

AMENDMENTS TO LB704

Introduced by Judiciary.

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

3           **Section 1.** Section 43-512.12, Revised Statutes Cumulative  
4 Supplement, 2024, is amended to read:

5           43-512.12 (1) Child support orders in cases in which a party has  
6 applied for services under Title IV-D of the federal Social Security Act,  
7 as amended, shall be reviewed by the Department of Health and Human  
8 Services to determine whether to refer such orders to the county attorney  
9 or authorized attorney for filing of an application for modification. An  
10 order shall be reviewed by the department upon its own initiative or at  
11 the request of either parent when such review is required by Title IV-D  
12 of the federal Social Security Act, as amended. After review the  
13 department shall refer an order to a county attorney or authorized  
14 attorney when the verifiable financial information available to the  
15 department indicates:

16           (a) The present child support obligation varies from the Supreme  
17 Court child support guidelines pursuant to section 42-364.16 by more than  
18 the percentage, amount, or other criteria established by Supreme Court  
19 rule, and the variation is due to financial circumstances which have  
20 lasted at least three months and can reasonably be expected to last for  
21 an additional six months; or

22           (b) Health care coverage meeting the requirements of subsection (2)  
23 of section 42-369 is available to either party and the children do not  
24 have health care coverage other than the medical assistance program under  
25 the Medical Assistance Act.

26           Health care coverage cases may be modified within three years of  
27 entry of the order.

1 (2) Orders that are not addressed under subsection (1) of this  
2 section shall not be reviewed by the department if it has not been three  
3 years since the present child support obligation was ordered unless the  
4 requesting party demonstrates a substantial change in circumstances that  
5 is expected to last for the applicable time period established by  
6 subdivision (1)(a) of this section. Such substantial change in  
7 circumstances may include, but is not limited to, change in employment,  
8 earning capacity, or income or receipt of an ongoing source of income  
9 from a pension, gift, lottery winnings, casino winnings, parimutuel  
10 winnings, sports wagering winnings, or cash device winnings. An order may  
11 be reviewed after one year if the department's determination after the  
12 previous review was not to refer to the county attorney or authorized  
13 attorney for filing of an application for modification because financial  
14 circumstances had not lasted or were not expected to last for the time  
15 periods established by subdivision (1)(a) of this section.

16 (3)(a) (3) Notwithstanding the time periods set forth in subdivision  
17 (1)(a) of this section, within fifteen business days of learning that a  
18 noncustodial parent will be incarcerated for more than one hundred eighty  
19 calendar days, the department shall initiate a review of the noncustodial  
20 parent's child support order. The the department shall send notice by  
21 first-class mail to both parents informing them of such review and  
22 require the parties to submit financial information as provided in  
23 sections 43-512.14 and 43-512.17 within thirty days after the date of the  
24 notice the right to request the state to review and, if appropriate,  
25 adjust the order. Such notice shall be sent to the incarcerated parent at  
26 the address of the facility at which the parent is incarcerated and to  
27 the administrator of such facility as defined in section 47-1003.

28 (b) The department shall, within one hundred twenty calendar days  
29 after the date the department learned the noncustodial parent was to be  
30 incarcerated:

31 (i) Complete such review; and

1           (ii) Notify the parties of its determination pursuant to section  
2 43-512.13.

3           **Sec. 2.** Section 43-512.13, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           43-512.13 (1)(a) ~~(1)~~ When review of a child support order pursuant  
6 to subsection (1) or (2) of section 43-512.12 has been requested by one  
7 of the parents or initiated by the Department of Health and Human  
8 Services, the department shall send notice of the pending review to each  
9 parent affected by the order at the parent's last-known mailing address  
10 thirty days before the review is conducted. Such review shall require the  
11 parties to submit financial information as provided in sections 43-512.14  
12 and 43-512.17.

13           (b) Except as provided in subsection (2) of this section, after ~~(2)~~  
14 ~~After~~ the department completes the review of the child support order in  
15 accordance with section 43-512.12, it shall send notice to each parent of  
16 the determination to refer or not refer the order to the county attorney  
17 or authorized attorney for filing of an application for modification of  
18 the order in the district court.

19           (c) Each parent shall be allowed thirty days to submit to the  
20 department a written request for a review of such determination. The  
21 parent requesting review shall submit the request in writing to the  
22 department, stating the reasons for the request and providing written  
23 evidence to support the request.

24           (d) The department shall review the available verifiable financial  
25 information and make a final determination whether or not to refer the  
26 order to the county attorney or authorized attorney for filing of an  
27 application for modification of the child support order. Written notice  
28 of such final determination shall be sent to each parent affected by the  
29 order at the parent's last-known mailing address.

30           (e) A final determination under this subsection shall not be  
31 considered a contested case for purposes of the Administrative Procedure

1 Act.

2 (2)(a) If, upon the completion of a review initiated pursuant to  
3 subsection (3) of section 43-512.12, the department finds a decrease in  
4 the amount of the present child support obligation is not warranted  
5 because it does not meet the criteria in subsection (1) or (2) of section  
6 43-512.12, the department shall grant the incarcerated parent a  
7 conference to review the department's findings. Such conference shall be  
8 scheduled within thirty days after the completion of the department's  
9 review and may be conducted in person or by means of virtual  
10 conferencing. The department shall send notice of such conference by  
11 first-class mail to both parents. The notice shall include the following:

12 (i) The department's findings;

13 (ii) Whether the conference will be conducted in person or  
14 virtually;

15 (iii) The date, time, and location of the conference;

16 (iv) That the parties may submit any additional written evidence to  
17 the department at least ten business days prior to the conference;

18 (v) That the incarcerated parent may waive the conference and that  
19 such request shall be filed at least five business days prior to the  
20 conference date; and

21 (vi) Any other information the department deems necessary.

22 (b) The department shall review all available verifiable financial  
23 information and, within thirty days after the conference, make a final  
24 determination whether or not a decrease in the present child support  
25 obligation is warranted in accordance with the criteria in subsection (1)  
26 or (2) of section 43-512.12 and whether or not to refer the order to the  
27 county attorney or authorized attorney. Written notice of such final  
28 determination shall be sent to each parent by first-class mail.

29 (c) If the incarcerated parent waives the conference under this  
30 subsection, the department shall make a final determination and send  
31 written notice of such final determination to each parent by first-class

1 mail.

2 (d) Notices required to be sent to an incarcerated parent under this  
3 section shall be sent to the address of the facility at which the parent  
4 is incarcerated and to the administrator of such facility as defined in  
5 section 47-1003.

6 (e) A final determination under this subsection shall not be  
7 considered a contested case for purposes of the Administrative Procedure  
8 Act.

9 **Sec. 3.** Original section 43-512.13, Reissue Revised Statutes of  
10 Nebraska, and section 43-512.12, Revised Statutes Cumulative Supplement,  
11 2024, are repealed.