

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1139**

Introduced by Hallstrom, 1.

Read first time January 20, 2026

Committee: Judiciary

1 A BILL FOR AN ACT relating to child support; to amend section 42-371,  
2 Reissue Revised Statutes of Nebraska; to change provisions relating  
3 to liens arising from child support orders; and to repeal the  
4 original section.

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

1       **Section 1.** Section 42-371, Reissue Revised Statutes of Nebraska, is  
2       amended to read:

3       42-371 Under the Uniform Interstate Family Support Act and sections  
4       42-347 to 42-381, 43-290, 43-512 to 43-512.10, and 43-1401 to 43-1418:

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

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

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

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

26       Release of a judgment for child support or spousal support or  
27       subordination of a lien of a judgment for child support or spousal  
28       support may, if all such payments are current and not delinquent or in  
29       arrears, be released or subordinated by a release or subordination  
30       document executed by the judgment creditor, and such document shall be  
31       sufficient to remove or subordinate the lien. A properly executed,

1 notarized release or subordination document explicitly reciting that all  
2 child support payments or spousal support payments are current is prima  
3 facie evidence that such payments are in fact current. For purposes of  
4 this section, any delinquency or arrearage of support payments shall be  
5 determined as provided in subsection (2) of section 42-358.02;

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

1 the date of certification;

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

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

28 (6) Alimony and property settlement award judgments, if not covered  
29 by subdivision (5) of this section, shall cease to be a lien on real or  
30 registered personal property ten years from the date (a) the judgment was  
31 entered, (b) the most recent payment was made, or (c) the most recent

1 execution was issued to collect the judgment, whichever is latest, and  
2 such lien shall not be reinstated;

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

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

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

31 **Sec. 2.** Original section 42-371, Reissue Revised Statutes of

1 Nebraska, is repealed.