

SENATOR CHAMBERS: But this is the mediation.

SENATOR ASHFORD: Well, I'm answering your question. I guess the answer would be that if they refuse to, then, at that point, the mediator would go to the court and say I've got...they're not talking and do you want them to or not, and the court would, in its discretion, decide which, his or her discretion, decide what to do.

SENATOR CHAMBERS: Could the court compel them...

PRESIDENT MOUL: Time.

SENATOR CHAMBERS: ..to talk though?

PRESIDENT MOUL: Thank you,...

SENATOR ASHFORD: I suppose it could,...

PRESIDENT MOUL: ..Senator Chambers.

SENATOR ASHFORD: ..Senator Chambers.

PRESIDENT MOUL: Senator Rasmussen.

SENATOR RASMUSSEN: Yes, Madam President and members of the body, I think there's been very good debate about whether or not this should be voluntary or mandatory for at least one visit, and I don't pretend to have the legal knowledge to know from that perspective which way it should go, and I do not pretend that this system is going to mean that every...in every divorce situation an amiable decision will be made through the mediation process. I do look at some of the research, though, in terms of what's going on in terms of this kind of a program in other states. In Denver, the mediation project, when free mediation was offered on a voluntary basis, only half of the people accepted and used it. When it was mandated, everybody had to go for at least the one session and 79 percent were in compliance with those agreements and 77 percent said that they highly approved of the mediation process. I think one of the things that's going on is that people don't understand what mediation is. I've even heard on the floor that some people thought we were talking about conciliation, that this was a process to attempt to bring couples back together again rather than