

ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011
COMMITTEE STATEMENT
LB673

Hearing Date: Thursday February 03, 2011
Committee On: Judiciary
Introducer: Flood
One Liner: Change support liens and provide for military parents and children in cases of divorce

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Ashford, Coash, Council, Harr, Larson, Lathrop, Lautenbaugh, McGill
Nay:
Absent:
Present Not Voting:

Proponents:

SEN. MIKE FLOOD
DOUGLAS WILKEN
LOUIS BENSCOTER
JEFF ROGERS

Representing:

INTRODUCER
NE MILITARY DEPARTMENT
SELF
SELF

Opponents:

AMIE MARTINEZ

Representing:

NE STATE BAR

Neutral:

Representing:

Summary of purpose and/or changes:

Legislative Bill 673 would amend 42-371 to require a court to order a judgment creditor to pay a judgment debtor's court costs and attorney's fees when the judgment creditor has refused, without a good faith reason, to execute a release of the judgment for child support or spousal support or subordination of the lien. A showing that all support payments are current would be prima facie evidence that the judgment creditor refused to release or subrogation without a good faith reason.

The bill would provide procedural protections for families with a military parent in the midst of mobilization or deployment in cases involving custody, parenting time, visitation, access or modification.

The bill would provide a definition of military parent and add stepparents and step-siblings to the definition of parenting time.

Explanation of amendments:

Committee Amendment AM 1254 would authorize, rather than require, the court to order a judgment creditor to pay a judgment debtor's court costs and attorney's fees when the judgment creditor has refused, without a good faith reason, to execute a release of the judgment for child support or spousal support or subordination of the lien. The change would be accomplished by striking the word shall on page 4, line 3 and inserting the word may. The amendment would also

strike "prima facie" from page 4, line 7 in order to make a showing that support payments are current evidence - not prima facie evidence - that the judgment creditor refused to release or subrogation without a good faith reason.

The amendment would also remove a limitation in the definition of military parent in order to include all members of the National Guard.

Brad Ashford, Chairperson