

March 6, 1974

extreme penalty because the individual is taken out of the work market which you hate to take them out of the market where they are working because they can't pay child support. However, if it's as bad, and I know it is in many instances, the only resort is to bring a contempt citation. I have done it. I have watched peoples eyes when the judge says so many days in jail and when they realize that the judge has sentenced them to jail, they invariably find the money. I submit this to you as available to us now and we can use it. In fact, normally the people won't use it. It is a tool and now are we going to use this tool, that's the next question. Now, the...another thing I want to raise about the Clerk of the Court determining the arrearages, how about the question, and Senator Kelly rightfully as does Senator Schmit, concerns themselves with are the children getting the money. Now, this is the real problem. Is the money getting to the children and being used for the children? Many times there is an honest argument as to whether this money is getting to the children and used for the children. And sometimes the only way the person paying the child support has of making sure that it is that he stops paying it for awhile until they come into court and the judge says or listens to both sides and says now, you get that money to them and says to the person who has the children, now you use it for the children. In this case, there won't be any determination made as to whether or not there's two sides to the question or not. It'll be all one-sided. If the money isn't there, then they will have their drivers license suspended and then they will have to come back in to a much more involved, much, much more involved problem of litigation, much more attorneys fees, there'll be many more attorneys fees involved when they have to come back the other way around. And believe that individual has a right to come back and ask that question and to start litigation as to why this law was applied to him when the money was not being used for the children.

PRESIDENT: Senator Nore. Senator Nore.

SENATOR NORE: I....I think Senator Schmit has a real good bill here. I think it simplifies the process in the beginning and we won't need to hire an attorney. It's a district....the money goes directly to the court, why it's going to solve a whale of a lot of problems and I'm awfully sorry that we might cut out some legal fee out of this. And that's pretty difficult for the lawyers but that's the facts of life.

PRESIDENT: Are we ready to vote on the bill? Senator Kelly.

SENATOR KELLY: Mr. President, members of the Body. Question, Senator Luedtke.

PRESIDENT: Senator Luedtke, will you yield?

SENATOR LUEDTKE: Yes, I'll yield.

SENATOR KELLY: Senator Luedtke, are you and your Family Law Committee have studied this idea, does the child get the money and you believe there's problems where the children do not get the money?

SENATOR LUEDTKE: Yes, I do, and not only believe it. I know it.