

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

February 22, 1999 LB 612

to take exception to that. They're a rebuttable presumption. The guidelines will apply unless there's credible evidence to...that's been established by the parties as to why the guidelines should not be followed. So it's not of whether the judge gets to pick and choose. The judge will follow the guidelines unless there's some good evidence, and they call it sufficient evidence, to rebut the presumption. That's hard to do. What happens also is that once you've come in now and custody's been determined, each side gives their income statements. They're plugged into a formula. Nebraska has a system called income shares, and what you try to do is establish a formula that will establish uniform child support across the state based on your income. And we've done that. We have that system and, for most people, that system works well to give uniformity across the state. They've been revised and child support did take a huge increase when these came in. They also took an increase when the courts have come back and reviewed child support. But realize that child support, as you pay it, and I'm going to punch my light on 'cause there's a few more things to discuss here...that child support doesn't begin to cover the cost of that...of taking care of those children. It goes a ways, but it certainly costs a whole lot more to raise those children than what the child support becomes. The issue here is we told the courts, go ahead, you establish the guidelines and do it. Now what happens, there's one portion that we don't like and so we're going to come in by statute and begin to piecemeal changes. And I think that's a very dangerous precedent because pretty soon you're going to have, for example, people don't think it's right that you deduct your real estate taxes. If you're in agriculture, you're going to deduct your real estate taxes; don't count towards child support. And if you pay your child...if you pay your real estate taxes, that includes your farmstead. If Senator Lynch was doing that for child support, he couldn't deduct his real estate taxes on his house towards the calculation of child support. That...we're going to get into those different types of things and I don't know...Madam President, how much time do I have left?

SENATOR SCHIMEK: Just about one minute.

SPEAKER KRISTENSEN: Thank you. Senator Baker, and I'm just going to throw this out to you and on your time you can answer