

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 415

Introduced by Pansing Brooks, 28; Schumacher, 22.

Read first time January 16, 2015

Committee: Judiciary

1 A BILL FOR AN ACT relating to the Uniform Interstate Family Support Act;
2 to amend sections 42-701, 42-702, 42-703, 42-704, 42-705, 42-707,
3 42-708, 42-710, 42-711, 42-712, 42-713, 42-713.01, 42-713.02,
4 42-714, 42-717, 42-718, 42-719, 42-720, 42-721, 42-723, 42-724,
5 42-726, 42-729, 42-730, 42-731, 42-732, 42-733, 42-734.03,
6 42-734.04, 42-734.05, 42-735, 42-736, 42-737, 42-738, 42-739,
7 42-740, 42-741, 42-742, 42-743, 42-744, 42-745, 42-746, 42-747.01,
8 and 42-747.03, Reissue Revised Statutes of Nebraska; to define,
9 redefine, and eliminate terms; to provide for and change provisions
10 relating to tribunals, proceedings, enforcement, support orders,
11 payment, pleadings and documents, parentage of children,
12 registration of orders, choice of law, procedures to contest,
13 confirmation, and modification of support orders; to provide for
14 proceedings under the Convention on the International Recovery of
15 Child Support and Other Forms of Family Maintenance as prescribed;
16 to harmonize provisions; to provide for applicability; to provide
17 severability; to repeal the original sections; and to outright
18 repeal section 42-748, Reissue Revised Statutes of Nebraska.
19 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 42-701, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 42-701 Sections 42-701 to 42-751 and sections 5, 29, and 47 to 61 of
4 this act shall be known and may be cited as the Uniform Interstate Family
5 Support Act.

6 Sec. 2. Section 42-702, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 42-702 In the Uniform Interstate Family Support Act:

9 (1) Child means an individual, whether over or under the age of
10 majority, who is or is alleged to be owed a duty of support by the
11 individual's parent or who is or is alleged to be the beneficiary of a
12 support order directed to the parent.

13 (2) Child support order means a support order for a child, including
14 a child who has attained the age of majority under the law of the issuing
15 state or foreign country.

16 (3) Convention means the Convention on the International Recovery of
17 Child Support and Other Forms of Family Maintenance, concluded at The
18 Hague on November 23, 2007.

19 (4 ~~3~~) Duty of support means an obligation imposed or imposable by
20 law to provide support for a child, spouse, or former spouse, including
21 an unsatisfied obligation to provide support.

22 (5) Foreign country means a country, including a political
23 subdivision thereof, other than the United States, that authorizes the
24 issuance of support orders and:

25 (A) Which has been declared under the law of the United States to be
26 a foreign reciprocating country;

27 (B) Which has established a reciprocal arrangement for child support
28 with this state as provided in section 42-721;

29 (C) Which has enacted a law or established procedures for the
30 issuance and enforcement of support orders which are substantially
31 similar to the procedures under the act; or

1 (D) In which the Convention is in force with respect to the United
2 States.

3 (6) Foreign support order means a support order of a foreign
4 tribunal.

5 (7) Foreign tribunal means a court, administrative agency, or quasi-
6 judicial entity of a foreign country which is authorized to establish,
7 enforce, or modify support orders or to determine parentage of a child.
8 The term includes a competent authority under the Convention.

9 (8 4) Home state means the state or foreign country in which a child
10 lived with a parent or a person acting as parent for at least six
11 consecutive months immediately preceding the time of filing of a petition
12 or comparable pleading for support and, if a child is less than six
13 months old, the state or foreign country in which the child lived from
14 birth with any of them. A period of temporary absence of any of them is
15 counted as part of the six-month or other period.

16 (9 5) Income includes earnings or other periodic entitlements to
17 money from any source and any other property subject to withholding for
18 support under the law of this state.

19 (10 6) Income withholding order means an order or other legal
20 process directed to an obligor's employer or other payor, as defined by
21 the Income Withholding for Child Support Act or sections 42-347 to
22 42-381, to withhold support from the income of the obligor.

23 ~~(7) Initiating state means a state from which a proceeding is~~
24 ~~forwarded or in which a proceeding is filed for forwarding to a~~
25 ~~responding state under the Uniform Interstate Family Support Act or a law~~
26 ~~or procedure substantially similar to the act.~~

27 (11 8) Initiating tribunal means the tribunal of a state or foreign
28 country from which a petition or comparable pleading is forwarded or in
29 which a petition or comparable pleading is filed for forwarding to
30 another state or foreign country authorized tribunal in an initiating
31 state.

1 (12) Issuing foreign country means the foreign country in which a
2 tribunal issues a support order or a judgment determining parentage of a
3 child.

4 (~~13~~ 9) Issuing state means the state in which a tribunal issues a
5 support order or ~~renders~~ a judgment determining parentage of a child.

6 (~~14~~ 10) Issuing tribunal means the tribunal of a state or foreign
7 country that issues a support order or ~~renders~~ a judgment determining
8 parentage of a child.

9 (~~15~~ 11) Law includes decisional and statutory law and rules and
10 regulations having the force of law.

11 (~~16~~ 12) Obligee means:

12 (A i) An individual to whom a duty of support is or is alleged to be
13 owed or in whose favor a support order ~~has been issued~~ or a judgment
14 determining parentage of a child has been issued ~~rendered~~;

15 (B ii) A foreign country, state, or political subdivision of a state
16 to which the rights under a duty of support or support order have been
17 assigned or which has independent claims based on financial assistance
18 provided to an individual obligee in place of child support; ~~or~~

19 (C iii) An individual seeking a judgment determining parentage of
20 the individual's child; or -

21 (D) A person that is a creditor in a proceeding under sections 48 to
22 60 of this act.

23 (~~17~~ 13) Obligor means an individual, or the estate of a decedent
24 that:

25 (A i) Owes ~~who owes~~ or is alleged to owe a duty of support;

26 (B ii) Is ~~who is~~ alleged but has not been adjudicated to be a parent
27 of a child; ~~or~~

28 (C iii) Is ~~who is~~ liable under a support order; or -

29 (D) Is a debtor in a proceeding under sections 48 to 60 of this act.

30 (18) Outside this state means a location in another state or a
31 country other than the United States, whether or not the country is a

1 foreign country.

2 (19 14) Person means an individual, corporation, business trust,
3 estate, trust, partnership, limited liability company, association, joint
4 venture, public corporation, government or governmental subdivision,
5 agency, or instrumentality, public corporation, or any other legal or
6 commercial entity.

7 (20 15) Record means information that is inscribed on a tangible
8 medium or that is stored in an electronic or other medium and is
9 retrievable in perceivable form.

10 (21 16) Register means to record or file in a tribunal of this state
11 a support order or judgment determining parentage of a child issued in
12 another state or a foreign country in the appropriate location for the
13 recording or filing of foreign judgments generally or foreign support
14 orders specifically.

15 (22 17) Registering tribunal means a tribunal in which a support
16 order or judgment determining parentage of a child is registered.

17 (23 18) Responding state means a state in which a petition or
18 comparable pleading for support or to determine parentage of a child
19 proceeding is filed or to which a petition or comparable pleading
20 proceeding is forwarded for filing from another state or a foreign
21 country an initiating state under the Uniform Interstate Family Support
22 Act or a law or procedure substantially similar to the act.

23 (24 19) Responding tribunal means the authorized tribunal in a
24 responding state or foreign country.

25 (25 20) Spousal support order means a support order for a spouse or
26 former spouse of the obligor.

27 (26 21) State means a state of the United States, the District of
28 Columbia, Puerto Rico, the United States Virgin Islands, or any territory
29 or insular possession under ~~subject to~~ the jurisdiction of the United
30 States. The term includes an Indian nation or tribe. ÷

31 ~~(i) An Indian tribe; and~~

1 ~~(ii) A foreign country or political subdivision that:~~

2 ~~(A) Has been declared to be a foreign reciprocating country or~~
3 ~~political subdivision under federal law;~~

4 ~~(B) Has established a reciprocal arrangement for child support with~~
5 ~~this state as provided in section 42-721; or~~

6 ~~(C) Has enacted a law or established procedures for issuance and~~
7 ~~enforcement of support orders which are substantially similar to the~~
8 ~~procedures under the Uniform Interstate Family Support Act.~~

9 (27 22) Support enforcement agency means a public official,
10 governmental entity, or private ~~or~~ agency authorized to seek:

11 (A i) Seek enforcement ~~Enforcement~~ of support orders or laws
12 relating to the duty of support;

13 (B ii) Seek establishment ~~Establishment~~ or modification of child
14 support;

15 (C iii) Request determination ~~Determination~~ of parentage of a child;

16 (D iv) Attempt to locate ~~Location~~ of obligors or their assets; or

17 (E v) Request determination ~~Determination~~ of the controlling child
18 support order.

19 (28 23) Support order means a judgment, decree, ~~or~~ order, decision,
20 or directive, whether temporary, final, or subject to modification,
21 issued in a state or foreign country by a tribunal for the benefit of a
22 child, a spouse, or a former spouse, which provides for monetary support,
23 health care, arrearages, retroactive support, or reimbursement for
24 financial assistance provided to an individual obligee in place of child
25 support. The term ~~,~~ and may include related costs and fees, interest,
26 income withholding, automatic adjustment, reasonable attorney's fees, and
27 other relief.

28 (29 24) Tribunal means a court, administrative agency, or quasi-
29 judicial entity authorized to establish, enforce, or modify support
30 orders or to determine parentage of a child.

31 Sec. 3. Section 42-703, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 42-703 (a) The district court is the tribunal of this state.

3 (b) The Department of Health and Human Services is the support
4 enforcement agency of this state.

5 Sec. 4. Section 42-704, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 42-704 (a) Remedies provided by the Uniform Interstate Family
8 Support Act are cumulative and do not affect the availability of remedies
9 under other law or ~~, including~~ the recognition of a foreign support order
10 ~~of a foreign country or political subdivision~~ on the basis of comity.

11 (b) The Uniform Interstate Family Support Act does not:

12 (1) Provide the exclusive method of establishing or enforcing a
13 support order under the law of this state; or

14 (2) Grant a tribunal of this state jurisdiction to render judgment
15 or issue an order relating to child custody or visitation in a proceeding
16 under the act.

17 Sec. 5. (a) A tribunal of this state shall apply sections 42-701 to
18 42-747.03 and sections 5, 29, and 47 of this act and, as applicable,
19 sections 48 to 60 of this act, to a support proceeding involving:

20 (i) A foreign support order;

21 (ii) A foreign tribunal; or

22 (iii) An obligee, obligor, or child residing in a foreign country.

23 (b) A tribunal of this state that is requested to recognize and
24 enforce a support order on the basis of comity may apply the procedural
25 and substantive provisions of sections 42-701 to 42-747.03 and sections
26 5, 29, and 47 of this act.

27 (c) Sections 48 to 60 of this act apply only to a support proceeding
28 under the Convention. In such a proceeding, if a provision of such
29 sections is inconsistent with sections 42-701 to 42-747.03 and sections
30 5, 29, and 47 of this act, sections 48 to 60 of this act control.

31 Sec. 6. Section 42-705, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 42-705 (a) In a proceeding to establish or enforce a support order
3 or to determine parentage of a child, a tribunal of this state may
4 exercise personal jurisdiction over a nonresident individual or the
5 individual's guardian or conservator if:

6 (1) The individual is personally served with notice within this
7 state;

8 (2) The individual submits to the jurisdiction of this state by
9 consent in a record, by entering a general appearance, or by filing a
10 responsive document having the effect of waiving any contest to personal
11 jurisdiction;

12 (3) The individual resided with the child in this state;

13 (4) The individual resided in this state and provided prenatal
14 expenses or support for the child;

15 (5) The child resides in this state as a result of the acts or
16 directives of the individual;

17 (6) The individual engaged in sexual intercourse in this state and
18 the child may have been conceived by that act of intercourse;

19 (7) The individual asserted parentage of a child in this state
20 pursuant to section 43-104.02, 71-628, 71-640.01, or 71-640.02 with the
21 Department of Health and Human Services; or

22 (8) There is any other basis consistent with the constitutions of
23 this state and the United States for the exercise of personal
24 jurisdiction.

25 (b) The ~~bases~~ basis of personal jurisdiction set forth in subsection
26 (a) of this section or in any other law of this state shall not be used
27 to acquire personal jurisdiction for a tribunal of this state to modify a
28 child support order of another state unless the requirements of section
29 42-746 ~~or 42-747.03~~ are met or, in the case of a foreign support order,
30 unless the requirements of section 42-747.03 are met.

31 Sec. 7. Section 42-707, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 42-707 Under the Uniform Interstate Family Support Act, a tribunal
3 of this state may serve as an initiating tribunal to forward proceedings
4 to a tribunal of another state and as a responding tribunal for
5 proceedings initiated in another state or a foreign country.

6 Sec. 8. Section 42-708, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 42-708 (a) A tribunal of this state may exercise jurisdiction to
9 establish a support order if the petition or comparable pleading is filed
10 after a petition or comparable pleading is filed in another state or a
11 foreign country only if:

12 (1) the petition or comparable pleading in this state is filed
13 before the expiration of the time allowed in the other state or the
14 foreign country for filing a responsive pleading challenging the exercise
15 of jurisdiction by the other state or the foreign country;

16 (2) the contesting party timely challenges the exercise of
17 jurisdiction in the other state or the foreign country; and

18 (3) if relevant, this state is the home state of the child.

19 (b) A tribunal of this state may not exercise jurisdiction to
20 establish a support order if the petition or comparable pleading is filed
21 before a petition or comparable pleading is filed in another state or a
22 foreign country if:

23 (1) the petition or comparable pleading in the other state or
24 foreign country is filed before the expiration of the time allowed in
25 this state for filing a responsive pleading challenging the exercise of
26 jurisdiction by this state;

27 (2) the contesting party timely challenges the exercise of
28 jurisdiction in this state; and

29 (3) if relevant, the other state or foreign country is the home
30 state of the child.

31 Sec. 9. Section 42-710, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 42-710 (a) A tribunal of this state that has issued a child support
3 order consistent with the law of this state may serve as an initiating
4 tribunal to request a tribunal of another state to enforce:

5 (1) the order if the order is the controlling order and has not been
6 modified by a tribunal of another state that assumed jurisdiction
7 pursuant to the Uniform Interstate Family Support Act; or

8 (2) a money judgment for arrears of support and interest on the
9 order accrued before a determination that an order of a tribunal of
10 another state is the controlling order.

11 (b) A tribunal of this state having continuing jurisdiction over a
12 support order may act as a responding tribunal to enforce the order.

13 Sec. 10. Section 42-711, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 42-711 (a) If a proceeding is brought under the Uniform Interstate
16 Family Support Act and only one tribunal has issued a child support
17 order, the order of that tribunal controls and must be recognized.

18 (b) If a proceeding is brought under the Uniform Interstate Family
19 Support Act and two or more child support orders have been issued by
20 tribunals of this state, ~~or~~ another state, or a foreign country with
21 regard to the same obligor and the same child, a tribunal of this state
22 having personal jurisdiction over both the obligor and individual obligee
23 shall apply the following rules and by order shall determine which order
24 controls and must be recognized:

25 (1) If only one of the tribunals would have continuing, exclusive
26 jurisdiction under the act, the order of that tribunal controls ~~and must~~
27 ~~be so recognized~~.

28 (2) If more than one of the tribunals would have continuing,
29 exclusive jurisdiction under the act: ~~7~~

30 (A) an order issued by a tribunal in the current home state of the
31 child controls; or ~~but~~

1 (B) if an order has not been issued in the current home state of the
2 child, the order most recently issued controls.

3 (3) If none of the tribunals would have continuing, exclusive
4 jurisdiction under the act, the tribunal of this state shall issue a
5 child support order, which controls.

6 (c) If two or more child support orders have been issued for the
7 same obligor and the same child, upon request of a party who is an
8 individual or that is a support enforcement agency, a tribunal of this
9 state having personal jurisdiction over both the obligor and the
10 ~~individual~~ obligee who is an individual shall determine which order
11 controls under subsection (b) of this section. The request may be filed
12 with a registration for enforcement or registration for modification
13 pursuant to sections 42-736 to 42-747.03 and section 47 of this act or
14 may be filed as a separate proceeding.

15 (d) A request to determine which is the controlling order shall be
16 accompanied by a ~~certified~~ copy of every child support order in effect
17 and the applicable record of payments. The requesting party shall give
18 notice of the request to each party whose rights may be affected by the
19 determination.

20 (e) The tribunal that issued the controlling order under subsection
21 (a), (b), or (c) of this section has continuing jurisdiction to the
22 extent provided in ~~under~~ section 42-709 or 42-710.

23 (f) A tribunal of this state that determines by order which is the
24 controlling order under subdivision (b)(1) or (b)(2) or subsection (c) of
25 this section or that issues a new controlling order under subdivision (b)
26 (3) of this section shall state in that order:

27 (1) the basis upon which the tribunal made its determination;

28 (2) the amount of prospective support, if any; and

29 (3) the total amount of consolidated arrears and accrued interest,
30 if any, under all of the orders after all payments made are credited as
31 provided by section 42-713.

1 (g) Within thirty days after issuance of an order determining which
2 is the controlling order, the party obtaining the order shall file a
3 certified copy of it in each tribunal that issued or registered an
4 earlier order of child support. A party or support enforcement agency
5 obtaining the order that fails to file a certified copy is subject to
6 appropriate sanctions by a tribunal in which the issue of failure to file
7 arises. The failure to file does not affect the validity or
8 enforceability of the controlling order.

9 (h) An order that has been determined to be the controlling order,
10 or a judgment for consolidated arrears of support and interest, if any,
11 made pursuant to this section shall be recognized in proceedings under
12 the Uniform Interstate Family Support Act.

13 Sec. 11. Section 42-712, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 42-712 In responding to registrations or petitions for enforcement
16 of two or more child support orders in effect at the same time with
17 regard to the same obligor and different individual obligees, at least
18 one of which was issued by a tribunal of another state or a foreign
19 country, a tribunal of this state shall enforce those orders in the same
20 manner as if the orders had been issued by a tribunal of this state.

21 Sec. 12. Section 42-713, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 42-713 A tribunal of this state shall credit amounts collected for a
24 particular period pursuant to any child support order against the amounts
25 owed for the same period under any other child support order for support
26 of the same child issued by a tribunal of this state, ~~or~~ another state,
27 or a foreign country.

28 Sec. 13. Section 42-713.01, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 42-713.01 A tribunal of this state exercising personal jurisdiction
31 over a nonresident in a proceeding under the Uniform Interstate Family

1 Support Act or under other law of this state relating to a support order
2 or recognizing a foreign support order ~~of a foreign country or political~~
3 ~~subdivision on the basis of comity~~ may receive evidence from outside this
4 ~~another~~ state pursuant to section 42-729, communicate with a tribunal
5 outside this ~~of another~~ state pursuant to section 42-730, and obtain
6 discovery through a tribunal outside this ~~of another~~ state pursuant to
7 section 42-731. In all other respects, sections 42-714 to 42-747.03 and
8 sections 29 and 47 of this act ~~42-748~~ do not apply and the tribunal shall
9 apply the procedural and substantive law of this state.

10 Sec. 14. Section 42-713.02, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 42-713.02 (a) A tribunal of this state issuing a spousal support
13 order consistent with the law of this state has continuing, exclusive
14 jurisdiction to modify the spousal support order throughout the existence
15 of the support obligation.

16 (b) A tribunal of this state shall not modify a spousal support
17 order issued by a tribunal of another state or a foreign country having
18 continuing, exclusive jurisdiction over that order under the law of that
19 state or foreign country.

20 (c) A tribunal of this state that has continuing, exclusive
21 jurisdiction over a spousal support order may serve as:

22 (1) an initiating tribunal to request a tribunal of another state to
23 enforce the spousal support order issued in this state; or

24 (2) a responding tribunal to enforce or modify its own spousal
25 support order.

26 Sec. 15. Section 42-714, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 42-714 (a) Except as otherwise provided in the Uniform Interstate
29 Family Support Act, sections 42-714 to 42-732 apply to all proceedings
30 under the act.

31 (b) An individual petitioner or a support enforcement agency may

1 initiate a proceeding authorized under the act by filing a petition in an
2 initiating tribunal for forwarding to a responding tribunal or by filing
3 a petition or a comparable pleading directly in a tribunal of another
4 state or a foreign country which has or can obtain personal jurisdiction
5 over the respondent.

6 Sec. 16. Section 42-717, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 42-717 (a) Upon the filing of a petition authorized by the Uniform
9 Interstate Family Support Act, an initiating tribunal of this state shall
10 forward the petition and its accompanying documents:

11 (1) to the responding tribunal or appropriate support enforcement
12 agency in the responding state; or

13 (2) if the identity of the responding tribunal is unknown, to the
14 state information agency of the responding state with a request that they
15 be forwarded to the appropriate tribunal and that receipt be
16 acknowledged.

17 (b) If requested by the responding tribunal, a tribunal of this
18 state shall issue a certificate or other document and make findings
19 required by the law of the responding state. If the responding tribunal
20 is in state ~~is a foreign country or political subdivision~~, upon request
21 the tribunal of this state shall specify the amount of support sought,
22 convert that amount into the equivalent amount in the foreign currency
23 under applicable official or market exchange rate as publicly reported,
24 and provide any other documents necessary to satisfy the requirements of
25 the responding foreign tribunal state.

26 Sec. 17. Section 42-718, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 42-718 (a) When a responding tribunal of this state receives a
29 petition or comparable pleading from an initiating tribunal or directly
30 pursuant to subsection (b) of section 42-714, it shall cause the petition
31 or pleading to be filed and notify the petitioner where and when it was

1 filed.

2 (b) A responding tribunal of this state, to the extent not
3 prohibited by other law, may do one or more of the following:

4 (1) establish issue or enforce a support order, modify a child
5 support order, determine the controlling child support order, or
6 determine parentage of a child;

7 (2) order an obligor to comply with a support order, specifying the
8 amount and the manner of compliance;

9 (3) order income withholding;

10 (4) determine the amount of any arrearages, and specify a method of
11 payment;

12 (5) enforce orders by civil or criminal contempt, or both;

13 (6) set aside property for satisfaction of the support order;

14 (7) place liens and order execution on the obligor's property;

15 (8) order an obligor to keep the tribunal informed of the obligor's
16 current residential address, electronic mail address, telephone number,
17 employer, address of employment, and telephone number at the place of
18 employment;

19 (9) issue a capias for an obligor who has failed after proper notice
20 to appear at a hearing ordered by the tribunal and enter the capias in
21 any local and state computer systems for criminal warrants;

22 (10) order the obligor to seek appropriate employment by specified
23 methods;

24 (11) award reasonable attorney's fees and other fees and costs;

25 (12) issue an order releasing or subordinating a lien pursuant to
26 section 42-371; and

27 (13) grant any other available remedy.

28 (c) A responding tribunal of this state shall include in a support
29 order issued under the Uniform Interstate Family Support Act, or in the
30 documents accompanying the order, the calculations on which the support
31 order is based.

1 (d) A responding tribunal of this state shall not condition the
2 payment of a support order issued under the act upon compliance by a
3 party with provisions for visitation.

4 (e) If a responding tribunal of this state issues an order under the
5 act, the tribunal shall send a copy of the order to the petitioner and
6 the respondent and to the initiating tribunal, if any.

7 (f) If requested to enforce a support order, arrearages, or judgment
8 or modify a support order stated in a foreign currency, a responding
9 tribunal of this state shall convert the amount stated in the foreign
10 currency to the equivalent amount in dollars under the applicable
11 official or market exchange rate as publicly reported.

12 Sec. 18. Section 42-719, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 42-719 If a petition or comparable pleading is received by an
15 inappropriate tribunal of this state, the tribunal shall forward the
16 pleading and accompanying documents to an appropriate tribunal of ~~in~~ this
17 state or another state and notify the petitioner where and when the
18 pleading was sent.

19 Sec. 19. Section 42-720, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 42-720 (a) ~~In A support enforcement agency of this state, upon~~
22 ~~request, shall provide services to a petitioner in a proceeding under the~~
23 Uniform Interstate Family Support Act, a support enforcement agency of
24 this state, upon request: -

25 (1) shall provide services to a petitioner residing in a state;

26 (2) shall provide services to a petitioner requesting services
27 through a central authority of a foreign country as described in
28 subdivision (5)(A) or (D) of section 42-702; and

29 (3) may provide services to a petitioner who is an individual not
30 residing in a state.

31 (b) A support enforcement agency of this state that is providing

1 services to the petitioner shall:

2 (1) take all steps necessary to enable an appropriate tribunal of in
3 this state, of another state, or a foreign country to obtain jurisdiction
4 over the respondent;

5 (2) request an appropriate tribunal to set a date, time, and place
6 for a hearing;

7 (3) make a reasonable effort to obtain all relevant information,
8 including information as to income and property of the parties;

9 (4) within five days, exclusive of nonjudicial days, after receipt
10 of a written notice in a record from an initiating, responding, or
11 registering tribunal, send a copy of the notice to the petitioner;

12 (5) within five days, exclusive of nonjudicial days, after receipt
13 of a written communication in a record from the respondent or the
14 respondent's attorney, send a copy of the communication to the
15 petitioner; and

16 (6) notify the petitioner if jurisdiction over the respondent cannot
17 be obtained.

18 (c) A support enforcement agency of this state that requests
19 registration of a child support order in this state for enforcement or
20 for modification shall make reasonable efforts:

21 (1) to ensure that the order to be registered is the controlling
22 order; or

23 (2) if two or more child support orders exist and the identity of
24 the controlling order has not been determined, to ensure that a request
25 for such a determination is made in a tribunal having jurisdiction to do
26 so.

27 (d) A support enforcement agency of this state that requests
28 registration and enforcement of a support order, arrearages, or judgment
29 stated in a foreign currency shall convert the amounts stated in the
30 foreign currency into the equivalent amounts in dollars under the
31 applicable official or market exchange rate as publicly reported.

1 (e) A support enforcement agency of this state shall request a
2 tribunal of this state to issue a child support order and an income
3 withholding order that redirect payment of current support, arrearages,
4 and interest if requested to do so by a support enforcement agency of
5 another state pursuant to section 42-732.

6 (f) The act does not create or negate a relationship of attorney and
7 client or other fiduciary relationship between a support enforcement
8 agency or the attorney for the agency and the individual being assisted
9 by the agency.

10 Sec. 20. Section 42-721, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 42-721 (a) If the Attorney General determines that the support
13 enforcement agency is neglecting or refusing to provide services to an
14 individual, the Attorney General may order the agency to perform its
15 duties under the Uniform Interstate Family Support Act or may provide
16 those services directly to the individual.

17 (b) The Attorney General may determine that a foreign country or
18 ~~political subdivision~~ has established a reciprocal arrangement for child
19 support with this state and take appropriate action for notification of
20 the determination.

21 Sec. 21. Section 42-723, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 42-723 (a) The Department of Health and Human Services is the state
24 information agency under the Uniform Interstate Family Support Act.

25 (b) The state information agency shall:

26 (1) compile and maintain a current list, including addresses, of the
27 tribunals in this state which have jurisdiction under the act and any
28 support enforcement agencies in this state and transmit a copy to the
29 state information agency of every other state;

30 (2) maintain a register of names and addresses of tribunals and
31 support enforcement agencies received from other states;

1 (3) forward to the appropriate tribunal in the county in this state
2 in which the ~~individual~~ obligee who is an individual or the obligor
3 resides, or in which the obligor's property is believed to be located,
4 all documents concerning a proceeding under the act received from another
5 state or a foreign country ~~an initiating tribunal or the state~~
6 ~~information agency of the initiating state~~; and

7 (4) obtain information concerning the location of the obligor and
8 the obligor's property within this state not exempt from execution, by
9 such means as postal verification and federal or state locator services,
10 examination of telephone directories, requests for the obligor's address
11 from employers, and examination of governmental records, including, to
12 the extent not prohibited by other law, those relating to real property,
13 vital statistics, law enforcement, taxation, motor vehicles, driver's
14 licenses, and social security.

15 Sec. 22. Section 42-724, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 42-724 (a) In a proceeding under the Uniform Interstate Family
18 Support Act, a petitioner seeking to establish a support order, to
19 determine parentage of a child, or to register and modify a support order
20 of a tribunal of another state or a foreign country shall file a
21 petition. Unless otherwise ordered under section 42-725, the petition or
22 accompanying documents must provide, so far as known, the name,
23 residential address, and social security numbers of the obligor and the
24 obligee or the parent and alleged parent, and the name, sex, residential
25 address, social security number, and date of birth of each child for
26 whose benefit support is sought or whose parentage is to be determined.
27 Unless filed at the time of registration, the petition shall be
28 accompanied by a copy of any support order known to have been issued by
29 another tribunal. The accompanying documents may include any other
30 information that may assist in locating or identifying the respondent.

31 (b) The petition shall specify the relief sought. The petition and

1 accompanying documents shall conform substantially with the requirements
2 imposed by the forms mandated by federal law for use in cases filed by a
3 support enforcement agency.

4 Sec. 23. Section 42-726, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 42-726 (a) The petitioner shall not be required to pay a filing fee
7 or other costs.

8 (b) If an obligee prevails, a responding tribunal of this state may
9 assess against an obligor filing fees, reasonable attorney's fees, other
10 costs, and necessary travel and other reasonable expenses incurred by the
11 obligee and the obligee's witnesses. The tribunal shall not assess fees,
12 costs, or expenses against the obligee or the support enforcement agency
13 of either the initiating or the responding state or foreign country,
14 except as provided by other law. Attorney's fees may be taxed as costs,
15 and may be ordered paid directly to the attorney, who may enforce the
16 order in the attorney's own name. Payment of support owed to the obligee
17 has priority over fees, costs, and expenses.

18 (c) The tribunal shall order the payment of costs and reasonable
19 attorney's fees if it determines that a hearing was requested primarily
20 for delay. In a proceeding under sections 42-736 to 42-747.03 and section
21 47 of this act, a hearing is presumed to have been requested primarily
22 for delay if a registered support order is confirmed or enforced without
23 change.

24 Sec. 24. Section 42-729, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 42-729 (a) The physical presence of a nonresident party who is an
27 individual in a tribunal of this state is not required for the
28 establishment, enforcement, or modification of a support order or the
29 rendition of a judgment determining parentage of a child.

30 (b) An affidavit, a document substantially complying with federally
31 mandated forms, or a document incorporated by reference in any of them,

1 which would not be excluded under the hearsay rule if given in person, is
2 admissible in evidence if given under penalty of perjury by a party or
3 witness residing outside this ~~in another~~ state.

4 (c) A copy of the record of child support payments certified as a
5 true copy of the original by the custodian of the record may be forwarded
6 to a responding tribunal. The copy is evidence of facts asserted in it,
7 and is admissible to show whether payments were made.

8 (d) Copies of bills for testing for parentage of a child, and for
9 prenatal and postnatal health care of the mother and child, furnished to
10 the adverse party at least ten days before trial, are admissible in
11 evidence to prove the amount of the charges billed and that the charges
12 were reasonable, necessary, and customary.

13 (e) Documentary evidence transmitted from outside this ~~another~~ state
14 to a tribunal of this state by telephone, telecopier, or other electronic
15 means that do not provide an original record shall not be excluded from
16 evidence on an objection based on the means of transmission.

17 (f) In a proceeding under the Uniform Interstate Family Support Act,
18 a tribunal of this state shall permit a party or witness residing outside
19 this ~~in another~~ state to be deposed or to testify under penalty of
20 perjury by telephone, audiovisual means, or other electronic means at a
21 designated tribunal or other location ~~in that state~~. A tribunal of this
22 state shall cooperate with other tribunals ~~of other states~~ in designating
23 an appropriate location for the deposition or testimony.

24 (g) If a party called to testify at a civil hearing refuses to
25 answer on the ground that the testimony may be self-incriminating, the
26 trier of fact may draw an adverse inference from the refusal.

27 (h) A privilege against disclosure of communications between spouses
28 does not apply in a proceeding under the act.

29 (i) The defense of immunity based on the relationship of husband and
30 wife or parent and child does not apply in a proceeding under the act.

31 (j) A voluntary acknowledgment of paternity, certified as a true

1 copy, is admissible to establish parentage of the child.

2 Sec. 25. Section 42-730, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 42-730 A tribunal of this state may communicate with a tribunal
5 outside this of another state in , ~~a foreign country, or a political~~
6 ~~subdivision~~ by a record or by telephone, electronic mail, or other means
7 to obtain information concerning the laws, the legal effect of a
8 judgment, decree, or order of that tribunal, and the status of a
9 proceeding ~~in the other state, foreign country, or political subdivision~~.
10 A tribunal of this state may furnish similar information by similar means
11 to a tribunal outside this state of another state, a foreign country, or
12 ~~a political subdivision~~.

13 Sec. 26. Section 42-731, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 42-731 A tribunal of this state may:

16 (1) request a tribunal outside this of another state to assist in
17 obtaining discovery; and

18 (2) upon request, compel a person over which ~~whom~~ it has
19 jurisdiction to respond to a discovery order issued by a tribunal outside
20 this of another state.

21 Sec. 27. Section 42-732, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 42-732 (a) A support enforcement agency or tribunal of this state
24 shall disburse promptly any amounts received pursuant to a support order,
25 as directed by the order. The agency or tribunal shall furnish to a
26 requesting party or tribunal of another state or a foreign country a
27 certified statement by the custodian of the record of the amounts and
28 dates of all payments received.

29 (b) If neither the obligor, nor the ~~individual~~ obligee who is an
30 individual, nor the child resides in this state, upon request from the
31 support enforcement agency of this state or another state, the support

1 enforcement agency of this state or a tribunal of this state shall:

2 (1) direct that the support payment be made to the support
3 enforcement agency in the state in which the obligee is receiving
4 services; and

5 (2) issue and send to the obligor's employer a conforming income
6 withholding order or an administrative notice of change of payee,
7 reflecting the redirected payments.

8 (c) The support enforcement agency of this state receiving
9 redirected payments from another state pursuant to a law similar to
10 subsection (b) of this section shall furnish to a requesting party or
11 tribunal of the other state a certified statement by the custodian of the
12 record of the amount and dates of all payments received.

13 Sec. 28. Section 42-733, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 42-733 (a) If a support order entitled to recognition under the
16 Uniform Interstate Family Support Act has not been issued, a responding
17 tribunal of this state with personal jurisdiction over the parties may
18 issue a support order if:

19 (1) the individual seeking the order resides outside this ~~in another~~
20 state; or

21 (2) the support enforcement agency seeking the order is located
22 outside this ~~in another~~ state.

23 (b) The tribunal may issue a temporary child support order if the
24 tribunal determines that such an order is appropriate and the individual
25 ordered to pay is:

26 (1) a presumed father of the child;

27 (2) petitioning to have his paternity adjudicated;

28 (3) identified as the father of the child through genetic testing;

29 (4) an alleged father who has declined to submit to genetic testing;

30 (5) shown by clear and convincing evidence to be the father of the
31 child;

1 (6) the father of a child whose paternity is established either by
2 judicial proceeding or acknowledgment under sections 43-1401 to 43-1418;

3 (7) the mother of the child; or

4 (8) an individual who has been ordered to pay child support in a
5 previous proceeding and the order has not been reversed or vacated.

6 (c) Upon finding, after notice and opportunity to be heard, that an
7 obligor owes a duty of support, the tribunal shall issue a support order
8 directed to the obligor and may issue other orders pursuant to section
9 42-718.

10 Sec. 29. A tribunal of this state authorized to determine parentage
11 of a child may serve as a responding tribunal in a proceeding to
12 determine parentage of a child brought under the Uniform Interstate
13 Family Support Act or a law or procedure substantially similar to the
14 act.

15 Sec. 30. Section 42-734.03, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 42-734.03 An employer that ~~who~~ complies with an income withholding
18 order issued in another state in accordance with sections 42-734 to
19 42-735 is not subject to civil liability to any individual or agency with
20 regard to the employer's withholding of child support from the obligor's
21 income.

22 Sec. 31. Section 42-734.04, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 42-734.04 An employer that ~~who~~ willfully fails to comply with an
25 income withholding order issued in ~~by~~ another state and received for
26 enforcement is subject to the same penalties that may be imposed for
27 noncompliance with an order issued by a tribunal of this state.

28 Sec. 32. Section 42-734.05, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 42-734.05 (a) An obligor may contest the validity or enforcement of
31 an income withholding order issued in another state and received directly

1 by an employer in this state by registering the order in a tribunal of
2 this state and filing a contest to that order as provided in sections
3 42-736 to 42-747.03 and section 47 of this act or otherwise contesting
4 the order in the same manner as if the order had been issued by a
5 tribunal of this state.

6 (b) The obligor shall give notice of the contest to:

7 (1) a support enforcement agency providing services to the obligee;

8 (2) each employer that has directly received an income withholding
9 order relating to the obligor; and

10 (3) the person designated to receive payments in the income
11 withholding order or, if no person is designated, to the obligee.

12 Sec. 33. Section 42-735, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 42-735 (a) A party or support enforcement agency seeking to enforce
15 a support order or an income withholding order, or both, issued in by a
16 ~~tribunal of~~ another state or a foreign support order may send the
17 documents required for registering the order to a support enforcement
18 agency of this state.

19 (b) Upon receipt of the documents, the support enforcement agency,
20 without initially seeking to register the order, shall consider and, if
21 appropriate, use any administrative procedure authorized by the law of
22 this state to enforce a support order or an income withholding order, or
23 both. If the obligor does not contest administrative enforcement, the
24 order need not be registered. If the obligor contests the validity or
25 administrative enforcement of the order, the support enforcement agency
26 shall register the order pursuant to the Uniform Interstate Family
27 Support Act.

28 Sec. 34. Section 42-736, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 42-736 A support order or an income withholding order issued in by a
31 ~~tribunal of~~ another state or a foreign support order may be registered in

1 this state for enforcement.

2 Sec. 35. Section 42-737, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 42-737 (a) Except as provided in section 53 of this act, a A support
5 order or an income withholding order of another state or a foreign
6 support order may be registered in this state by sending the following
7 records documents and information to the appropriate tribunal in this
8 state:

9 (1) a letter of transmittal to the tribunal requesting registration
10 and enforcement;

11 (2) two copies, including one certified copy, of the order to be
12 registered, including any modification of the order;

13 (3) a sworn statement by the person requesting registration or a
14 certified statement by the custodian of the records showing the amount of
15 any arrearage;

16 (4) the name of the obligor and, if known:

17 (A ~~i~~) the obligor's address and social security number;

18 (B ~~ii~~) the name and address of the obligor's employer or other payor
19 and any other source of income of the obligor; and

20 (C ~~iii~~) a description and the location of property of the obligor in
21 this state not exempt from execution; and

22 (5) except as otherwise provided in section 42-725, the name and
23 address of the obligee and, if applicable, the person to whom support
24 payments are to be remitted.

25 (b) On receipt of a request for registration, the registering
26 tribunal shall cause the order to be filed as an order of a tribunal of
27 another state or a foreign support order ~~a foreign judgment~~, together
28 with one copy of the documents and information, regardless of their form.

29 (c) A petition or comparable pleading seeking a remedy that must be
30 affirmatively sought under other law of this state may be filed at the
31 same time as the request for registration or later. The pleading shall

1 specify the grounds for the remedy sought.

2 (d) If two or more orders are in effect, the person requesting
3 registration shall:

4 (1) furnish to the tribunal a ~~certified~~ copy of every support order
5 asserted to be in effect in addition to the documents specified in this
6 section;

7 (2) specify the order alleged to be the controlling order, if any;
8 and

9 (3) specify the amount of consolidated arrears, if any.

10 (e) A request for a determination of which is the controlling order
11 may be filed separately or with a request for registration and
12 enforcement or for registration and modification. The person requesting
13 registration shall give notice of the request to each party whose rights
14 may be affected by the determination.

15 Sec. 36. Section 42-738, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 42-738 (a) A support order or income withholding order issued in
18 another state or a foreign support order is registered when the order is
19 filed in the registering tribunal of this state.

20 (b) A registered support order issued in another state or a foreign
21 country is enforceable in the same manner and is subject to the same
22 procedures as an order issued by a tribunal of this state.

23 (c) Except as otherwise provided in the Uniform Interstate Family
24 Support Act ~~sections 42-736 to 42-747.03~~, a tribunal of this state shall
25 recognize and enforce, but shall not modify, a registered support order
26 if the issuing tribunal had jurisdiction.

27 Sec. 37. Section 42-739, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 42-739 (a) Except as otherwise provided in subsection (d) of this
30 section, the law of the issuing state or foreign country governs:

31 (1) the nature, extent, amount, and duration of current payments

1 under a registered support order;

2 (2) the computation and payment of arrearages and accrual of
3 interest on the arrearages under the support order; and

4 (3) the existence and satisfaction of other obligations under the
5 support order.

6 (b) In a proceeding for arrearages under a registered support order,
7 the statute of limitation of this state or of the issuing state or
8 foreign country, whichever is longer, applies.

9 (c) A responding tribunal of this state shall apply the procedures
10 and remedies of this state to enforce current support and collect
11 arrearages and interest due on a support order of another state or a
12 foreign country registered in this state.

13 (d) After a tribunal of this or another state determines which is
14 the controlling order and issues an order consolidating arrearages, if
15 any, a tribunal of this state shall prospectively apply the law of the
16 state or foreign country issuing the controlling order, including its law
17 on interest on arrearages, on current and future support, and on
18 consolidated arrearages.

19 Sec. 38. Section 42-740, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 42-740 (a) When a support order or income withholding order issued
22 in another state or a foreign support order is registered, the
23 registering tribunal of this state shall notify the nonregistering party.
24 The notice shall be accompanied by a copy of the registered order and the
25 documents and relevant information accompanying the order.

26 (b) A notice shall inform the nonregistering party:

27 (1) that a registered order is enforceable as of the date of
28 registration in the same manner as an order issued by a tribunal of this
29 state;

30 (2) that a hearing to contest the validity or enforcement of the
31 registered order shall be requested within twenty days after notice

1 unless the registered order is under section 54 of this act;

2 (3) that failure to contest the validity or enforcement of the
3 registered order in a timely manner will result in confirmation of the
4 order and enforcement of the order and the alleged arrearages—and
5 ~~precludes further contest of that order with respect to any matter that~~
6 ~~could have been asserted;~~ and

7 (4) of the amount of any alleged arrearages.

8 (c) If the registering party asserts that two or more orders are in
9 effect, a notice shall also:

10 (1) identify the two or more orders and the order alleged by the
11 registering party ~~person~~ to be the controlling order and the consolidated
12 arrearages, if any;

13 (2) notify the nonregistering party of the right to a determination
14 of which is the controlling order;

15 (3) state that the procedures provided in subsection (b) of this
16 section apply to the determination of which is the controlling order; and

17 (4) state that failure to contest the validity or enforcement of the
18 order alleged to be the controlling order in a timely manner may result
19 in confirmation that the order is the controlling order.

20 (d) Upon registration of an income withholding order for
21 enforcement, the support enforcement agency or the registering tribunal
22 shall notify the obligor's employer pursuant to the Income Withholding
23 for Child Support Act or sections 42-347 to 42-381.

24 Sec. 39. Section 42-741, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 42-741 (a) A nonregistering party seeking to contest the validity or
27 enforcement of a registered support order in this state shall request a
28 hearing within the time required by section 42-740 ~~twenty days after~~
29 ~~notice of the registration~~. The nonregistering party may seek to vacate
30 the registration, to assert any defense to an allegation of noncompliance
31 with the registered order, or to contest the remedies being sought or the

1 amount of any alleged arrearages pursuant to section 42-742.

2 (b) If the nonregistering party fails to contest the validity or
3 enforcement of the registered support order in a timely manner, the order
4 is confirmed by operation of law.

5 (c) If a nonregistering party requests a hearing to contest the
6 validity or enforcement of the registered support order, the registering
7 tribunal shall schedule the matter for hearing and give notice to the
8 parties of the date, time, and place of the hearing.

9 Sec. 40. Section 42-742, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 42-742 (a) A party contesting the validity or enforcement of a
12 registered support order or seeking to vacate the registration has the
13 burden of proving one or more of the following defenses:

14 (1) the issuing tribunal lacked personal jurisdiction over the
15 contesting party;

16 (2) the order was obtained by fraud;

17 (3) the order has been vacated, suspended, or modified by a later
18 order;

19 (4) the issuing tribunal has stayed the order pending appeal;

20 (5) there is a defense under the law of this state to the remedy
21 sought;

22 (6) full or partial payment has been made;

23 (7) the statute of limitation under section 42-739 precludes
24 enforcement of some or all of the alleged arrearages; or

25 (8) the alleged controlling order is not the controlling order.

26 (b) If a party presents evidence establishing a full or partial
27 defense under subsection (a) of this section, a tribunal may ~~shall~~ stay
28 enforcement of a registered support ~~the registered~~ order, continue the
29 proceeding to permit production of additional relevant evidence, and
30 issue other appropriate orders. An uncontested portion of the registered
31 support order may be enforced by all remedies available under the law of

1 this state.

2 (c) If the contesting party does not establish a defense under such
3 subsection to the validity or enforcement of a registered support the
4 order, the registering tribunal shall issue an order confirming the
5 order.

6 Sec. 41. Section 42-743, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 42-743 Confirmation of a registered support order, whether by
9 operation of law or after notice and hearing, precludes further contest
10 of the order with respect to any matter that could have been asserted at
11 the time of registration.

12 Sec. 42. Section 42-744, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 42-744 A party or support enforcement agency seeking to modify, or
15 to modify and enforce, a child support order issued in another state
16 shall register that order in this state in the same manner provided in
17 sections 42-736 to 42-743 ~~42-739~~ if the order has not been registered. A
18 petition for modification may be filed at the same time as a request for
19 registration, or later. The pleading must specify the grounds for
20 modification.

21 Sec. 43. Section 42-745, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 42-745 A tribunal of this state may enforce a child support order of
24 another state registered for purposes of modification, in the same manner
25 as if the order had been issued by a tribunal of this state, but the
26 registered support order ~~may shall~~ be modified only if the requirements
27 of section 42-746 or ~~7~~ 42-747.01, ~~or~~ ~~42-747.03~~ have been met.

28 Sec. 44. Section 42-746, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 42-746 (a) If section 42-747.01 does not apply, ~~except as otherwise~~
31 ~~provided in section 42-747.03~~, upon petition a tribunal of this state may

1 modify a child support order issued in another state which is registered
2 in this state, if, after notice and hearing, the tribunal finds that:

3 (1) the following requirements are met:

4 (A i) neither the child, nor the ~~individual~~ obligee who is an
5 individual, nor the obligor resides in the issuing state;

6 (B ii) a petitioner who is a nonresident of this state seeks
7 modification; and

8 (C iii) the respondent is subject to the personal jurisdiction of
9 the tribunal of this state; or

10 (2) this state is the ~~state of~~ residence of the child, or a party
11 who is an individual is subject to the personal jurisdiction of the
12 tribunal of this state, and all of the parties who are individuals have
13 filed consents in a record in the issuing tribunal for a tribunal of this
14 state to modify the support order and assume continuing, exclusive
15 jurisdiction.

16 (b) Modification of a registered child support order is subject to
17 the same requirements, procedures, and defenses that apply to the
18 modification of an order issued by a tribunal of this state and the order
19 may be enforced and satisfied in the same manner.

20 (c) ~~A Except as otherwise provided in section 42-747.03,~~ a tribunal
21 of this state shall not modify any aspect of a child support order that
22 cannot be modified under the law of the issuing state, including the
23 duration of the obligation of support. If two or more tribunals have
24 issued child support orders for the same obligor and the same child, the
25 order that controls and must be so recognized under section 42-711
26 establishes the aspects of the support order which are nonmodifiable.

27 (d) In a proceeding to modify a child support order, the law of the
28 state that is determined to have issued the initial controlling order
29 governs the duration of the obligation of support. The obligor's
30 fulfillment of the duty of support established by that order precludes
31 imposition of a further obligation of support by a tribunal of this

1 state.

2 (e) On the issuance of an order by a tribunal of this state
3 modifying a child support order issued in another state, the tribunal of
4 this state becomes the tribunal having continuing, exclusive
5 jurisdiction.

6 (f) Notwithstanding subsections (a) through (e) of this section and
7 subsection (b) of section 42-705, a tribunal of this state retains
8 jurisdiction to modify an order issued by a tribunal of this state if:

9 (1) one party resides in another state; and

10 (2) the other party resides outside the United States.

11 Sec. 45. Section 42-747.01, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 42-747.01 (a) If all of the parties who are individuals reside in
14 this state and the child does not reside in the issuing state, a tribunal
15 of this state has jurisdiction to enforce and to modify the issuing
16 state's child support order in a proceeding to register that order.

17 (b) A tribunal of this state exercising jurisdiction under this
18 section shall apply the provisions of sections 42-701 to 42-713.02 and
19 section 5 of this act and sections 42-736 to 42-747.03 and section 47 of
20 this act and the procedural and substantive law of this state to the
21 enforcement or modification proceeding. Sections 42-714 to 42-735 and
22 section 29 of this act, sections 48 to 60 of this act, and sections
23 42-749 and 42-748 to 42-750 do not apply.

24 Sec. 46. Section 42-747.03, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 42-747.03 (a) Except as otherwise provided in section 58 of this
27 act, if ~~If~~ a foreign country lacks or refuses to exercise jurisdiction to
28 modify its child support order or political subdivision that is a state
29 ~~will not or cannot modify its order~~ pursuant to its laws, a tribunal of
30 this state may assume jurisdiction to modify the child support order and
31 bind all individuals subject to the personal jurisdiction of the tribunal

1 whether ~~or not~~ the consent to modification of a child support order
2 otherwise required of the individual pursuant to section 42-746 has been
3 given or whether the individual seeking modification is a resident of
4 this state or of the foreign country ~~or political subdivision~~.

5 (b) An order issued by a tribunal of this state modifying a foreign
6 child support order pursuant to this section is the controlling order.

7 Sec. 47. A party or support enforcement agency seeking to modify,
8 or to modify and enforce, a foreign child-support order not under the
9 Convention may register that order in this state under sections 42-736 to
10 42-743 if the order has not been registered. A petition for modification
11 may be filed at the same time as a request for registration, or at
12 another time. The petition must specify the grounds for modification.

13 Sec. 48. For purposes of sections 48 to 60 of this act:

14 (1) Application means a request under the Convention by an obligee
15 or obligor, or on behalf of a child, made through a central authority for
16 assistance from another central authority.

17 (2) Central authority means the entity designated by the United
18 States or a foreign country described in subdivision (5)(D) of section
19 42-702 to perform the functions specified in the Convention.

20 (3) Convention support order means a support order of a tribunal of
21 a foreign country described in subdivision (5)(D) of section 42-702.

22 (4) Direct request means a petition filed by an individual in a
23 tribunal of this state in a proceeding involving an obligee, an obligor,
24 or a child residing outside the United States.

25 (5) Foreign central authority means the entity designated by a
26 foreign country described in subdivision (5)(D) of section 42-702 to
27 perform the functions specified in the Convention.

28 (6) Foreign support agreement:

29 (A) means an agreement for support in a record that:

30 (i) is enforceable as a support order in the country of origin;

31 (ii) has been:

1 (I) formally drawn up or registered as an authentic instrument by a
2 foreign tribunal; or

3 (II) authenticated by, or concluded, registered, or filed with a
4 foreign tribunal; and

5 (iii) may be reviewed and modified by a foreign tribunal; and

6 (B) includes a maintenance arrangement or authentic instrument under
7 the Convention.

8 (7) United States central authority means the Secretary of the
9 United States Department of Health and Human Services.

10 Sec. 49. Sections 48 to 60 of this act apply only to a support
11 proceeding under the Convention. In such a proceeding, if a provision of
12 such sections is inconsistent with sections 42-701 to 42-747.03 and
13 sections 29 and 47 of this act, sections 48 to 60 of this act control.

14 Sec. 50. The Nebraska Department of Health and Human Services is
15 recognized as the agency designated by the United States central
16 authority to perform specific functions under the Convention.

17 Sec. 51. (a) In a support proceeding under sections 48 to 60 of
18 this act, the Nebraska Department of Health and Human Services shall:

19 (1) transmit and receive applications; and

20 (2) initiate or facilitate the institution of a proceeding regarding
21 an application in a tribunal of this state.

22 (b) The following support proceedings are available to an obligee
23 under the Convention:

24 (1) recognition or recognition and enforcement of a foreign support
25 order;

26 (2) enforcement of a support order issued or recognized in this
27 state;

28 (3) establishment of a support order if there is no existing order,
29 including, if necessary, determination of parentage of a child;

30 (4) establishment of a support order if recognition of a foreign
31 support order is refused under subdivision(b)(2), (4), or (9) of section

1 55 of this act;

2 (5) modification of a support order of a tribunal of this state; and

3 (6) modification of a support order of a tribunal of another state
4 or a foreign country.

5 (c) The following support proceedings are available under the
6 Convention to an obligor against which there is an existing support
7 order:

8 (1) recognition of an order suspending or limiting enforcement of an
9 existing support order of a tribunal of this state;

10 (2) modification of a support order of a tribunal of this state; and

11 (3) modification of a support order of a tribunal of another state
12 or a foreign country.

13 (d) A tribunal of this state may not require security, bond, or
14 deposit, however described, to guarantee the payment of costs and
15 expenses in proceedings under the Convention.

16 Sec. 52. (a) A petitioner may file a direct request seeking
17 establishment or modification of a support order or determination of
18 parentage of a child. In the proceeding, the law of this state applies.

19 (b) A petitioner may file a direct request seeking recognition and
20 enforcement of a support order or support agreement. In the proceeding,
21 sections 53 to 60 of this act apply.

22 (c) In a direct request for recognition and enforcement of a
23 Convention support order or foreign support agreement:

24 (1) a security, bond, or deposit is not required to guarantee the
25 payment of costs and expenses; and

26 (2) an obligee or obligor that in the issuing country has benefited
27 from free legal assistance is entitled to benefit, at least to the same
28 extent, from any free legal assistance provided for by the law of this
29 state under the same circumstances.

30 (d) A petitioner filing a direct request is not entitled to
31 assistance from the Nebraska Department of Health and Human Services.

1 (e) Sections 48 to 60 of this act do not prevent the application of
2 laws of this state that provide simplified, more expeditious rules
3 regarding a direct request for recognition and enforcement of a foreign
4 support order or foreign support agreement.

5 Sec. 53. (a) Except as otherwise provided in sections 48 to 60 of
6 this act, a party who is an individual or a support enforcement agency
7 seeking recognition of a Convention support order shall register the
8 order in this state as provided in sections 42-736 to 42-747.03 and
9 section 47 of this act.

10 (b) Notwithstanding section 42-724 and subsection (a) of section
11 42-737, a request for registration of a Convention support order must be
12 accompanied by:

13 (1) a complete text of the support order or an abstract or extract
14 of the support order drawn up by the issuing foreign tribunal, which may
15 be in the form recommended by the Hague Conference on Private
16 International Law;

17 (2) a record stating that the support order is enforceable in the
18 issuing country;

19 (3) if the respondent did not appear and was not represented in the
20 proceedings in the issuing country, a record attesting, as appropriate,
21 either that the respondent had proper notice of the proceedings and an
22 opportunity to be heard or that the respondent had proper notice of the
23 support order and an opportunity to be heard in a challenge or appeal on
24 fact or law before a tribunal;

25 (4) a record showing the amount of arrears, if any, and the date the
26 amount was calculated;

27 (5) a record showing a requirement for automatic adjustment of the
28 amount of support, if any, and the information necessary to make the
29 appropriate calculations; and

30 (6) if necessary, a record showing the extent to which the applicant
31 received free legal assistance in the issuing country.

1 (c) A request for registration of a Convention support order may
2 seek recognition and partial enforcement of the order.

3 (d) A tribunal of this state may vacate the registration of a
4 Convention support order without the filing of a contest under section 54
5 of this act only if, acting on its own motion, the tribunal finds that
6 recognition and enforcement of the order would be manifestly incompatible
7 with public policy.

8 (e) The tribunal shall promptly notify the parties of the
9 registration or the order vacating the registration of a Convention
10 support order.

11 Sec. 54. (a) Except as otherwise provided in sections 48 to 60 of
12 this act, sections 42-740 to 42-743 apply to a contest of a registered
13 Convention support order.

14 (b) A party contesting a registered Convention support order shall
15 file a contest not later than thirty days after notice of the
16 registration, but if the contesting party does not reside in the United
17 States, the contest must be filed not later than sixty days after notice
18 of the registration.

19 (c) If the nonregistering party fails to contest the registered
20 Convention support order by the time specified in subsection (b) of this
21 section, the order is enforceable.

22 (d) A contest of a registered Convention support order may be based
23 only on grounds set forth in section 55 of this act. The contesting party
24 bears the burden of proof.

25 (e) In a contest of a registered Convention support order, a
26 tribunal of this state:

27 (1) is bound by the findings of fact on which the foreign tribunal
28 based its jurisdiction; and

29 (2) may not review the merits of the order.

30 (f) A tribunal of this state deciding a contest of a registered
31 Convention support order shall promptly notify the parties of its

1 decision.

2 (g) A challenge or appeal, if any, does not stay the enforcement of
3 a Convention support order unless there are exceptional circumstances.

4 Sec. 55. (a) Except as otherwise provided in subsection (b) of this
5 section, a tribunal of this state shall recognize and enforce a
6 registered Convention support order.

7 (b) The following grounds are the only grounds on which a tribunal
8 of this state may refuse recognition and enforcement of a registered
9 Convention support order:

10 (1) recognition and enforcement of the order is manifestly
11 incompatible with public policy, including the failure of the issuing
12 tribunal to observe minimum standards of due process, which include
13 notice and an opportunity to be heard;

14 (2) the issuing tribunal lacked personal jurisdiction consistent
15 with section 42-705;

16 (3) the order is not enforceable in the issuing country;

17 (4) the order was obtained by fraud in connection with a matter of
18 procedure;

19 (5) a record transmitted in accordance with section 53 of this act
20 lacks authenticity or integrity;

21 (6) a proceeding between the same parties and having the same
22 purpose is pending before a tribunal of this state and that proceeding
23 was the first to be filed;

24 (7) the order is incompatible with a more recent support order
25 involving the same parties and having the same purpose if the more recent
26 support order is entitled to recognition and enforcement under the
27 Uniform Interstate Family Support Act in this state;

28 (8) payment, to the extent alleged arrears have been paid in whole
29 or in part;

30 (9) in a case in which the respondent neither appeared nor was
31 represented in the proceeding in the issuing foreign country:

1 (A) if the law of that country provides for prior notice of
2 proceedings, the respondent did not have proper notice of the proceedings
3 and an opportunity to be heard; or

4 (B) if the law of that country does not provide for prior notice of
5 the proceedings, the respondent did not have proper notice of the order
6 and an opportunity to be heard in a challenge or appeal on fact or law
7 before a tribunal; or

8 (10) the order was made in violation of section 58 of this act.

9 (c) If a tribunal of this state does not recognize a Convention
10 support order under subdivision (b)(2), (4), or (9) of this section:

11 (1) the tribunal may not dismiss the proceeding without allowing a
12 reasonable time for a party to request the establishment of a new
13 Convention support order; and

14 (2) the Nebraska Department of Health and Human Services shall take
15 all appropriate measures to request a child-support order for the obligee
16 if the application for recognition and enforcement was received under
17 section 51 of this act.

18 Sec. 56. If a tribunal of this state does not recognize and enforce
19 a Convention support order in its entirety, it shall enforce any
20 severable part of the order. An application or direct request may seek
21 recognition and partial enforcement of a Convention support order.

22 Sec. 57. (a) Except as otherwise provided in subsections (c) and
23 (d) of this section, a tribunal of this state shall recognize and enforce
24 a foreign support agreement registered in this state.

25 (b) An application or direct request for recognition and enforcement
26 of a foreign support agreement must be accompanied by:

27 (1) a complete text of the foreign support agreement; and

28 (2) a record stating that the foreign support agreement is
29 enforceable as an order of support in the issuing country.

30 (c) A tribunal of this state may vacate the registration of a
31 foreign support agreement only if, acting on its own motion, the tribunal

1 finds that recognition and enforcement would be manifestly incompatible
2 with public policy.

3 (d) In a contest of a foreign support agreement, a tribunal of this
4 state may refuse recognition and enforcement of the agreement if it
5 finds:

6 (1) recognition and enforcement of the agreement is manifestly
7 incompatible with public policy;

8 (2) the agreement was obtained by fraud or falsification;

9 (3) the agreement is incompatible with a support order involving the
10 same parties and having the same purpose in this state, another state, or
11 a foreign country if the support order is entitled to recognition and
12 enforcement under the Uniform Interstate Family Support Act in this
13 state; or

14 (4) the record submitted under subsection (b) of this section lacks
15 authenticity or integrity.

16 (e) A proceeding for recognition and enforcement of a foreign
17 support agreement must be suspended during the pendency of a challenge to
18 or appeal of the agreement before a tribunal of another state or a
19 foreign country.

20 Sec. 58. (a) A tribunal of this state may not modify a Convention
21 child support order if the obligee remains a resident of the foreign
22 country where the support order was issued unless:

23 (1) the obligee submits to the jurisdiction of a tribunal of this
24 state, either expressly or by defending on the merits of the case without
25 objecting to the jurisdiction at the first available opportunity; or

26 (2) the foreign tribunal lacks or refuses to exercise jurisdiction
27 to modify its support order or issue a new support order.

28 (b) If a tribunal of this state does not modify a Convention child
29 support order because the order is not recognized in this state,
30 subsection (c) of section 55 of this act applies.

31 Sec. 59. Personal information gathered or transmitted under

1 sections 48 to 60 of this act may be used only for the purposes for which
2 it was gathered or transmitted.

3 Sec. 60. A record filed with a tribunal of this state under
4 sections 48 to 60 of this act must be in the original language and, if
5 not in English, must be accompanied by an English translation.

6 Sec. 61. The changes to the Uniform Interstate Family Support Act
7 made by this legislative bill apply to proceedings begun on or after the
8 effective date of this act to establish a support order or determine
9 parentage of a child or to register, recognize, enforce, or modify a
10 prior support order, determination, or agreement, whenever issued or
11 entered.

12 Sec. 62. If any section in this act or any part of any section is
13 declared invalid or unconstitutional, the declaration shall not affect
14 the validity or constitutionality of the remaining portions.

15 Sec. 63. Original sections 42-701, 42-702, 42-703, 42-704, 42-705,
16 42-707, 42-708, 42-710, 42-711, 42-712, 42-713, 42-713.01, 42-713.02,
17 42-714, 42-717, 42-718, 42-719, 42-720, 42-721, 42-723, 42-724, 42-726,
18 42-729, 42-730, 42-731, 42-732, 42-733, 42-734.03, 42-734.04, 42-734.05,
19 42-735, 42-736, 42-737, 42-738, 42-739, 42-740, 42-741, 42-742, 42-743,
20 42-744, 42-745, 42-746, 42-747.01, and 42-747.03, Reissue Revised
21 Statutes of Nebraska, are repealed.

22 Sec. 64. The following section is outright repealed: Section
23 42-748, Reissue Revised Statutes of Nebraska.