

but I do have a bit of a problem that has come to me a number of times in recent years that I would like to discuss with you just very openly and for the record.

SENATOR V. JOHNSON: Sure.

SENATOR NEWELL: I have had a situation where because of the enforcement and I think that Senator Schmit's argument that there needs to be enforcement in this area and your agreement to that, but because of the enforcement and trying to collect this area I have had recently, just very recently, one of the best examples and a few other ones that weren't quite as good but this one was very good, an individual was \$4000 behind in their child support payments. This individual had been unemployed for a year and frankly they were incarcerated. The judge indicated that since they weren't making their payments, they would be sent to jail where they obviously couldn't do a very good job of getting a job or working, and some folks brought this to my attention. Now, I wondered about the efficacy of putting a man who is unemployed, who couldn't pay those payments because he was unemployed and he had tried, he had honestly made attempts to pay and they were admittedly token amounts, but they were good faith attempts to do what he could from the odd jobs that he had, etcetera. Now, how does this address...how does your amendment address the kind of process in which this individual might have received a little bit more understanding by the courts? Does it address it in any way?

SENATOR V. JOHNSON: Sure. Absolutely right, Senator Newell. What this amendment says simply is that this man, your friend, who couldn't support his children, when he is hailed before the court and the court begins to cajole him into making the payments and threatening him with going to jail, the court can talk and talk all it wants to and threaten him all it wants to, but the truth of the matter is the court can't put him in jail unless the court at least takes the steps to make sure the man has an attorney. So let me tell you, when the judge finally says to your friend, okay, Joe, you get an attorney, and if you can't afford one, Joe, we will appoint one for you. Joe now knows that the go to jail sign is turned on and that means simply that he is either going to come up with the four grand or that he is going to get himself a lawyer or a lawyer is going to be appointed and they are going to have a full hearing on it, and if he goes to jail at least when he goes to jail he will believe that justice had been done.