

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

March 17, 1999 LB 612

decisions we've made. Some of our colleagues, who are members of the bar, have made some...some effort to identify themselves this morning and that's good, because we certainly need attorneys and we need more attorneys of the caliber of the members of the Legislature who are members of the bar. But it is of interest to me that I, unless there's some exception, all of the judges at all levels in all of the court systems in Nebraska are also attorneys. I believe. And some of the decisions perhaps are not universally accepted decisions within the legal community and so we have appeals from layer of court system to layer of court system, and appeals to the Appeals Court and appeals to the Supreme Court and then we also have some redress available through federal court. So we have a lot of involvement of members of the bar in this system historically. But why do we have the results that we have had? Stepping outside of the narrow structure of 612, I will tell you, and I suspect, that all of the members who practice in that area have had clients from time to time in this particular position where the dependent child voluntarily has returned to the noncustodial parent and the district court, for the most part, and if there's an exception to this, and I'm sure there are, I'm not aware of it, has not modified the child support; that the custodial parent, who is not caring for the child, continues to receive the money. Now that's not part of 612, but it's part of the overall system that seems to indicate that we have some very serious problems in the determination of child support. As Senator Chambers indicated, I have no interest or sympathy for fathers who do not support their offspring. That is not the issue here. The issue here is how much is available to what is almost exclusively the father, the noncustodial parent, to have a child support determination made from and still leave enough seed, and still leave enough seed to be able to generate income for next year's child support payments. There seems to be, in the judiciary, individual judges, and this isn't a blanket condemnation, individual judges who are sadly lacking in the ability to look at both sides of an issue when it comes to child support and to modify orders in those cases where modification of orders is determined. (LB) 612 is only a tip of an iceberg. There is a tremendous prejudice against noncustodial parents. When I made inquiries with district courts for asking for statistics, I was actually rather...I'm trying to find a kind...