

individual unless that individual waives his right to counsel, and if the defendant be poor then somebody, then the public defender's office or appointed counsel will have to represent him. Now what I am doing with this amendment very simply is I am attempting to fulfill the requirements of decisional law. The United States Supreme Court over the last several years has held in a growing body of cases that when an individual faces incarceration, when they face imprisonment, and when they are poor, we have to appoint counsel to represent them. That issue in connection with child support collection cases has been litigated in several courts, and it has gone in several ways. Not every court has said that a nonsupporting individual should have counsel even though they are going to jail, but there are other courts that have held to the contrary. Now I don't happen to care for people who don't pay their child support. In fact, I get very angry about persons who can father children but can't pay their child support. On the other hand, on the other hand, I know that there are a number of men who cannot pay their child support because they are out of work and they are making conscious efforts looking for jobs and they can't find jobs, or because they are behind the eight-ball emotionally and mentally and in being behind the eight-ball emotionally and mentally just haven't quite got their act together in terms of developing a job and developing job skills and getting earnings and paying their child support, and yet they will be brought before the court, properly so because they have not paid their child support, and some of these men will go to jail. Some will go to jail in contempt of court actions. So what my amendment says simply that one of the prices that you and I pay for living in a civilized society and one of the prices that you and I pay for insuring full protection of the rights of individuals is to see to it, at least, that if somebody is facing a child support charge which could result in imprisonment, that that person cannot be imprisoned without first having had the assistance of counsel. It's as simple as that. We have an appointed counsel system in criminal cases throughout this state, if an individual is poor, that is we can use the public defender's office in those areas where there are public defenders and in those areas where there are not public defenders then there will be an appointed counsel that will be provided, and that counsel, believe it or not, will be paid for from public funds. But we should also be mindful of the fact that public funds, undoubtedly, will be paying for the child support collection action. LB 345 will ensure it. This is not, in a sense, this is not a very...this is not an easy amendment because