

recognize the fact that people couldn't get along. Like it or not, divorce became no fault. I'm afraid if you go back to this system then people, to avoid the mandatory mediation, will make up allegations of abuse because that's really all you'd have to do is make an allegation. And so that...that concerns me that if we do move to that system you build into the system again inherent inaccuracies. You force people to brew a pot that maybe doesn't need to be brewed or you make up those allegations to avoid the mandatory mediation, and I guess it points up the fact that the reason Senator Landis and I and others have been talking about voluntary mediation is if you do have people who legitimately disagree, who decide we want to have a divorce but we know that it's in the best interest of the children, even though we can't get along ourselves, that we do have to get along in some nature, can agree to go to mediation for those limited purposes. Otherwise, what I'm afraid occurs is you will have those allegations just to avoid mediation that there was abuse and that's how you'd short-circuit the system. Why not just go ahead, if the parties can agree to have mediation, let's do it. If they can't, I see no purpose in forcing them into that situation. I understand what concern you have, but if you want to address it, I'm afraid that mandatory mediation isn't the place to do it at all. And, otherwise, the mandatory mediation will be used for leverage and I think that I would probably be able to use that leverage in some form or fashion because then you would go into that mandatory meeting and say, look, you're going to take the tough line and we're going to fight for the kids, so you go into mandatory mediation and say, I want custody and we're going to make that strong line in an attempt to intimidate the other side or to use it as a bargaining chip for property on the other end and, unfortunately, whenever you have those mandatory things, it's just going to be another tool for leverage and I don't think that your ultimate is served. Finally, I think Senator Ashford does need to be commended. I mean, I disagree with what he's doing here in terms of the...

PRESIDENT MOUL: One minute.

SENATOR KRISTENSEN: ..mandatory mediation, but the effort to control the warfare, if you will, in divorce actions is difficult and I think the aim and the effort that he's put forth is a credible one, is one that we ought to try to get to, but sometimes that's just not possible. And so the purpose of the act is good. If we could do away with even one or two custody