

PRESIDENT ROBAK: Senator Day.

SENATOR DAY: Yes.

SENATOR CHAMBERS: Senator Day, who makes the determination as to whether or not there has been an unreasonable withholding or an unreasonable interference with the visitation?

SENATOR DAY: That would be the child support referee.

SENATOR CHAMBERS: Okay. And on what standard would that judgment be made? Where is the standard in your amendment that establishes what would constitute unreasonable withholding or unreasonable interference?

SENATOR DAY: There is no standard in the amendment. That was something we talked about a lot, Senator Chambers, and we were unable...it's so subjective that we checked other states and no one really had a real clear-cut definition of that.

SENATOR CHAMBERS: And I...you're right, absolutely, and that's why I'm asking the question. So, Senator Day, if we had 20 of these cases, we could have 20 different referees giving 20 different interpretations going on the same law. Would you agree?

SENATOR DAY: I think that could happen, yes.

SENATOR CHAMBERS: And in each case, even though each was decided differently, there might be a basis in the mind of the referee for saying what he or she said in determining there had been an unreasonable withholding or interference with visitation. Would you agree?

SENATOR DAY: Yes, I would.

SENATOR CHAMBERS: In such a subjective set of circumstances, I won't ask it as a question. I wcn't ask you as a question. I'm going to make some statements now. I'm not...I wasn't asking those questions to try to catch Senator Day or anything but to indicate that even the person who has brought the amendment can see that there are difficult areas here. Senator Schimek touched on it also. Senator Beutler had emphasized the access to the courts which is made available by the adoption of Senator