

AMENDMENTS TO LB 554

(Amendments to Standing Committee amendments, AM1140)

Introduced by Wightman, 36

1 1. Insert the following new section:

2 Sec. 40. Section 43-512.15, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 43-512.15 (1) The county attorney or authorized attorney,
5 upon referral from the Department of Health and Human Services,
6 shall file a complaint to modify a child support order unless the
7 attorney determines in the exercise of independent professional
8 judgment that:

9 (a) The variation from the Supreme Court child support
10 guidelines pursuant to section 42-364.16 is based on material
11 misrepresentation of fact concerning any financial information
12 submitted to the attorney;

13 (b) The variation from the guidelines is due to a
14 voluntary reduction in net monthly income. For purposes of this
15 section, incarceration for a period of six months or more in a
16 county or city jail or a federal or state correctional facility
17 shall be considered an involuntary reduction of income unless the
18 incarceration is a result of a conviction for criminal nonsupport
19 pursuant to section 28-706 or a conviction for a violation of
20 any federal law or law of another state substantially similar to
21 section 28-706; or

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

1 the other undisputed facts in the case, no variation from the
2 criteria set forth in subdivisions (1) and (2) of section 43-512.12
3 exists.

4 (2) The proceedings to modify a child support order shall
5 comply with section 42-364, and the county attorney or authorized
6 attorney shall represent the state in the proceedings.

7 (3) After a complaint to modify a child support order is
8 filed, any party may choose to be represented personally by private
9 counsel. Any party who retains private counsel shall so notify the
10 county attorney or authorized attorney in writing.

11 2. Renumber the remaining sections and correct internal
12 references and the repealer accordingly.