you look at the language in the bill strictly, the fact that the alleged abuse has not been ruled on by the court would not necessarily mean that no allegation of this abuse had occurred. If an allegation had been made, whoever processed it either did not think that it rose to the level of becoming the subject of a judicial proceeding, or such proceeding is in contemplation but had not yet been initiated. In any case, we are at a situation where two parties and their children or their child are before the court for one of these reasons that is laid out in the first part of the bill. During the process of the mediation, information about possible abuse of a child or children surfaces. As serious as that situation is, the fact that the information came forth only in the confines of this mediation