

February 25, 1981

LB 345

SENATOR NEWELL: All right, Senator Johnson, in part that helps in terms of this individual being represented and he was not represented by an attorney, so this deals with that, but what about the whole question of throwing a man....I mean this is almost like a debtor's prison here, a man could not pay, he was out of work for a year, he could not pay and he got behind in that year period of time, he still made honest attempts to try to pay, they were very token amounts. I am not going to try to indicate they were more than that, but this individual did not have a job, could not pay and they threw him in jail anyway. This does not... will this court appointed attorney assist in that area? Is there some way in which....I mean this looks a lot like debtor's prison to me.

SENATOR V. JOHNSON: Sure. Well, now in the first place a number of men do go to jail for nonpayment of child support and it does look like debtor's prison. It is an exception, incidentally, to the prohibition against imprisoning a person for debt. It is a constitutional exception. So we can place people in jail. Is jail very efficacious? I think that in some instances men who are in jail do start coming up with money and begin to make support payments more regularly. I think jail probably is the bottom line on a child support collection matter. I am not at this point in my life prepared to remove jail as one of the means.

SENATOR NEWELL: Senator Johnson, that's not....I'm talking about the basic...the fact that the man did not have a job for a year.

SENATOR V. JOHNSON: Right.

SENATOR NEWELL: He was without the means to pay the child support. His wife was on ADC at the time. What is this....?

SPEAKER MARVEL: You have 15 seconds left.

SENATOR V. JOHNSON: Senator Newell, a skillful attorney can take that...can assist that man in developing those facts with the court so that the court can't hold him in contempt because though he may have the willingness to pay he doesn't have the present ability to do so.

SENATOR NEWELL: Thank you, Senator Johnson. I support your amendment.

SENATOR CLARK PRESIDING