

CLERK: (Read FA123 on page 1728 of the Legislative Journal.)

SENATOR CHAMBERS: Okay, thank you. That is what I needed to see what it is that the judge would do after conducting his or her review. The way I see it, based on the wording of the amendment, is that we have a set of circumstances where the two parties want to mediate. They get into the situation and the process is going forward, and a disclosure is made. And, remember, the disclosure does not have to consist of conduct which, in fact, is child abuse. It just has to be what in the mind of the mediator could constitute abuse. So once that disclosure is made, under Senator Schimek's amendment, which has been adopted, mediation is over. The mediator would then make a report of suspected child abuse, and the system would carry it on from there in whatever way it functions now. If the amendment that Senator Hohenstein put on the desk is adopted, I think there would have to be some modification of Senator Schimek's amendment because what's envisioned in the Hohenstein amendment is creation of a situation where the disclosure of suspected child abuse will not in and of itself terminate the mediation, period. Nor will it require the mediator to go through the law enforcement persons with the complaint or the report. The judge would be consulted and let's say that the judge makes the determination, first of all, that this treatment does not rise to the level of child abuse or spouse abuse or whatever, that ends it right there. They can go back to mediating if that's what they choose to do, because in the example I'm using now, one did not angrily denounce and accuse the other one. They are on good terms and they want to mediate. If the judge makes the finding that there is no abuse, that ends that particular problem and they can resume the mediation. If the judge determines that there has been abuse, or the facts presented raise a sufficient question, then the judge can see that additional investigation is undertaken. And I presume that investigation will be undertaken by whatever arm of Social Services, Child Protective Services, or the police department in the given location would do the investigating, and we then would be again where we are when an accusation of child abuse is made. Senator Rasmussen is just sitting here looking at me without changing her expression, boring through me with those steel blue eyes, and it has kind of disconcerted me for a second, but I think I have regrouped. The amendment that Senator Hohenstein...

SPEAKER BAACK: One minute.