

court appoint an attorney who would be necessary to really give meaning to his rights?

SENATOR MATZKE: Well, it's not a criminal case so he doesn't have a constitutional right to counsel in a case such as this and...

SPEAKER WITHEM: One minute.

SENATOR CHAMBERS: I know it's not criminal.

SENATOR MATZKE: In all probability he might not even need an attorney to assert his fatherhood because if he merely appears in court individually and asserts that, the court is probably going to immediately inquire into it. The court would be under a duty to do that under the statute to determine parental rights and order a blood test or whatever is necessary to determine paternity, so I don't know that counsel would be that necessary.

SENATOR CHAMBERS: Would you be willing to say that if the father cannot afford counsel, the other side shall not have counsel and as we have it in small claims court, the parties are on an even playing field or do you want to keep it where the father is at a disadvantage and these rights we're talking about are only for the purpose of being in a position to cut off his rights without him having a chance really to vindicate them?

SENATOR MATZKE: Well when you discuss the matter of right to counsel, you know as well as I do...

SPEAKER WITHEM: Time.

SENATOR MATZKE: ...that in a civil case...

SPEAKER WITHEM: Senator Matzke, you're next.

SENATOR MATZKE: I'll continue them. In a civil case there is no right to counsel. It's a free country, everyone is entitled to speak for themselves or employ counsel if they want to. In most of these cases, especially those reported in the newspaper, both sides secure counsel. This is not a criminal case so there is no constitutional right to it. I think that is an issue that as in all other civil cases, you have to leave it to the parties own discretion as to whether they want to be represented by an attorney or not. But as a practical matter, if you were having