

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 488

Introduced by Nordquist, 7.

Read first time January 18, 2011

Committee: Judiciary

A BILL

1 FOR AN ACT relating to child support; to adopt the Child Support

2 Transparency Act.

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

1 Section 1. This act shall be known and may be cited as
2 the Child Support Transparency Act.

3 Sec. 2. (1) The Legislature finds that enforcement of and
4 compliance with child support orders will alleviate potential burdens
5 on state systems that result when a custodial parent is unable to
6 support his or her children without receipt of financial assistance
7 from the noncustodial parent.

8 (2) It is the intent of the Legislature, through adoption
9 of the Child Support Transparency Act, to assist the Department of
10 Health and Human Services, county attorneys, authorized attorneys,
11 and courts of competent jurisdiction in locating delinquent child
12 support obligors. It is not the intent of the Legislature to add
13 additional cost to the department or the State Treasurer but rather
14 to utilize existing written notifications and processes used to
15 implement other enforcement techniques and existing web sites to
16 carry out the Child Support Transparency Act.

17 Sec. 3. On or before January 1, 2012, the State Treasurer
18 shall develop, maintain, and publish a list of delinquent child
19 support obligors who meet the following conditions:

20 (1) The amount of the obligor's delinquent court-ordered
21 child support exceeds five thousand dollars;

22 (2) The obligor has not made any child support payments
23 pursuant to a court order in the six months immediately preceding
24 publication;

25 (3) The obligor is not involved in bankruptcy proceedings

1 or receiving public assistance; and

2 (4) The custodial parent has signed a confidentiality
3 waiver allowing certain case information to be made public.

4 Sec. 4. The list required pursuant to section 3 of this
5 act shall be posted on the Nebraska Child Support Payment Center web
6 site or any successor web site maintained by the State Treasurer. The
7 State Treasurer shall update the list at least monthly.

8 Sec. 5. (1) The list published by the State Treasurer
9 under the Child Support Transparency Act shall include:

10 (a) The name of the child support obligor;

11 (b) The amount of child support owed, including interest;

12 (c) The time period of delinquency;

13 (d) The most recent city of residence of the obligor; and

14 (e) Contact information for the Department of Health and
15 Human Services to disclose information that may assist in locating
16 the delinquent child support obligors.

17 (2) The list shall not include:

18 (a) The name of the child or children and the name of the
19 custodial parent to whom child support is owed; or

20 (b) Any other information required by law to remain
21 confidential.

22 Sec. 6. Any name published on the list pursuant to the
23 Child Support Transparency Act shall be removed from the list within
24 thirty days after payment in full of the delinquency or within thirty
25 days after the delinquent obligor enters into a payment plan with the

1 Department of Health and Human Services or as ordered by the court.
2 The name of an obligor who is more than thirty days delinquent on a
3 payment plan agreement under this section shall be published on the
4 list.

5 Sec. 7. The Department of Health and Human Services shall
6 provide the names of delinquent child support obligors meeting the
7 conditions stated in section 3 or 6 of this act monthly to the State
8 Treasurer for purposes of publication in the list required pursuant
9 to the Child Support Transparency Act.

10 The department shall provide written notice to all child
11 support obligors regarding the existence of such list, the conditions
12 which must be met to be included in such list, and how to remove his
13 or her name from such list.

14 Sec. 8. If an annual fee is assessed to the payee of
15 child support pursuant to section 7310 of the federal Deficit
16 Reduction Act of 2005, 42 U.S.C. 654(6)(B), and rules and regulations
17 of the Department of Health and Human Services, the department shall
18 notify the obligor that he or she is required to add the amount of
19 such fee to his or her next monthly remittance. The next disbursement
20 of support to the payee shall include, in addition to the monthly
21 disbursement of support, the amount of such fee remitted by the
22 obligor. If the obligor's next monthly remittance does not include
23 the amount of such fee pursuant to such notice, such amount shall be
24 deemed a delinquent payment.