LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 682

Introduced by Wightman, 36; Ashford, 20; Burling, 33; Nelson, 6

Read first time January 17, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to assistance for certain children; to amend

2   section 43-512.15, Reissue Revised Statutes of Nebraska;

3   to change support order modification provisions; and to

4   repeal the original section.

5 Be it enacted by the people of the State of Nebraska,

1   Section 1. Section 43-512.15, Reissue Revised Statutes of

2   Nebraska, is amended to read:

3   43-512.15 (1) The county attorney or authorized attorney,

4   upon referral from the Department of Health and Human Services,

5   shall file a complaint to modify a child support order unless the

6   attorney determines in the exercise of independent professional

7   judgment that:

8   (a) The variation from the Supreme Court child support

9   guidelines pursuant to section 42-364.16 is based on material

10 misrepresentation of fact concerning any financial information

11 submitted to the attorney;

12   (b) The variation from the guidelines is due to a

13 voluntary reduction in net monthly income. For purposes of this

14 section, incarceration shall be considered an involuntary reduction

15 of income; or

16   (c) When the amount of the order is considered with all

17 the other undisputed facts in the case, no variation from the

18 criteria set forth in subdivisions (1) and (2) of section 43-512.12

19 exists.

20   (2) The proceedings to modify a child support order shall

21 comply with section 42-364, and the county attorney or authorized

22 attorney shall represent the state in the proceedings.

23   (3) After a complaint to modify a child support order is

24 filed, any party may choose to be represented personally by private

25 counsel. Any party who retains private counsel shall so notify the

1 county attorney or authorized attorney in writing.

2   Sec. 2. Original section 43-512.15, Reissue Revised

3 Statutes of Nebraska, is repealed.