

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 947

Introduced by Wayne, 13.

Read first time January 10, 2022

Committee: Judiciary

1 A BILL FOR AN ACT relating to child support; to amend sections 30-3420,
2 42-347, 42-348, 42-349, 42-350, 42-351, 42-352, 42-353, 42-357,
3 42-360, 42-362, 42-370, 42-371, 42-371.01, 42-373, 42-702, 42-734,
4 42-740, 42-821, 43-512.03, and 43-513.01, Reissue Revised Statutes
5 of Nebraska, and sections 25-2740, 42-377, and 43-2,113, Revised
6 Statutes Cumulative Supplement, 2020; to end child support payments
7 upon the death of a custodial parent; to define a term; to harmonize
8 provisions; and to repeal the original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-2740, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 25-2740 (1) For purposes of this section:

4 (a) Domestic relations matters means proceedings under sections
5 28-311.09 and 28-311.10 (including harassment protection orders and valid
6 foreign harassment protection orders), sections 28-311.11 and 28-311.12
7 (including sexual assault protection orders and valid foreign sexual
8 assault protection orders), the Conciliation Court Law and sections
9 42-347 to 42-381 and section 4 of this act (including dissolution,
10 separation, annulment, custody, and support), section 43-512.04
11 (including child support or medical support), section 42-924 (including
12 domestic protection orders), sections 43-1401 to 43-1418 (including
13 paternity determinations and parental support), and sections 43-1801 to
14 43-1803 (including grandparent visitation); and

15 (b) Paternity or custody determinations means proceedings to
16 establish the paternity of a child under sections 43-1411 to 43-1418 or
17 proceedings to determine custody of a child under section 42-364.

18 (2) Except as provided in subsection (3) of this section, in
19 domestic relations matters, a party shall file his or her petition or
20 complaint and all other court filings with the clerk of the district
21 court. The party shall state in the petition or complaint whether such
22 party requests that the proceeding be heard by a county court judge or by
23 a district court judge. If the party requests the case be heard by a
24 county court judge, the county court judge assigned to hear cases in the
25 county in which the matter is filed at the time of the hearing is deemed
26 appointed by the district court and the consent of the county court judge
27 is not required. Such proceeding is considered a district court
28 proceeding, even if heard by a county court judge, and an order or
29 judgment of the county court in a domestic relations matter has the force
30 and effect of a district court judgment. The testimony in a domestic
31 relations matter heard before a county court judge shall be preserved as

1 provided in section 25-2732.

2 (3) In addition to the jurisdiction provided for paternity or
3 custody determinations under subsection (2) of this section, a county
4 court or separate juvenile court which already has jurisdiction over the
5 child whose paternity or custody is to be determined has jurisdiction
6 over such paternity or custody determination.

7 Sec. 2. Section 30-3420, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 30-3420 (1) A power of attorney for health care or a health care
10 decision made by an attorney in fact may be revoked at any time by a
11 principal who is competent and in any manner by which the principal is
12 able to communicate his or her intent to revoke. Revocation shall be
13 effective upon communication to the attending physician, the health care
14 provider who shall promptly inform the attending physician of the
15 revocation, or the attorney in fact who shall promptly inform the
16 attending physician of the revocation.

17 (2) The creation by the principal of written wishes or instructions
18 about health care or limitations upon the attorney in fact's authority
19 shall not revoke a power of attorney for health care unless such wishes,
20 instructions, or limitations expressly provide otherwise.

21 (3) Upon learning of the revocation of the power of attorney for
22 health care, the attending physician shall cause the revocation to be
23 made a part of the principal's medical records.

24 (4) Unless the power of attorney for health care provides otherwise,
25 execution of a valid power of attorney for health care shall revoke any
26 previously executed power of attorney for health care.

27 (5) Unless the power of attorney for health care provides otherwise,
28 a power of attorney for health care shall supersede:

29 (a) Any conflicting preexisting directive;

30 (b) Any guardianship proceedings under the Nebraska Probate Code to
31 the extent the proceedings involve the right to make health care

1 decisions for the protected person; and

2 (c) Any conservatorship proceedings under the Nebraska Probate Code
3 to the extent the proceedings involve the right to make health care
4 decisions for the protected person.

5 (6) A decree of divorce or legal separation entered into pursuant to
6 sections 42-347 to 42-380 and section 4 of this act may specify whether
7 the choice of the principal's spouse as attorney in fact under a power of
8 attorney for health care shall be revoked or remain effective. If the
9 decree does not specify whether the choice of the spouse as the
10 principal's attorney in fact for health care is revoked or remains
11 effective, the choice of the principal's spouse as attorney in fact for
12 health care shall be deemed revoked upon entry of the decree.

13 (7) The revocation of a power of attorney for health care shall not
14 revoke or terminate the authority as to the attorney in fact or other
15 person who acts in good faith under the power of attorney for health care
16 and without actual knowledge of the revocation. An action taken without
17 knowledge of the revocation, unless the action is otherwise invalid or
18 unenforceable, shall bind the principal and his or her heirs, devisees,
19 and personal representatives.

20 Sec. 3. Section 42-347, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 42-347 For purposes of sections 42-347 to 42-381 and section 4 of
23 this act, unless the context otherwise requires:

24 (1) Authorized attorney means an attorney (a) employed by the county
25 subject to the approval of the county board, (b) employed by the
26 Department of Health and Human Services, or (c) appointed by the court,
27 who is authorized to investigate and prosecute child and spousal support
28 cases. An authorized attorney shall represent the state as provided in
29 section 43-512.03;

30 (2) Custody includes both legal custody and physical custody;

31 (3) Dissolution of marriage means the termination of a marriage by

1 decree of a court of competent jurisdiction upon a finding that the
2 marriage is irretrievably broken. The term dissolution of marriage shall
3 be considered synonymous with divorce, and whenever the term divorce
4 appears in the statutes it means dissolution of marriage pursuant to
5 sections 42-347 to 42-381 and section 4 of this act;

6 (4) Joint legal custody has the same meaning as in section 43-2922;

7 (5) Joint physical custody has the same meaning as in section
8 43-2922;

9 (6) Legal custody has the same meaning as in section 43-2922;

10 (7) Legal separation means a decree of a court of competent
11 jurisdiction providing that two persons who have been legally married
12 shall thereafter live separate and apart and providing for any necessary
13 adjustment of property, support, and custody rights between the parties
14 but not dissolving the marriage;

15 (8) Physical custody has the same meaning as in section 43-2922;

16 (9) Spousal support, when used in the context of income withholding
17 or any provisions of law which might lead to income withholding, means
18 alimony or maintenance support for a spouse or former spouse when ordered
19 as a part of an order, decree, or judgment which provides for child
20 support and the child and spouse or former spouse are living in the same
21 household;

22 (10) State Disbursement Unit has the same meaning as in section
23 43-3341;

24 (11) Support order has the same meaning as in section 43-1717; and

25 (12) Title IV-D Division has the same meaning as in section 43-3341.

26 Sec. 4. (1) For purposes of this section, custodial parent means a
27 parent with sole or joint physical custody.

28 (2) An obligor's duty to pay child support for a child terminates
29 upon the death of any custodial parent.

30 (3) Except as provided in subsection (4) of this section, the
31 termination of child support does not relieve the obligor from the duty

1 to pay any unpaid child support obligations owed or in arrears.

2 (4) If, as a result of the death, the obligor becomes a custodial
3 parent, the obligor is relieved from the duty to pay any unpaid child
4 support obligations owed or in arrears. In the proceeding establishing
5 such custody, the court shall enter all necessary orders to provide such
6 relief.

7 (5) The Department of Health and Human Services and State Court
8 Administrator shall develop processes to:

9 (a) Terminate support under this section automatically and without
10 the need for an application by the obligor; and

11 (b) Provide notice to the obligor of such termination and the
12 effect, if any, on unpaid support obligations owed or in arrears.

13 (6) The State Court Administrator shall develop uniform procedures
14 and forms to carry out this section.

15 Sec. 5. Section 42-348, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 42-348 All proceedings under sections 42-347 to 42-381 and section 4
18 of this act shall be brought in the district court of the county in which
19 one of the parties resides. Proceedings may be transferred to a separate
20 juvenile court or county court sitting as a juvenile court which has
21 acquired jurisdiction pursuant to section 43-2,113. Certified copies of
22 orders filed with the clerk of the court pursuant to such section shall
23 be treated in the same manner as similar orders issued by the court.

24 Sec. 6. Section 42-349, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 42-349 No action for dissolution of marriage may be brought unless
27 at least one of the parties has had actual residence in this state with a
28 bona fide intention of making this state his or her permanent home for at
29 least one year prior to the filing of the complaint, or unless the
30 marriage was solemnized in this state and either party has resided in
31 this state from the time of marriage to filing the complaint. Persons

1 serving in the armed forces of the United States who have been
2 continuously stationed at any military base or installation in this state
3 for one year or, if the marriage was solemnized in this state, have
4 resided in this state from the time of marriage to the filing of the
5 complaint shall for the purposes of sections 42-347 to 42-381 and section
6 4 of this act be deemed residents of this state.

7 Sec. 7. Section 42-350, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 42-350 If a complaint for legal separation is filed before residence
10 requirements for dissolution of marriage have been complied with, either
11 party, upon complying with such requirements, may amend his or her
12 pleadings to request a dissolution of marriage, and notice of such
13 amendment shall be given in the same manner as for an original action
14 under sections 42-347 to 42-381 and section 4 of this act.

15 Sec. 8. Section 42-351, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 42-351 (1) In proceedings under sections 42-347 to 42-381 and
18 section 4 of this act, the court shall have jurisdiction to inquire into
19 such matters, make such investigations, and render such judgments and
20 make such orders, both temporary and final, as are appropriate concerning
21 the status of the marriage, the custody and support of minor children,
22 the support of either party, the settlement of the property rights of the
23 parties, and the award of costs and attorney's fees. The court shall
24 determine jurisdiction for child custody proceedings under the Uniform
25 Child Custody Jurisdiction and Enforcement Act.

26 (2) When final orders relating to proceedings governed by sections
27 42-347 to 42-381 and section 4 of this act are on appeal and such appeal
28 is pending, the court that issued such orders shall retain jurisdiction
29 to provide for such orders regarding support, custody, parenting time,
30 visitation, or other access, orders shown to be necessary to allow the
31 use of property or to prevent the irreparable harm to or loss of property

1 during the pendency of such appeal, or other appropriate orders in aid of
2 the appeal process. Such orders shall not be construed to prejudice any
3 party on appeal.

4 Sec. 9. Section 42-352, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 42-352 A proceeding under sections 42-347 to 42-381 and section 4 of
7 this act shall be commenced by filing a complaint in the district court.
8 The proceeding may be heard by the county court or the district court as
9 provided in section 25-2740. Summons shall be served upon the other party
10 to the marriage by personal service or in the manner provided in section
11 25-517.02.

12 Sec. 10. Section 42-353, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 42-353 The pleadings required by sections 42-347 to 42-381 and
15 section 4 of this act shall be governed by the rules of pleading in civil
16 actions promulgated under section 25-801.01. The complaint shall include
17 the following:

18 (1) The name and address of the plaintiff and his or her attorney,
19 except that a plaintiff who is living in an undisclosed location because
20 of safety concerns is only required to disclose the county and state of
21 his or her residence and, in such case, shall provide an alternative
22 address for the mailing of notice;

23 (2) The name and address, if known, of the defendant;

24 (3) The date and place of marriage;

25 (4) The name and year of birth of each child whose custody or
26 welfare may be affected by the proceedings and whether (a) a parenting
27 plan as provided in the Parenting Act has been developed and (b) child
28 custody, parenting time, visitation, or other access or child support is
29 a contested issue;

30 (5) If the plaintiff is a party to any other pending action for
31 divorce, separation, or dissolution of marriage, a statement as to where

1 such action is pending;

2 (6) Reference to any existing restraining orders, protection orders,
3 or criminal no-contact orders regarding any party to the proceedings;

4 (7) A statement of the relief sought by the plaintiff, including
5 adjustment of custody, property, and support rights; and

6 (8) An allegation that the marriage is irretrievably broken if the
7 complaint is for dissolution of marriage or an allegation that the two
8 persons who have been legally married shall thereafter live separate and
9 apart if the complaint is for a legal separation.

10 Sec. 11. Section 42-357, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 42-357 The court may order either party to pay to the clerk of the
13 district court or to the State Disbursement Unit, as provided in section
14 42-369, a sum of money for the temporary support and maintenance of the
15 other party and minor children if any are affected by the action and to
16 enable such party to prosecute or defend the action. The court may make
17 such order after service of process and claim for temporary allowances is
18 made in the complaint or by motion by the plaintiff or by the defendant
19 in a responsive pleading; but no such order shall be entered before three
20 days after notice of hearing has been served on the other party or notice
21 waived. During the pendency of any proceeding under sections 42-347 to
22 42-381 and section 4 of this act after the complaint is filed, upon
23 application of either party and if the accompanying affidavit of the
24 party or his or her agent shows to the court that the party is entitled
25 thereto, the court may issue ex parte orders (1) restraining any person
26 from transferring, encumbering, hypothecating, concealing, or in any way
27 disposing of real or personal property except in the usual course of
28 business or for the necessities of life, and the party against whom such
29 order is directed shall upon order of the court account for all unusual
30 expenditures made after such order is served upon him or her, (2)
31 enjoining any party from molesting or disturbing the peace of the other

1 party or any minor children affected by the action, and (3) determining
2 the temporary custody of any minor children of the marriage, except that
3 no restraining order enjoining any party from molesting or disturbing the
4 peace of any minor child shall issue unless, at the same time, the court
5 determines that the party requesting such order shall have temporary
6 custody of such minor child. Ex parte orders issued pursuant to
7 subdivisions (1) and (3) of this section shall remain in force for no
8 more than ten days or until a hearing is held thereon, whichever is
9 earlier. After motion, notice to the party, and hearing, the court may
10 order either party excluded from the premises occupied by the other upon
11 a showing that physical or emotional harm would otherwise result. Any
12 restraining order issued excluding either party from the premises
13 occupied by the other shall specifically set forth the location of the
14 premises and shall be served upon the adverse party by the sheriff in the
15 manner prescribed for serving a summons, and a return thereof shall be
16 filed in the court. Any person who knowingly violates such an order after
17 service shall be guilty of a Class II misdemeanor. In the event a
18 restraining order enjoining any party from molesting or disturbing the
19 peace of any minor children is issued, upon application and affidavit
20 setting out the reason therefor, the court shall schedule a hearing
21 within seventy-two hours to determine whether the order regarding the
22 minor children shall remain in force. Section 25-1064 shall not apply to
23 the issuance of ex parte orders pursuant to this section. Any judge of
24 the county court or district court may grant a temporary ex parte order
25 in accordance with this section.

26 Sec. 12. Section 42-360, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 42-360 No decree shall be entered under sections 42-347 to 42-381
29 and section 4 of this act unless the court finds that every reasonable
30 effort to effect reconciliation has been made. Proceedings filed pursuant
31 to sections 42-347 to 42-381 and section 4 of this act shall be subject

1 to transfer to a conciliation court pursuant to section 42-822 or 42-823,
2 in counties where such a court has been established. In counties having
3 no conciliation court, the court hearing proceedings under sections
4 42-347 to 42-381 and section 4 of this act may refer the parties to
5 qualified marriage counselors or family service agencies, or other
6 persons or agencies determined by the court to be qualified to provide
7 conciliation services, if the court finds that there appears to be some
8 reasonable possibility of a reconciliation being effected. In no case
9 shall the court order marriage counseling upon the request of only one of
10 the parties to the dissolution or his or her attorney. If both parties
11 agree to attend counseling but do not agree on an assignment of the costs
12 of such counseling, the court, after receiving an application for such
13 costs and upon a showing that the parties cannot agree on an assignment
14 of such costs, shall assign such costs in a temporary or permanent order.

15 Sec. 13. Section 42-362, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 42-362 When the pleadings or evidence in any action pursuant to
18 sections 42-347 to 42-381 and section 4 of this act indicate that either
19 spouse is mentally ill, a guardian ad litem or an attorney, or both,
20 shall be appointed to represent the interests of such spouse. Such
21 guardian's fee or attorney's fee, or both, shall be taxed as costs when
22 allowed by the court and shall be paid by the county if the parties are
23 unable to do so. When a marriage is dissolved and the evidence indicates
24 that either spouse is mentally ill, the court may, at the time of
25 dissolving the marriage or at any time thereafter, make such order for
26 the support and maintenance of such mentally ill person as it may deem
27 necessary and proper, having due regard to the property and income of the
28 parties, and the court may require the party ordered to provide support
29 and maintenance to file a bond or otherwise give security for such
30 support. Such an order for support may be entered upon the application of
31 the guardian or guardian ad litem or of any person, county, municipality,

1 or institution charged with the support of such mentally ill person. The
2 order for support may, if necessary, be revised from time to time on like
3 application.

4 Sec. 14. Section 42-370, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 42-370 Nothing in sections 42-347 to 42-381 and section 4 of this
7 act shall prohibit a party from initiating contempt proceedings. Costs,
8 including a reasonable attorney's fee, may be taxed against a party found
9 to be in contempt.

10 Sec. 15. Section 42-371, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 42-371 Under the Uniform Interstate Family Support Act and sections
13 42-347 to 42-381, 43-290, 43-512 to 43-512.10, and 43-1401 to 43-1418 and
14 section 4 of this act:

15 (1) All judgments and orders for payment of money shall be liens, as
16 in other actions, upon real property and any personal property registered
17 with any county office and may be enforced or collected by execution and
18 the means authorized for collection of money judgments;

19 (2) The judgment creditor may execute a partial or total release of
20 the judgment or a document subordinating the lien of the judgment to any
21 other lien, generally or on specific real or personal property.

22 Release of a judgment for child support or spousal support or
23 subordination of a lien of a judgment for child support or spousal
24 support may, if all such payments are current and not delinquent or in
25 arrears, be released or subordinated by a release or subordination
26 document executed by the judgment creditor, and such document shall be
27 sufficient to remove or subordinate the lien. A properly executed,
28 notarized release or subordination document explicitly reciting that all
29 child support payments or spousal support payments are current is prima
30 facie evidence that such payments are in fact current. For purposes of
31 this section, any delinquency or arrearage of support payments shall be

1 determined as provided in subsection (2) of section 42-358.02;

2 (3) If a judgment creditor refuses to execute a release of the
3 judgment or subordination of a lien as provided in subdivision (2) of
4 this section or the support payments are not current, the person desiring
5 such release or subordination may file an application for the relief
6 desired in the court which rendered the original judgment. A copy of the
7 application and a notice of hearing shall be served on the judgment
8 creditor either personally or by registered or certified mail no later
9 than ten days before the date of hearing. If the court finds that the
10 release or subordination is not requested for the purpose of avoiding
11 payment and that the release or subordination will not unduly reduce the
12 security, the court may issue an order releasing real or personal
13 property from the judgment lien or issue an order subordinating the
14 judgment lien. As a condition for such release or subordination, the
15 court may require the posting of a bond with the clerk in an amount fixed
16 by the court, guaranteeing payment of the judgment. If the court orders a
17 release or subordination, the court may order a judgment creditor who,
18 without a good faith reason, refused to execute a release or
19 subordination to pay the judgment debtor's court costs and attorney's
20 fees involved with the application brought under this subdivision. A
21 showing that all support payments are current shall be evidence that the
22 judgment creditor did not have a good faith reason to refuse to execute
23 such release or subordination. For purposes of this section, a current
24 certified copy of support order payment history from the Title IV-D
25 Division of the Department of Health and Human Services setting forth
26 evidence that all support payments are current is prima facie evidence
27 that such payments are in fact current and is valid for thirty days after
28 the date of certification;

29 (4) Full faith and credit shall be accorded to a lien arising by
30 operation of law against real and personal property for amounts overdue
31 relating to a support order owed by a judgment debtor or obligor who

1 resides or owns property in this state when another state agency, party,
2 or other entity seeking to enforce such lien complies with the procedural
3 rules relating to the filing of the lien in this state. The state agency,
4 party, or other entity seeking to enforce such lien shall send a
5 certified copy of the support order with all modifications, the notice of
6 lien prescribed by 42 U.S.C. 652(a)(11) and 42 U.S.C. 654(9)(E), and the
7 appropriate fee to the clerk of the district court in the jurisdiction
8 within this state in which the lien is sought. Upon receiving the
9 appropriate documents and fee, the clerk of the district court shall
10 accept the documents filed and such acceptance shall constitute entry of
11 the foreign support order for purposes of this section only. Entry of a
12 lien arising in another state pursuant to this section shall result in
13 such lien being afforded the same treatment as liens arising in this
14 state. The filing process required by this section shall not be construed
15 as requiring an application, complaint, answer, and hearing as might be
16 required for the filing or registration of foreign judgments under the
17 Nebraska Uniform Enforcement of Foreign Judgments Act or the Uniform
18 Interstate Family Support Act;

19 (5) Support order judgments shall cease to be liens on real or
20 registered personal property ten years from the date (a) the youngest
21 child becomes of age or dies or (b) the most recent execution was issued
22 to collect the judgment, whichever is later, and such lien shall not be
23 reinstated;

24 (6) Alimony and property settlement award judgments, if not covered
25 by subdivision (5) of this section, shall cease to be a lien on real or
26 registered personal property ten years from the date (a) the judgment was
27 entered, (b) the most recent payment was made, or (c) the most recent
28 execution was issued to collect the judgment, whichever is latest, and
29 such lien shall not be reinstated;

30 (7) The court may in any case, upon application or its own motion,
31 after notice and hearing, order a person required to make payments to

1 post sufficient security, bond, or other guarantee with the clerk to
2 insure payment of both current and any delinquent amounts. Upon failure
3 to comply with the order, the court may also appoint a receiver to take
4 charge of the debtor's property to insure payment. Any bond, security, or
5 other guarantee paid in cash may, when the court deems it appropriate, be
6 applied either to current payments or to reduce any accumulated
7 arrearage;

8 (8)(a) The lien of a mortgage or deed of trust which secures a loan,
9 the proceeds of which are used to purchase real property, and (b) any
10 lien given priority pursuant to a subordination document under this
11 section shall attach prior to any lien authorized by this section. Any
12 mortgage or deed of trust which secures the refinancing, renewal, or
13 extension of a real property purchase money mortgage or deed of trust
14 shall have the same lien priority with respect to any lien authorized by
15 this section as the original real property purchase money mortgage or
16 deed of trust to the extent that the amount of the loan refinanced,
17 renewed, or extended does not exceed the amount used to pay the principal
18 and interest on the existing real property purchase money mortgage or
19 deed of trust, plus the costs of the refinancing, renewal, or extension;
20 and

21 (9) Any lien authorized by this section against personal property
22 registered with any county consisting of a motor vehicle or mobile home
23 shall attach upon notation of the lien against the motor vehicle or
24 mobile home certificate of title and shall have its priority established
25 pursuant to the terms of section 60-164 or a subordination document
26 executed under this section.

27 Sec. 16. Section 42-371.01, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 42-371.01 (1) An obligor's duty to pay child support for a child
30 terminates when (a) the child reaches nineteen years of age, (b) the
31 child marries, (c) the child dies, or (d) the child is emancipated by a

1 court of competent jurisdiction, unless the court order for child support
2 specifically extends child support after such circumstances.

3 (2) The termination of child support under this section does not
4 relieve the obligor from the duty to pay any unpaid child support
5 obligations owed or in arrears.

6 (3) The obligor may provide written application for termination of a
7 child support order when the child being supported reaches nineteen years
8 of age, marries, dies, or is otherwise emancipated. The application shall
9 be filed with the clerk of the district court where child support was
10 ordered. A certified copy of the birth certificate, marriage license,
11 death certificate, or court order of emancipation or an abstract of
12 marriage as defined in section 71-601.01 shall accompany the application
13 for termination of the child support. The clerk of the district court
14 shall send notice of the filing of the child support termination
15 application to the last-known address of the obligee. The notice shall
16 inform the obligee that if he or she does not file a written objection
17 within thirty days after the date the notice was mailed, child support
18 may be terminated without further notice. The court shall terminate child
19 support if no written objection has been filed within thirty days after
20 the date the clerk's notice to the obligee was mailed, the forms and
21 procedures have been complied with, and the court believes that a hearing
22 on the matter is not required.

23 (4) The State Court Administrator shall develop uniform procedures
24 and forms to be used to terminate child support.

25 Sec. 17. Section 42-373, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 42-373 Actions for annulment of a marriage shall be brought in the
28 same manner as actions for dissolution of marriage and shall be subject
29 to all applicable provisions of sections 42-347 to 42-381 and section 4
30 of this act pertaining to dissolution of marriage, except that the only
31 residence requirement shall be that the plaintiff is an actual resident

1 of the county in which the complaint is filed.

2 Sec. 18. Section 42-377, Revised Statutes Cumulative Supplement,
3 2020, is amended to read:

4 42-377 Children born to the parties, or to either spouse, in a
5 marriage relationship which may be dissolved or annulled pursuant to
6 sections 42-347 to 42-381 and section 4 of this act shall be legitimate
7 unless otherwise decreed by the court, and in every case the legitimacy
8 of all children conceived before the commencement of the suit shall be
9 presumed until the contrary is shown.

10 Sec. 19. Section 42-702, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 42-702 In the Uniform Interstate Family Support Act:

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

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

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

23 (4) Duty of support means an obligation imposed or imposable by law
24 to provide support for a child, spouse, or former spouse, including an
25 unsatisfied obligation to provide support.

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

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

31 (B) Which has established a reciprocal arrangement for child support

1 with this state as provided in section 42-721;

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

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

7 (6) Foreign support order means a support order of a foreign
8 tribunal.

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

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

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

23 (10) Income withholding order means an order or other legal process
24 directed to an obligor's employer or other payor, as defined by the
25 Income Withholding for Child Support Act or sections 42-347 to 42-381 and
26 section 4 of this act, to withhold support from the income of the
27 obligor.

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

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) Issuing state means the state in which a tribunal issues a
5 support order or judgment determining parentage of a child.

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

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

11 (16) Obligee means:

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

15 (B) A foreign country, state, or political subdivision of a state to
16 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;

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

21 (D) A person that is a creditor in a proceeding under sections
22 42-748.01 to 42-748.13.

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

24 (A) Owes or is alleged to owe a duty of support;

25 (B) Is alleged but has not been adjudicated to be a parent of a
26 child;

27 (C) Is liable under a support order; or

28 (D) Is a debtor in a proceeding under sections 42-748.01 to
29 42-748.13.

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) 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, or any other legal or commercial entity.

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

9 (21) Register means to record or file in a tribunal of this state a
10 support order or judgment determining parentage of a child issued in
11 another state or a foreign country.

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

14 (23) Responding state means a state in which a petition or
15 comparable pleading for support or to determine parentage of a child is
16 filed or to which a petition or comparable pleading is forwarded for
17 filing from another state or a foreign country.

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

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

22 (26) State means a state of the United States, the District of
23 Columbia, Puerto Rico, the United States Virgin Islands, or any territory
24 or insular possession under the jurisdiction of the United States. The
25 term includes an Indian nation or tribe.

26 (27) Support enforcement agency means a public official,
27 governmental entity, or private agency authorized to:

28 (A) Seek enforcement of support orders or laws relating to the duty
29 of support;

30 (B) Seek establishment or modification of child support;

31 (C) Request determination of parentage of a child;

1 (D) Attempt to locate obligors or their assets; or

2 (E) Request determination of the controlling child support order.

3 (28) Support order means a judgment, decree, order, decision, or
4 directive, whether temporary, final, or subject to modification, issued
5 in a state or foreign country for the benefit of a child, a spouse, or a
6 former spouse, which provides for monetary support, health care,
7 arrearages, retroactive support, or reimbursement for financial
8 assistance provided to an individual obligee in place of child support.
9 The term may include related costs and fees, interest, income
10 withholding, automatic adjustment, reasonable attorney's fees, and other
11 relief.

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

15 Sec. 20. Section 42-734, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 42-734 An income withholding order issued in another state may be
18 sent by or on behalf of the obligee or by the support enforcement agency
19 to the person defined as the obligor's employer under the Income
20 Withholding for Child Support Act or sections 42-347 to 42-381 and
21 section 4 of this act without first filing a petition or comparable
22 pleading or registering the order with a tribunal of this state.

23 Sec. 21. Section 42-740, Reissue Revised Statutes of Nebraska, is
24 amended to read:

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

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

31 (1) that a registered order is enforceable as of the date of

1 registration in the same manner as an order issued by a tribunal of this
2 state;

3 (2) that a hearing to contest the validity or enforcement of the
4 registered order shall be requested within twenty days after notice
5 unless the registered order is under section 42-748.07;

6 (3) that failure to contest the validity or enforcement of the
7 registered order in a timely manner will result in confirmation of the
8 order and enforcement of the order and the alleged arrearages; and

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

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

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

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

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

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

22 (d) Upon registration of an income withholding order for
23 enforcement, the support enforcement agency or the registering tribunal
24 shall notify the obligor's employer pursuant to the Income Withholding
25 for Child Support Act or sections 42-347 to 42-381 and section 4 of this
26 act.

27 Sec. 22. Section 42-821, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 42-821 (1) During a period beginning upon the filing of the petition
30 for conciliation and continuing until the earlier of (a) thirty days
31 after the hearing of the petition for conciliation or (b) the dismissal

1 of the petition, neither spouse shall file any action for dissolution of
2 marriage, annulment of marriage, or separate maintenance, except that,
3 for the purpose of protecting the minor children of the parties and the
4 parties, the county court and district court shall have authority after
5 proper notice to enter orders for temporary custody of minor children,
6 temporary child support, and temporary alimony, notwithstanding any such
7 reconciliation proceedings. An order for temporary child support or an
8 order for temporary alimony which is a part of an order providing for
9 temporary child support when the spouse and child reside in the same
10 household shall be governed by the provisions of sections 42-347 to
11 42-381 and section 4 of this act relating to child and spousal support.
12 Certified copies of such orders shall be filed by the clerk of the court
13 and treated in the same manner as other such orders.

14 (2) If, after the expiration of the period specified in subsection
15 (1) of this section, the controversy between the spouses has not been
16 terminated, either spouse may institute proceedings for dissolution of
17 marriage, annulment of marriage, or separate maintenance. The pendency of
18 a dissolution of marriage, annulment, or separate maintenance action
19 shall not operate as a bar to the instituting of proceedings for
20 conciliation under the Conciliation Court Law, but if such action is
21 pending before a petition for conciliation is filed, the court may permit
22 proceeding with such action at any time for good cause shown.

23 Sec. 23. Section 43-2,113, Revised Statutes Cumulative Supplement,
24 2020, is amended to read:

25 43-2,113 (1) In counties where a separate juvenile court is
26 established, the county board of the county shall provide suitable rooms
27 and offices for the accommodation of the judge of the separate juvenile
28 court and the officers and employees appointed by such judge or by the
29 probation administrator pursuant to subsection (4) of section 29-2253.
30 Such separate juvenile court and the judge, officers, and employees of
31 such court shall have the same and exclusive jurisdiction, powers, and

1 duties that are prescribed in the Nebraska Juvenile Code, concurrent
2 jurisdiction under section 83-223, and such other jurisdiction, powers,
3 and duties as specifically provided by law.

4 (2) A juvenile court created in a separate juvenile court judicial
5 district or a county court sitting as a juvenile court in all other
6 counties shall have and exercise jurisdiction within such juvenile court
7 judicial district or county court judicial district with the county court
8 and district court in all matters arising under Chapter 42, article 3,
9 when the care, support, custody, or control of minor children under the
10 age of eighteen years is involved. Such cases shall be filed in the
11 county court and district court and may, with the consent of the juvenile
12 judge, be transferred to the trial docket of the separate juvenile court
13 or county court.

14 (3) All orders issued by a separate juvenile court or a county court
15 which provide for child support or spousal support as defined in section
16 42-347 shall be governed by sections 42-347 to 42-381 and section 4 of
17 this act and 43-290 relating to such support. Certified copies of such
18 orders shall be filed by the clerk of the separate juvenile or county
19 court with the clerk of the district court who shall maintain a record as
20 provided in subsection (4) of section 42-364. There shall be no fee
21 charged for the filing of such certified copies.

22 Sec. 24. Section 43-512.03, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 43-512.03 (1) The county attorney or authorized attorney shall:

25 (a) On request by the Department of Health and Human Services as
26 described in subsection (2) of this section or when the investigation or
27 application filed under section 43-512 or 43-512.02 justifies, file a
28 complaint against a nonsupporting party in the district, county, or
29 separate juvenile court praying for an order for child or medical support
30 in cases when there is no existing child or medical support order. After
31 notice and hearing, the court shall adjudicate the child and medical

1 support liability of either party and enter an order accordingly;

2 (b) Enforce child, spousal, and medical support orders by an action
3 for income withholding pursuant to the Income Withholding for Child
4 Support Act;

5 (c) In addition to income withholding, enforce child, spousal, and
6 medical support orders by other civil actions or administrative actions,
7 citing the defendant for contempt, or filing a criminal complaint;

8 (d) Establish paternity and collect child and medical support on
9 behalf of children born out of wedlock; and

10 (e) Carry out sections 43-512.12 to 43-512.18.

11 (2) The department may periodically review cases of individuals
12 receiving enforcement services and make referrals to the county attorney
13 or authorized attorney.

14 (3) In any action brought by or intervened in by a county attorney
15 or authorized attorney under the Income Withholding for Child Support
16 Act, the License Suspension Act, the Uniform Interstate Family Support
17 Act, or sections 42-347 to 42-381, 43-290, 43-512 to 43-512.18, 43-1401
18 to 43-1418, and 43-3328 to 43-3339 and section 4 of this act, such
19 attorneys shall represent the State of Nebraska.

20 (4) The State of Nebraska shall be a real party in interest in any
21 action brought by or intervened in by a county attorney or authorized
22 attorney for the purpose of establishing paternity or securing,
23 modifying, suspending, or terminating child or medical support or in any
24 action brought by or intervened in by a county attorney or authorized
25 attorney to enforce an order for child, spousal, or medical support.

26 (5) Nothing in this section shall be construed to interpret
27 representation by a county attorney or an authorized attorney as creating
28 an attorney-client relationship between the county attorney or authorized
29 attorney and any party or witness to the action, other than the State of
30 Nebraska, regardless of the name in which the action is brought.

31 Sec. 25. Section 43-513.01, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 43-513.01 Except as provided in section 4 of this act, a A judgment
3 for child support shall not abate upon the death of the judgment debtor.

4 Sec. 26. Original sections 30-3420, 42-347, 42-348, 42-349, 42-350,
5 42-351, 42-352, 42-353, 42-357, 42-360, 42-362, 42-370, 42-371,
6 42-371.01, 42-373, 42-702, 42-734, 42-740, 42-821, 43-512.03, and
7 43-513.01, Reissue Revised Statutes of Nebraska, and sections 25-2740,
8 42-377, and 43-2,113, Revised Statutes Cumulative Supplement, 2020, are
9 repealed.