

SENATOR KRISTENSEN: Thank you, Madam President, members of the body, Senator Beutler, I'd like to continue on just briefly so members of this body understand what this bill is about because there are going to be some long-term effects of this. As I read the bill, it talks about once they receive this financial information from the noncustodial parent the Department of Social Services then has the ability to review it if it is above the guidelines or above the percentages of the Supreme Court, that is automatic...well it's a presumption of material change in circumstances so you don't have any proof in court. In other words, there is no issues of well this is a high year and you've got to average it. You don't get to present any evidence, it's prima facie material change of circumstances. Now that addresses when child support goes up. In other words the custodial parent can say the other side is making more money, I want more child support so they come in and they can raise it. What happens if the person's income has gone down? Can they request the Department of Social Services to review their income when it goes down and then get the same services to lower their child support? Or are they going to have to go through court, hire their own counsel and use a regular burden of proof, that being material change of circumstances and so you have two different systems. One, it will be easier to raise it, it will be very difficult to lower it.

SENATOR BEUTLER: Absolutely not. The system will work in both directions and is intended to do that. If somebody thinks that their child support is too high, that their circumstances have permanently changed so that they can no longer afford the level of support which was originally adjudicated, they are at liberty to initiate a request for modification to lower it and all the forces in the system including the very significant free legal help is going to be available to them. And so it will work absolutely in both directions. You know, that kind of brings me to one part of the system that philosophically I don't believe in. This system is going to be open to anybody that pays a dollar to be a part of the system and that is going to include some very wealthy people and that gets you into a whole another philosophic question but that's required by federal law.

SENATOR KRISTENSEN: That's right, and you've got me to the exact point that I guess I wanted to bring to the system here is that this is going to be a very easy system to access for a lot of other purposes other than the one that is intended because you may well want to intend to collect child support and