

overseership of the courts in this state and if a judge is behaving in a fashion which is not appropriate and proper, I think the Chief Justice should be prevailed on to do his job. I don't think the Legislature should enact laws of this kind to deal with one particular judge, one specific judge. But just so that I can have something into the record, I want to ask Senator Schmit a question.

SPEAKER NICHOL: Senator Schmit, please.

SENATOR SCHMIT: Yes, Mr. Speaker, I yield.

SENATOR CHAMBERS: And, Senator Schmit, so that it won't appear I am asking any leading questions, I am just going to ask a general question which is this. Will you, in your own words, tell why this bill was introduced?

SENATOR SCHMIT: Very happy, Senator. The specific reason was that a certain judge decided that the custodial parent does not...is not the owner of the child support. It is not the first time that question has arisen, however, and I want to go back and if you will allow me to, elaborate a bit. A number of times in the past 15 years that I have been active in the legislation to enforce a collection of child support, the question has arisen as to whether the money belongs to the child or did it belong to the custodial parent. Now all of us recognize, of course, that money paid by the noncustodial parent is for the purpose of child support and when a dispute arises between the parents frequently we hear the complaint that the custodial parent is not using the money in the manner for which it was intended. It has always been a mystery to me as to how someone who is paying \$50 a month to support a child which requires three times that much to live on can complain about how it is being spent. But the question is always there and many time with some justification, I might add, it has always been my conviction that the money belonged to the mother or the custodial parent and that is the generally accepted provision. In fact, it goes back to a time when I introduced a bill which required...called for, I should say, the calculation of interest and the payment of arrearages, many times after the child had reached the age of majority. And it was then determined that those funds, when collected, went to the custodial parent, not to the child. Obviously, the custodial parent had expended the money. It is a...I would agree with Senator Chambers to this extent. It is