

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
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best interests of the child to be breast fed. Let's say the judge made that decision. If a woman...

SENATOR BRASHEAR: You...you would file a grievance with him, probably.

SENATOR CHAMBERS: Yes, but if he made that decision, the way a judge enforces a decision is by invocation of the contempt power, isn't that right?

SENATOR BRASHEAR: That's one of them, yes.

SENATOR CHAMBERS: So, could he get...have this woman found in contempt for not breast feeding?

SENATOR BRASHEAR: He could initially, at the first blush. But...but there would (laugh) there would be consequences.

SENATOR CHAMBERS: And some people are saying, no, he couldn't. But if he has the authority to issue an order, he has the authority to carry it out through contempt, and courts have said that across the board. But, away from that, what is the answer to that other question?

SENATOR BRASHEAR: The answer to your other question, sir, is that the Parenting Act applies to married parents who are seeking a dissolution and to parents who are seeking custody, even if not married.

SENATOR CHAMBERS: So everything that we're talking about applies to people who are not married to each other.

SENATOR BRASHEAR: If they are...if they have established or are seeking to establish custody.

SENATOR CHAMBERS: Yes. So marriage is not essential.

SENATOR BRASHEAR: Marriage is not essential under the Parenting Act, no, sir.

SENATOR CHAMBERS: And there are a lot more people in this society who feel that they need not be married to form a family