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these divorce courts representing clients on a day by day basis which at the present time I am not. You said that it could be unconstitutional. Now let me preface my question with this statement of the law and you can correct me if I'm wrong. Is it not true that under the present statutes if a person does not make support payments for his children after being ordered to do so by the court that he can be thrown in jail. Is that the present law?

SENATOR FELLMAN: For contempt of court.

SENATOR PROUD: For contempt of court. All right, now, it seems to me that being thrown in jail is more serious than having your drivers license revoked so my question is, in your judgment, how would this be unconstitutional?

SENATOR FELLMAN: I think it is. I don't think there's any connection between the drivers license which is not a right and the child support.

SENATOR PROUD: Well, they're both (inaudible) punishment, isn't that correct?

SENATOR FELLMAN: No, but the historical punishment, the judgment, the child support judgment is granted in a court of equity and the method of the traditionally historical method of punishment for failure to carry out an order of the court in equity involves the holding a person in contempt. And one of the standard punishments for that is jail.... until the contempt is purged. Now, here there's a...this is taken out of the courts. This is...as I read this, the Clerk merely sends a form much like the point system. There's no requirement and then the Director of Motor Vehicle holds a hearing, similiar to the drunken driving hearing. There's no provision here that says I don't think that all child support has to be paid through court. I don't think there's...there's no way in here for a person to come in and raise any of the defense. Now, I have proposed far more stringent ways. I would like to see a statewide system of collection of child support and the assignment of the claim to a special section of the Attorney General's office and have it collected that way. But I think it's probably too radical.

SENATOR PROUD: Well, would you be too...I think really what we're trying to decide here is what is the most effective means of getting a spouse to make these child support payments, would you be willing to request an Attorney General's opinion as to the constitutionality?

SENATOR FELLMAN: I already have.

SENATOR PROUD: You haven't received it but you have requested it? Well then one question of Senator Schmit and I think I'll just have to evaluate and cast my vote. Senator Schmit, is this just to concern ex-husbands? What about the wife if she is the sole support?

PRESIDENT: Senator Schmit.

SENATOR SCHMIT: Well, Senator Proud, the bill provides that first of all in order to provide that answer, I have to explain and I'm sure all of you know the answer. I have to explain that in a decree, the court orders that the money shall be paid to the Clerk of The Court. It shall not be handled indiscriminately, \$5, \$50, as they decide it can be handled. The court says pay it to the court. Then in the