



**Hundredth Legislature - First Session - 2007**  
**Committee Statement**  
**LB 682**

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**Hearing Date:** March 8, 2007

**Committee On:** Judiciary

**Introducer(s):** (Wightman)

**Title:** Change provisions relating to use of the Supreme Court child support guidelines

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**Roll Call Vote – Final Committee Action:**

- Advanced to General File
  - X Advanced to General File with Amendments
  - Indefinitely Postponed
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**Vote Results:**

5	Yes	Sen. Ashford, Sen. McDonald, Sen. McGill, Sen. Pedersen, Sen. Schimek
1	No	Sen. Pirsch
1	Present, not voting	Sen. Lathrop
1	Absent	Sen. Chambers

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**Proponents:**

Sen. Wightman  
Melvin G. Beckman  
Amy A. Miller  
John M. Soby  
Patrick Ford  
Joy Soby  
Teela A. Mickels

**Representing:**

Introducer  
Family to Friends of Inmates  
ACLU, Nebraska  
Black and White Contracting LLC  
Legal Aid of Nebraska  
Black & White Contracting LLC  
Compassion in Action, Inc

**Opponents:**

William P. Mackenzie  
Sean Bradley

**Representing:**

Nebraska County Attorney Association  
YWCA of Omaha

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

Under current law, incarceration is considered a voluntary reduction of income for the purpose of paying child support. Therefore, the inmate cannot file a complaint to modify a support order to reflect the reduced income. As a result, inmates with support orders against them, who cannot

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continue to pay the support while in prison, will be responsible for the arrears when they complete their period of incarceration.

Legislative Bill 682 amends N.R.S. §43-512.15 to make incarceration an *in*voluntary reduction of income. This will provide attorneys the authority to file a complaint to reduce the support amount.

**Explanation of amendments, if any:**

**COMMITTEE AMENDMENT**

The committee amendment to LB 682 makes two changes to the bill as introduced:

1. Persons who are imprisoned for criminal nonsupport (failure to pay child support) are not allowed to benefit by receiving a modification of a child support order on the basis of their reduced income while incarcerated.
2. Limits the bill to apply only to those individuals incarcerated for 6 months or more. This is a practical change to prevent multiple modification proceedings in cases where persons are incarcerated for only a short period of time and then return to employment. Shorter sentences also do not result in the accumulation of large arrears, the prevention of which was the purpose of the bill as introduced.

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**Senator Brad Ashford, Chairperson**