

SPEAKER NICHOL: Senator Smith, please.

SENATOR SMITH: Thank you, Mr. President. Senator Landis, on the surface I think that, you know, your amendment looks like a good idea to me and I did have to vote because I did feel that it was germane even though I am opposed to this amendment. When I looked at it at first I thought this could be an acceptable thing sorting out those so-called troublemakers that we have been talking about here today from those truly caring and concerned grandparents. But then the more I thought about it, I asked some questions and sitting here discussing it with Senator Higgins and Senator Scofield, we are wondering if this might be possibly a discrimination against low income grandparents. In other words, only those people who can afford to pay for the support of their grandchild then should have the right. Is that what you are saying? So that raises a question for me. If it is based on ability to pay, then I think we are discriminating here. And then the other question that I would have on your amendment is, for how long a period of time? Do you mean by this that, you know, you are talking about the grandparent should support the grandchild while they are visiting them, providing all those kinds of things that we would think of that they should provide? Or are you speaking of a permanent situation and if so, how long is permanent? Would you respond to those questions because I feel this is very vague.

SENATOR LANDIS: Are you yielding to me for a question?

SENATOR SMITH: Yes.

SENATOR LANDIS: Thank you. With respect to the question of discrimination, the issue of low income is not now a bar to support requirements for fathers. What is taken into account by a court is an ability to pay. They will set with respect to the means of a person paying, but they, just as a low income father, will have a visitation right. A low income father may also have a child support obligation and you don't lose that visitation right by being, in fact, low income. Low income people now have support and visitation rights. Secondly, with respect to the...

SENATOR SMITH: Now wait a minute. Just a minute, Senator Landis. You mean to tell me that let's say you are talking