

determination of the judges?

SENATOR COORDSEN: My understanding of the problem that whatever decision was made by the review panel, under 182, would be binding, there is no way that I know of, at this point in time, where the panel that you provide for would, in fact, have any authority.

SENATOR SMITH: What I'm asking you, George, is how is it then that until this time why didn't we just question the constitutionality of the right of the Department of Social Services to be making any decisions prior to this then instead of bringing a bill to change this so that the judges now have that power?

SENATOR COORDSEN: You talking about...

SENATOR SMITH: (inaudible) no one supersedes the judges decisions.

SENATOR COORDSEN: There is not a constitutional issue at this time because the judges still have the authority over the child, they can at any time return from DSS the custody and give that custody to the county.

SENATOR SMITH: Well, then I guess I come to the question of what's this bill for?

SENATOR COORDSEN: This bill is to provide a mechanism for resolving disputes in areas where DSS provides a different program.

SENATOR SMITH: How can there be a dispute, George, if the judges have final authority?

SENATOR COORDSEN: Because they do not have final authority over the Department of Social Services. Their final authority is to return to the county the custody. Counties do not have any means of providing services for the...for the juvenile.

SPEAKER BAFRETT: Two minutes and one-half.

SENATOR SMITH: I'm afraid I'm taking Senator Kristensen's time but I understand I'm next and I will give him my time when it's my turn.