

SENATOR CHAMBERS: If you remove this language and it's clear that such language was in the bill placing a requirement on the mother and the Legislature removed this information, this requirement, and the rest of the law is silent on it, then there is nothing in the law which really requires the mother to exercise due diligence in her cooperation, is there? Even if she answers questions. Let's say she is not going to refuse.

SENATOR BROMM: Well, she is signing the affidavit under oath. It's a notarized affidavit. It's being used in court testimony. I think she's sub...she could be subjected to possible contempt or possibly perjury charge.

SENATOR CHAMBERS: But we have two issues, one is the law as relates to giving statements under oath. The...and a person when writing out an affidavit usually will say, to the best of my knowledge or understanding. And that renders their comments not too much more, in some instances, than an opinion. They're saying, in my best opinion or such things as that. But, in this area that we're dealing with, we're talking about the overall duty that is placed on the biological mother, and in the same way that everybody else must substantially comply with the law and due diligence must be observed...

SPEAKER WITHEM: One minute.

SENATOR CHAMBERS: ...in that compliance. Why do you want to take away from the mother or remove from the mother the requirement to exercise due diligence in fulfilling her obligations?

SENATOR BROMM: Senator Chambers, the affidavit that's now part of the bill says, under penalty of perjury the undersigned certifies the statements in this affidavit are true and correct. That statement is in the affidavit she signs. Now the due diligence requirement, to me, pertains more to the procedural requirements of the bill and in other parts of the bill, where it speaks of the court ordering due diligence, it speaks of the court ordering the attorney or the agency and doesn't speak of the court ordering the mother. So I think this...having the mother's name in this particular section clouds that issue, and I don't understand what it means for sure. I have to admit that.

SENATOR CHAMBERS: My time is probably up but I have my light on