

they called the police and they took pictures. When they pulled his hair back, the two year old had a big knot on his head so they went to court and the judge told the father you don't get to visit them, these children, for two or three weeks now. That was the father's punishment because I guess he thought that was abusive. Just about two weeks before Christmas, the same thing happened again. The little boy comes home with black and blue marks up and down his legs and at the lower part of his spine and the mother called me and she said, "Senator Higgins, what do I do?" I said, "You take them to Bergan-Mercy and I will call the police and see that they get the pictures taken." She did, the police went out there, and the police said, "Oh, he took them to his girl friend's house in Council Bluffs. We don't have jurisdiction there. You go to Council Bluffs." At ten-thirty at night, she took the child to Council Bluffs. The police officer over there said, "To tell the truth, lady, you are just getting even with your old man, aren't you? Well, we will write it up. We don't know what is going to happen." So she has got a second attorney now. He went to court on this second case. One of the doctors from Bergan-Mercy Hospital came down and testified that he had examined the child, that he did have those black and blue marks, that he did have a bump on his head, and do you know what the judge ruled? He said, "I don't know if this is child abuse or just lack of proper supervision". Well, my question to you is twofold. Number one under your amendment, what is the minimum that a judge could sentence somebody if the judge ever finds him guilty of anything like that? What is the minimum and is your amendment going to address the problem like I have now because I have been to the Child Protective Service. They also have their hands tied because this is in District Court and there is a decree that says the father has the right to visit the children no matter what he does to them when he has got them. Is your amendment going to do anything to help this poor woman because she is on the verge of a nervous breakdown?

SENATOR BEUTLER: Senator Higgins, one can do nothing but sympathize with the situation you are describing but as you are well aware there are different aspects to our criminal law system. The first thing is somebody has got to make an arrest. The police have to be acting their proper role and the county attorney has to be acting his proper role. He has to prosecute the case. Then there is the law and it doesn't matter whether the penalty for child abuse is a \$10 fine or ten years in prison if nobody is making arrests and nobody is prosecuting the law, and we have means hopefully of going after those two institutions. But if you take