

AMENDMENTS TO LB935

Introduced by Judiciary.

1 1. Strike the original sections and insert the following new
2 sections:

3 **Sec. 38.** Section 42-371, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 42-371 Under the Uniform Interstate Family Support Act and sections
6 42-347 to 42-381, 43-290, 43-512 to 43-512.10, and 43-1401 to 43-1418:

7 (1)(a) Except as provided in subdivision (1)(b) of this section, all
8 ~~(1)~~ All judgments and orders for payment of money shall be liens, as in
9 other actions, upon real property and any personal property registered
10 with any county office and may be enforced or collected by execution and
11 the means authorized for collection of money judgments. ÷

12 (b) A judgment or order for payment of child support or spousal
13 support creates a lien upon the real or personal property of the judgment
14 debtor which attaches when the payment is due and extinguishes when the
15 payment is made.

16 (c) For purposes of this section, a current child support or spousal
17 support order payment history from the Title IV-D Division of the
18 Department of Health and Human Services or spousal support order payment
19 history from the clerk of the district court setting forth evidence that
20 all support payments are current, and have been made as ordered for the
21 previous twelve-month period or the total length of time the order has
22 been in effect, whichever is shorter, is prima facie evidence that such
23 payments are in fact current and such evidence operates to release the
24 lien described in subdivision (1)(b) of this section for purposes of
25 transferring a specific parcel of real property;

26 (2) The judgment creditor may execute a partial or total release of
27 the judgment or a document subordinating the lien of the judgment to any

1 other lien, generally or on specific real or personal property.

2 Release of a judgment for child support or spousal support or
3 subordination of a lien of a judgment for child support or spousal
4 support may, if all such payments are current and not delinquent or in
5 arrears, be released or subordinated by a release or subordination
6 document executed by the judgment creditor, and such document shall be
7 sufficient to remove or subordinate the lien. A properly executed,
8 notarized release or subordination document explicitly reciting that all
9 child support payments or spousal support payments are current is prima
10 facie evidence that such payments are in fact current. For purposes of
11 this section, any delinquency or arrearage of support payments shall be
12 determined as provided in subsection (2) of section 42-358.02;

13 (3) If a judgment creditor refuses to execute a release of the
14 judgment or subordination of a lien as provided in subdivision (2) of
15 this section or the support payments are not current, the person desiring
16 such release or subordination may file an application for the relief
17 desired in the court which rendered the original judgment. A copy of the
18 application and a notice of hearing shall be served on the judgment
19 creditor either personally or by registered or certified mail no later
20 than ten days before the date of hearing. If the court finds that the
21 release or subordination is not requested for the purpose of avoiding
22 payment and that the release or subordination will not unduly reduce the
23 security, the court may issue an order releasing real or personal
24 property from the judgment lien or issue an order subordinating the
25 judgment lien. As a condition for such release or subordination, the
26 court may require the posting of a bond with the clerk in an amount fixed
27 by the court, guaranteeing payment of the judgment. If the court orders a
28 release or subordination, the court may order a judgment creditor who,
29 without a good faith reason, refused to execute a release or
30 subordination to pay the judgment debtor's court costs and attorney's
31 fees involved with the application brought under this subdivision. A

1 showing that all support payments are current shall be evidence that the
2 judgment creditor did not have a good faith reason to refuse to execute
3 such release or subordination. For purposes of this section, a current
4 certified copy of support order payment history from the Title IV-D
5 Division of the Department of Health and Human Services setting forth
6 evidence that all support payments are current is prima facie evidence
7 that such payments are in fact current and is valid for thirty days after
8 the date of certification;

9 (4) Full faith and credit shall be accorded to a lien arising by
10 operation of law against real and personal property for amounts overdue
11 relating to a support order owed by a judgment debtor or obligor who
12 resides or owns property in this state when another state agency, party,
13 or other entity seeking to enforce such lien complies with the procedural
14 rules relating to the filing of the lien in this state. The state agency,
15 party, or other entity seeking to enforce such lien shall send a
16 certified copy of the support order with all modifications, the notice of
17 lien prescribed by 42 U.S.C. 652(a)(11) and 42 U.S.C. 654(9)(E), and the
18 appropriate fee to the clerk of the district court in the jurisdiction
19 within this state in which the lien is sought. Upon receiving the
20 appropriate documents and fee, the clerk of the district court shall
21 accept the documents filed and such acceptance shall constitute entry of
22 the foreign support order for purposes of this section only. Entry of a
23 lien arising in another state pursuant to this section shall result in
24 such lien being afforded the same treatment as liens arising in this
25 state. The filing process required by this section shall not be construed
26 as requiring an application, complaint, answer, and hearing as might be
27 required for the filing or registration of foreign judgments under the
28 Nebraska Uniform Enforcement of Foreign Judgments Act or the Uniform
29 Interstate Family Support Act;

30 (5) Support order judgments shall cease to be liens on real or
31 registered personal property ten years from the date (a) the youngest

1 child becomes of age or dies or (b) the most recent execution was issued
2 to collect the judgment, whichever is later, and such lien shall not be
3 reinstated;

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

10 (7) The court may in any case, upon application or its own motion,
11 after notice and hearing, order a person required to make payments to
12 post sufficient security, bond, or other guarantee with the clerk to
13 insure payment of both current and any delinquent amounts. Upon failure
14 to comply with the order, the court may also appoint a receiver to take
15 charge of the debtor's property to insure payment. Any bond, security, or
16 other guarantee paid in cash may, when the court deems it appropriate, be
17 applied either to current payments or to reduce any accumulated
18 arrearage;

19 (8)(a) The lien of a mortgage or deed of trust which secures a loan,
20 the proceeds of which are used to purchase real property, and (b) any
21 lien given priority pursuant to a subordination document under this
22 section shall attach prior to any lien authorized by this section. Any
23 mortgage or deed of trust which secures the refinancing, renewal, or
24 extension of a real property purchase money mortgage or deed of trust
25 shall have the same lien priority with respect to any lien authorized by
26 this section as the original real property purchase money mortgage or
27 deed of trust to the extent that the amount of the loan refinanced,
28 renewed, or extended does not exceed the amount used to pay the principal
29 and interest on the existing real property purchase money mortgage or
30 deed of trust, plus the costs of the refinancing, renewal, or extension;
31 and

1 (9) Any lien authorized by this section against personal property
2 registered with any county consisting of a motor vehicle or mobile home
3 shall attach upon notation of the lien against the motor vehicle or
4 mobile home certificate of title and shall have its priority established
5 pursuant to the terms of section 60-164 or a subordination document
6 executed under this section.

7 **Sec. 40.** Section 43-1409, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 43-1409 (1) The signing of a notarized acknowledgment, whether under
10 section 43-1408.01 or otherwise, by the alleged father shall create a
11 rebuttable presumption of paternity as against the alleged father.

12 (2) The signed, notarized acknowledgment is subject to the right of
13 any signatory to rescind the acknowledgment within the earlier of (a) ~~(1)~~
14 sixty days or (b) ~~(2)~~ the date of an administrative or judicial
15 proceeding relating to the child, including a proceeding to establish a
16 support order in which the signatory is a party.

17 (3)(a) After the rescission period, a signed, notarized
18 acknowledgment is considered a legal finding of paternity. Such legal
19 finding of paternity ~~which~~ may be challenged and set aside only:

20 (i) On ~~on~~ the basis of fraud, duress, or material mistake of fact;
21 or

22 (ii)(A) By a person who has reason to believe he is the biological
23 father of the child, on the basis of scientifically reliable genetic
24 testing that establishes that such person is the biological father of the
25 child and that the acknowledged father is not the biological father of
26 the child. Such genetic testing shall be performed by a laboratory
27 accredited by the College of American Pathologists or any other national
28 accrediting body or public agency which has requirements that are
29 substantially equivalent to or more comprehensive than those of the
30 college.

31 (B) A challenge under subdivision (3)(a)(ii)(A) of this section that

1 is filed on or after the operative date of this section shall only be
2 brought by a person who is also seeking to establish paternity in
3 himself. This requirement does not apply to cases pending on the
4 operative date of this section.

5 (b) In a challenge under this subsection, with the burden of proof
6 shall be upon the challenger, and the legal responsibilities, including
7 the child support obligation, of any signatory arising from the
8 acknowledgment shall not be suspended during the challenge, except for
9 good cause shown.

10 (4) Such a signed and notarized acknowledgment or a certified copy
11 or certified reproduction thereof shall be admissible in evidence in any
12 proceeding to establish support.

13 (5) Except as otherwise provided in subdivision (3)(a)(ii)(B) of
14 this section, the changes made to this section by this legislative bill
15 apply to actions under sections 43-1401 to 43-1418 that are pending on
16 the operative date of this section and to cases filed on or after such
17 date.

18 **Sec. 41.** Section 43-1412.01, Reissue Revised Statutes of Nebraska,
19 is amended to read:

20 43-1412.01 (1) An individual may file a complaint for relief and the
21 court may set aside a final judgment, court order, administrative order,
22 obligation to pay child support, or any other legal determination of
23 paternity if a scientifically reliable genetic test performed in
24 accordance with sections 43-1401 to 43-1418 establishes the exclusion of
25 the individual named as a father in the legal determination. The court
26 shall appoint a guardian ad litem to represent the interest of the child.
27 The filing party shall pay the costs of such test.

28 (2) A court that sets aside a determination of paternity in
29 accordance with this section shall order completion of a new birth record
30 and may order any other appropriate relief, including setting aside an
31 obligation to pay child support.

1 (3) No support order may be retroactively modified, but may be
2 modified with respect to any period during which there is a pending
3 complaint for relief from a determination of paternity under this
4 section, but only from the date that notice of the complaint was served
5 on the nonfiling party.

6 (4) A court shall not grant relief from determination of paternity
7 if the individual named as father:

8 (a) Completed ~~(1) completed~~ a notarized acknowledgment of paternity
9 pursuant to section 43-1408.01, unless such acknowledgement has been set
10 aside under subsection (3) of section 43-1409;

11 (b) Adopted ~~(2) adopted~~ the child; or

12 (c) Knew ~~(3) knew~~ that the child was conceived through artificial
13 insemination.

14 (5) The changes made to this section by this legislative bill apply
15 to actions under sections 43-1401 to 43-1418 that are pending on the
16 operative date of this section and to cases filed on or after such date.

17 **Sec. 45.** Sections 35, 36, and 37 of this act become operative on
18 July 1, 2026. Sections 19, 26, 27, 28, 29, 30, 31, 32, 34, 39, and 47 of
19 this act become operative on January 1, 2027. Sections 1, 2, 3, 4, 5, 6,
20 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 33,
21 38, 42, 43, 44, and 48 of this act become operative three calendar months
22 after the adjournment of this legislative session. The other sections of
23 this act become operative on their effective date.

24 **Sec. 46.** If any section in this act or any part of any section is
25 declared invalid or unconstitutional, the declaration shall not affect
26 the validity or constitutionality of the remaining portions.

27 **Sec. 47.** Original section 29-4315, Revised Statutes Cumulative
28 Supplement, 2024, and sections 28-358.01 and 42-927, Revised Statutes
29 Supplement, 2025, are repealed.

30 **Sec. 48.** Original sections 7-203, 25-824, 25-1802, 25-1804, 27-804,
31 29-2204.02, 29-2308, 29-4103, 42-371, 84-941.01, and 86-2,103, Reissue

1 Revised Statutes of Nebraska, sections 28-311.08 and 59-1608.04, Revised
2 Statutes Cumulative Supplement, 2024, and sections 26-102, 26-114,
3 28-101, 28-311.02, 28-311.04, 28-1205, and 28-1206, Revised Statutes
4 Supplement, 2025, are repealed.

5 **Sec. 49.** Original sections 43-1409 and 43-1412.01, Reissue Revised
6 Statutes of Nebraska, are repealed.

7 **Sec. 50.** Since an emergency exists, this act takes effect when
8 passed and approved according to law.