

SENATOR V. JOHNSON: That contempt action can result in jail time for that individual. The individual can go to jail as a result of being hailed before the court and found by the court to be in contempt of court for not paying child support. Do you have any opinion as to whether or not we should provide for the appointment of counsel, either the use of a public defender system, which we have in a number of cities, or appoint a counsel to represent that individual?

SENATOR NICHOL: Well, my own opinion is no that we should not appoint and pay for that. They have already been through court most likely and it has been established prior to this and at that time he should have had help if he needed help, but not now.

SENATOR V. JOHNSON: All right. Thank you, Senator Nichol. I don't believe that I have any other questions with respect to the bill. The questions I raised I find I am just a little troubled about it but I assume...I am particularly troubled I think about the fact that we will have men brought before the court on contempt charges because they have not paid their child support and they will stand without any representation whatsoever while at the same token the woman who is to receive the child support or the children who are to receive the child support will be represented out of tax dollars by our County Attorney. Now you may think that in a child support collection action the only issue is whether or not there is an arrearage, but in addition...in addition the question arises as to whether or not the individual had the ability to pay the child support that is now in arrears and knowingly failed in spite of that ability to pay the child support, and if you can find the second condition to exist, then the individual may very well be held in contempt of court and may go to jail. So it seems to me that in meeting some due process standards concerning the rights of people who are brought before the court who in turn can be put into jail for various and sundry violations or actions, that we probably ought to provide for the appointment of counsel in those cases. And I think what I will do at this juncture is to support the bill so that it can move off General File because I can appreciate the merit of the bill per se, but at the same token just lay the groundwork with this body for at least an amendment on Select File to see to it that in some circumstances we can have appointed a counsel for somebody who is broke but who has got a legitimate defense to a child support collection action so he won't go to jail. Thank you very much.