

May 10, 1963



Honorable Clarence P. Lehnem
Prosecuting Attorney
Montgomery County
Wellsville, Missouri

Dear Mr. Lehnem:

This is in further response to your request for an opinion of January this year.

You set out two specific questions:

1. May a defendant who fails to make payments under the uniform support of dependents act be punished as for contempt?
2. Is the court, in a uniform support matter, obligated to appoint counsel for an indigent defendant?

Question number 1 has been the subject of lengthy research in this office and is not yet resolved. We shall inform and advise you at such time as we do arrive at an opinion on that subject.

With reference to question number 2, we presume you refer to the civil provisions of Chapter 454. If the defendant is being proceeded against in a civil matter, we find nothing which makes it mandatory that the court appoint counsel, but at least the St. Louis Court of Appeals takes the position that this is permissible in an analogous situation; see *In Re Barger*, 365 S.W. 2d 89, 90. Chapter 454, the act establishing the enforcement of support, makes no provision for the appointment of counsel to represent an indigent defendant.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

HLM:BJ