

SPEAKER NICHOL: Senator Schmit, then Senator Hannibal.

SENATOR SCHMIT: I feel a little bit like the volleyball at a volleyball game, but I've been there before. I just want to say that I do appreciate the issue being discussed and debated by both of my good friends here because they certainly are each bringing a particular perspective to the issue. I guess one of the ironies of the entire issue of custody and child support and divorce is the apparent presumption that there is such a thing as a friendly divorce. During the many years that I have worked with this kind of legislation I have spoken to hundreds if not thousands of individuals that were involved in divorces and I don't know that I have ever found a completely friendly divorce. I don't think that such a thing is possible. I'd have to say in all honesty speaking for those of us who are not divorced that there are a lot of marriages that are not all that friendly either and if they think those are all harmonious and the children all live in peace and tranquility they ought to be around the Schmit place for a few days sometimes and find out that isn't always the way it happens. It helped a lot that I was gone a lot, got up early in the morning and the Mrs. took care of the children, but the point I want to make is this. We are dealing with the lives of children. Children can take a lot of booting around, a lot of physical abuse, but the mental abuse is something which is different and I guess my concern about the amendment that Senator Hannibal proposed when he first discussed it with me was that I have a very strong conviction that children have to belong to something. They have to be rooted somewhere. They have to have some place, a room, a bed, a place, a corner that they can call their own, that they know it is theirs which they can retreat, if you want to call it that, and recognize security. And I guess one of my concerns about joint custody was the idea that children live first in one area and then in another area. There is also a second concern and that is the matter of joint custody raises the question of the amount of interest each parent might have and is there in fact joint custody? Does one try to do more than the other? Does one do less than the other? We come back again to what I think the committee has tried to do and that is to place that responsibility with the court and the court certainly needs to look at it. I believe, and I told Senator Hannibal, I believe that joint custody would be used very, very rarely, but I know that there are many times, many times when one