

issue is going to be whether or not we are going to require some mediation in the case of child custody cases. Now I know there's going to be an amendment that's going to try to make this a voluntary scheme and I will tell you from the outset that if this is voluntary it will not be utilized, it will not help, it will be an appendage to the statutes which will be absolutely superfluous. It will just be words written in the statute books because the experience of the 33 other states has been that if you don't at least require mediation in domestic relations cases involving custody when at least one of the parties wants it, that it will not be used. It will not be successful and we will continue to have children be the victims of dysfunctional families in our society. So that's one of the primary issues, is going to be voluntariness. Now let me just briefly describe what the bill does. What the bill does is this. When a petition is filed for a dissolution of a marriage and if there's custody involved, one of the spouses can request mediation. The case is then sent to mediation and the husband and wife must attend at least one session with a qualified mediator. Now there's going to be an amendment offered by Senator Landis, I believe, that deals with mediation and I have no objection to his amendment on mediation. It solidifies some of the issues on who's going to be a mediator and what kind of training they should get. That's fine with me. But that initial session is very, very important because at that session the mediator is going to try to discuss with these two individuals, who are having difficulties in their marriage, what impact their difficulties are having on their children and encourage them to develop a parenting plan. So often these cases are resolved in a lawyer's office or between the husband and wife and the children are not involved, and in many cases the parents aren't involved. The lawyers get together and they formulate proposals and they go back and forth and letters go back and forth and attorney fees go up, up, and up and up, and by the time you're done you have a bunch of letters in the file and maybe at some point right before trial, before the court, you have a resolution or some kind of a settlement that goes to the court and normally the court approves it. But what a parenting plan does is it forces both parties to sit down and talk about their issues involving their children: When is visitation going to occur? Who is going to take the children to their soccer games? Who is going to take care of the children when the other parent goes on vacation? Little concerns and questions that really make a difference to a family that is ab initio, a family that is dysfunctional and that dysfunction simply must not continue