

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1242

Introduced by Murman, 38; Andersen, 49; Clements, 2; Holdcroft, 36; Kauth, 31; Lippincott, 34; Lonowski, 33.

Read first time January 21, 2026

Committee: Judiciary

1 A BILL FOR AN ACT relating to child support; to amend sections 43-512.02,
2 43-512.03, 43-512.05, and 43-512.10, Reissue Revised Statutes of
3 Nebraska, and sections 43-512 and 43-2924, Revised Statutes
4 Cumulative Supplement, 2024; to provide for the establishment and
5 enforcement of a child support order for an unborn child by the
6 Department of Health and Human Services; and to repeal the original
7 sections.

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

1 **Section 1.** (1) The Department of Health and Human Services will
2 establish and enforce child support obligations of the biological father
3 of an unborn child and subsequent to the birth of the child to the mother
4 of such child upon the request of the mother.

5 (2) The start date for such obligations may begin with the first
6 month in which the child was conceived, as determined by a physician and
7 shall begin with that month if the mother so requests.

8 (3) Payments for such obligations may be retroactively collected or
9 awarded, including in the case where paternity is established subsequent
10 to the birth of the child.

11 (4) The payment amount for such obligations shall be determined by a
12 court taking into account the best interests of the mother and child.

13 (5) Any measure to establish the paternity of a child, born or
14 unborn, shall not be required without the consent of the mother.

15 (6) Any measure to establish the paternity of an unborn child shall
16 not be taken if the measure poses any risk of harm to an unborn child.

17 **Sec. 2.** Section 43-512, Revised Statutes Cumulative Supplement,
18 2024, is amended to read:

19 43-512 (1) Any dependent child as defined in section 43-504 or any
20 relative or eligible caretaker of such a dependent child may file with
21 the Department of Health and Human Services a written application for
22 financial assistance for such child on forms furnished by the department.

23 (2) The department, through its agents and employees, shall make
24 such investigation pursuant to the application as it deems necessary or
25 as may be required by the county attorney or authorized attorney. If the
26 investigation or the application for financial assistance discloses that
27 such child has a parent or stepparent who is able to contribute to the
28 support of such child and has failed to do so, a copy of the finding of
29 such investigation and a copy of the application shall immediately be
30 filed with the county attorney or authorized attorney.

31 (3) The department shall make a finding as to whether the

1 application referred to in subsection (1) of this section should be
2 allowed or denied. If the department finds that the application should be
3 allowed, the department shall further find the amount of monthly
4 assistance which should be paid with reference to such dependent child.
5 Except as may be otherwise provided, payments shall be made by unit size
6 and shall be consistent with subdivisions (1)(p), (1)(q), (1)(t), (1)(u),
7 and (1)(v) of section 68-1713. Beginning on August 30, 2015, the maximum
8 payment level for monthly assistance shall be fifty-five percent of the
9 standard of need described in section 43-513.

10 No payments shall be made for amounts totaling less than ten dollars
11 per month except in the recovery of overpayments.

12 (4) The amount which shall be paid as assistance with respect to a
13 dependent child shall be based in each case upon the conditions disclosed
14 by the investigation made by the department. An appeal shall lie from the
15 finding made in each case to the chief executive officer of the
16 department or his or her designated representative. Such appeal may be
17 taken by any taxpayer or by any relative of such child. Proceedings for
18 and upon appeal shall be conducted in the same manner as provided for in
19 section 68-1016.

20 (5)(a) For the purpose of preventing dependency, the department
21 shall adopt and promulgate rules and regulations providing for services
22 to former and potential recipients of aid to dependent children and
23 medical assistance benefits. The department shall adopt and promulgate
24 rules and regulations establishing programs and cooperating with programs
25 of work incentive, work experience, job training, and education. The
26 provisions of this section with regard to determination of need, amount
27 of payment, maximum payment, and method of payment shall not be
28 applicable to families or children included in such programs. Income and
29 assets described in section 68-1201 shall not be included in
30 determination of need under this section.

31 (b) If a recipient of aid to dependent children becomes ineligible

1 for aid to dependent children as a result of increased hours of
2 employment or increased income from employment after having participated
3 in any of the programs established pursuant to subdivision (a) of this
4 subsection, the recipient may be eligible for the following benefits, as
5 provided in rules and regulations of the department in accordance with
6 sections 402, 417, and 1925 of the federal Social Security Act, as
7 amended, Public Law 100-485, in order to help the family during the
8 transition from public assistance to independence:

9 (i) An ongoing transitional payment that is intended to meet the
10 family's ongoing basic needs which may include food, clothing, shelter,
11 utilities, household goods, personal care items, and general incidental
12 expenses during the five months following the time the family becomes
13 ineligible for assistance under the aid to dependent children program, if
14 the family's earned income is at or below one hundred eighty-five percent
15 of the federal poverty level at the time the family becomes ineligible
16 for the aid to dependent children program. Payments shall be made in five
17 monthly payments, each equal to one-fifth of the aid to dependent
18 children payment standard for the family's size at the time the family
19 becomes ineligible for the aid to dependent children program. If during
20 the five-month period, (A) the family's earnings exceed one hundred
21 eighty-five percent of the federal poverty level, (B) the family members
22 are no longer working, (C) the family ceases to be Nebraska residents,
23 (D) there is no longer a minor child in the family's household, or (E)
24 the family again becomes eligible for the aid to dependent children
25 program, the family shall become ineligible for any remaining
26 transitional benefits under this subdivision;

27 (ii) Child care as provided in subdivision (1)(c) of section
28 68-1724; and

29 (iii) Except as may be provided in accordance with subsection (2) of
30 section 68-1713 and subdivision (1)(c) of section 68-1724, medical
31 assistance for up to twelve months after the month the recipient becomes

1 employed and is no longer eligible for aid to dependent children.

2 (6) For purposes of sections 43-512 to 43-512.18 and section 1 of
3 this act:

4 (a) Authorized attorney shall mean an attorney, employed by the
5 county subject to the approval of the county board, employed by the
6 department, or appointed by the court, who is authorized to investigate
7 and prosecute child, spousal, and medical support cases. An authorized
8 attorney shall represent the state as provided in section 43-512.03;

9 (b) Child support shall be defined as provided in section 43-1705;

10 (c) Medical support shall include all expenses associated with the
11 birth of a child, cash medical support as defined in section 42-369,
12 health care coverage as defined in section 44-3,144, and medical and
13 hospital insurance coverage or membership in a health maintenance
14 organization or preferred provider organization;

15 (d) Spousal support shall be defined as provided in section 43-1715;

16 (e) State Disbursement Unit shall be defined as provided in section
17 43-3341; and

18 (f) Support shall be defined as provided in section 43-3313; and -

19 (g) Unborn child shall mean an individual member of the species Homo
20 sapiens at any stage of development in utero.

21 **Sec. 3.** Section 43-512.02, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 43-512.02 (1)(a) (1) Any child or any relative, lawful custodian,
24 guardian, or next friend of a child may file with the county attorney,
25 authorized attorney, or other office designated by the Department of
26 Health and Human Services an application for the same child, spousal, and
27 medical support collection or paternity determination services as are
28 provided to dependent children and their relatives under sections 43-512
29 to 43-512.10 by the department, the county attorney, the authorized
30 attorney, and the clerk of the district court.

31 (b) The mother of an unborn child may file with the county attorney,

1 authorized attorney, or other office designated by the Department of
2 Health and Human Services an application for the establishment and
3 enforcement of a child support order as provided for in sections 43-512
4 to 43-512.10 and section 1 of this act.

5 (2) If an office other than the office of the county attorney or
6 authorized attorney is authorized by the department to accept such
7 applications and if the application discloses that such child has a
8 parent or stepparent who is able to contribute to the support of such
9 child and has failed to do so, a copy of the application shall
10 immediately be filed with the county attorney or authorized attorney.

11 (3)(a) The department shall determine an application fee to be
12 charged to each individual who applies for services available in this
13 section which shall not exceed the fee amount allowed by Title IV-D of
14 the federal Social Security Act, as amended. The fee shall be collected
15 from the individual or paid by the department on the individual's behalf.
16 The county attorney or authorized attorney may recover the fee from the
17 parent or stepparent who owes child, spousal, or medical support and
18 reimburse the applicant. The governmental entity which is actually
19 collecting the delinquent support payments shall collect the fee and send
20 it to the department.

21 (b) The department may establish a schedule of amounts to be charged
22 to recover any costs incurred in excess of any fees collected to cover
23 administrative costs of providing the full scope of services required by
24 state law. The department shall by regulation establish a schedule of
25 amounts to be paid for such services based upon the actual costs incurred
26 in providing such services. The schedule shall be made available to all
27 applicants for such services. Any amount charged to recover costs may be
28 collected from the parent or stepparent who owes child, spousal, or
29 medical support or from the individual who has applied for enforcement
30 services, either directly from such individual or from the child or
31 spousal support collected, but only if the individual has been notified

1 that the county attorney or authorized attorney will recover costs from
2 an individual who receives enforcement services. The department shall not
3 impose an application fee for services in any case in which the
4 department is authorized to continue to collect and distribute support
5 payments after a family ceases to receive aid to dependent children
6 payments.

7 **Sec. 4.** Section 43-512.03, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 43-512.03 (1) The county attorney or authorized attorney shall:

10 (a) On request by the Department of Health and Human Services as
11 described in subsection (2) of this section or when the investigation or
12 application filed under section 43-512 or 43-512.02 justifies, file a
13 complaint against a nonsupporting party in the district, county, or
14 separate juvenile court praying for an order for child or medical support
15 in cases when there is no existing child or medical support order. After
16 notice and hearing, the court shall adjudicate the child and medical
17 support liability of either party and enter an order accordingly;

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

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

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

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

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

30 (3) In any action brought by or intervened in by a county attorney
31 or authorized attorney under the Income Withholding for Child Support

1 Act, the License Suspension Act, the Uniform Interstate Family Support
2 Act, or sections 42-347 to 42-381, 43-290, 43-512 to 43-512.18 and
3 section 1 of this act, 43-1401 to 43-1418, and 43-3328 to 43-3339, such
4 attorneys shall represent the State of Nebraska.

5 (4) The State of Nebraska shall be a real party in interest in any
6 action brought by or intervened in by a county attorney or authorized
7 attorney for the purpose of establishing paternity or securing,
8 modifying, suspending, or terminating child or medical support or in any
9 action brought by or intervened in by a county attorney or authorized
10 attorney to enforce an order for child, spousal, or medical support.

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

16 **Sec. 5.** Section 43-512.05, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 43-512.05 (1) It shall be the duty of the clerks of the district
19 courts to furnish the Department of Health and Human Services monthly
20 statistical information and any other information required by the
21 department to properly account for child, spousal, and medical support
22 payments. The clerk of each district court shall negotiate and enter into
23 a written agreement with the department in order to receive reimbursement
24 for the costs incurred in carrying out sections 43-512 to 43-512.10 and
25 43-512.12 to 43-512.18 and section 1 of this act.

26 (2) The department and the governing board of the county, county
27 attorney, or authorized attorney may enter into a written agreement
28 regarding the determination of paternity and child, spousal, and medical
29 support enforcement for the purpose of implementing such sections.
30 Paternity shall be established when it can be determined that the
31 collection of child support is feasible.

9 **Sec. 6.** Section 43-512.10, Reissue Revised Statutes of Nebraska, is
10 amended to read:

43-512.10 Sections 43-512 to 43-512.10 and 43-512.12 to 43-512.18
and section 1 of this act shall be interpreted so as to facilitate the
determination of paternity, child, spousal, and medical support
enforcement, and the conduct of reviews under such sections.

15 **Sec. 7.** Section 43-2924, Revised Statutes Cumulative Supplement,
16 2024, is amended to read:

17 43-2924 (1) The Parenting Act shall apply to proceedings or
18 modifications filed on or after January 1, 2008, in which parenting
19 functions for a child are at issue (a) under Chapter 42, including, but
20 not limited to, proceedings or modification of orders for dissolution of
21 marriage and child custody and (b) under sections 43-1401 to 43-1418. The
22 Parenting Act may apply to proceedings or modifications in which
23 parenting functions for a child are at issue under Chapter 30 or 43. The
24 Parenting Act shall also apply to subsequent modifications of bridge
25 orders entered under section 43-246.02 by a separate juvenile court or
26 county court sitting as a juvenile court and docketed in a district
27 court.

1 Uniform Reciprocal Enforcement of Support Act before January 1, 1994, or
2 the Uniform Interstate Family Support Act for purposes of the
3 establishment of paternity and the establishment and enforcement of child
4 and medical support or a bridge order entered under section 43-246.02 by
5 a separate juvenile court or county court sitting as a juvenile court and
6 docketed in a district court. A county attorney or authorized attorney
7 shall not participate in the development of or court review of a
8 parenting plan under the Parenting Act. If both parents are parties to a
9 paternity or support action filed by a county attorney or authorized
10 attorney, the parents may proceed with a parenting plan.

11 **Sec. 8.** Original sections 43-512.02, 43-512.03, 43-512.05, and
12 43-512.10, Reissue Revised Statutes of Nebraska, and sections 43-512 and
13 43-2924, Revised Statutes Cumulative Supplement, 2024, are repealed.