

2009 SESSION 1 BILLS

<u>LB79</u>	<u>Pirsch</u>	Change when a county attorney files a child support order modification complaint
<u>LB82</u>	<u>Howard</u>	Require notification of change in a juvenile's case manager under the Nebraska Juvenile Code
<u>LB83</u>	<u>McGill</u>	Provide for the care of domestic animals in protection orders
<u>LB93</u>	<u>Howard</u>	Prohibit smoking in a motor vehicle with an occupant under sixteen years of age
<u>LB122</u>	<u>Coash</u>	Change terminology for the central register of child protection cases
<u>LB199</u>	<u>Stuthman</u>	Change provisions relating to court support orders and collection of such support
<u>LB201</u>	<u>McGill</u>	Change the Uniform Child Custody Jurisdiction and Enforcement Act relating to international application
<u>LB226</u>	<u>Rogert</u>	Change the age of majority to eighteen years of age for certain purposes
<u>LB423</u>	<u>Cornett</u>	Change child custody provisions and the Parenting Act
<u>LB589</u>	<u>Dierks</u>	Designate both parents as joint custodians in a child custody determination unless there is proof otherwise

BILL _____

Sen	For/Against/Neutral	Comments
Adams Greg		
Ashford Brad		
Avery Bill		
Campbell Kathy		
Carlson Tom		
Christensen Mark		
Coash Colby		
Cook Tanya		
Cornett Abbie		
Council Brenda		
Dierks Cap		
Dubas Annette		
Fischer Deb		
Flood Mike		
Friend Mike		
Fulton Tony		
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Giese Robert		
Gloor Mike		
Haar Ken		
Hadley Galen		
Hansen Thomas		
Harms John		
Heidemann Lavon		
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Janssen Charlie		
Karpisek Russ		
Langemeier Chris		
Lathrop Steve		

Lautenbaugh Scott		
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Mello Heath		
Nantkes Danielle		
Nelson John		
Nordquist Jeremy		
Pahls Rich		
Pankonin Dave		
Pirsch Pete		
Price Scott		
Rogert Kent		
Schilz Ken		
Stuthman Arnie		
Sullivan Kate		
Utter Dennis		
Wallman Norman		
White Tom		
Wightman John		

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 79

Introduced by Pirsch, 4.

Read first time January 8, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to child support; to amend section 43-512.15,
2 Reissue Revised Statutes of Nebraska; to change
3 provisions relating to when a child support order
4 modification complaint is to be filed; and to repeal the
5 original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-512.15, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 43-512.15 (1) The county attorney or authorized attorney,
4 upon referral from the Department of Health and Human Services,
5 shall file a complaint to modify a child support order unless the
6 attorney determines in the exercise of independent professional
7 judgment that:

8 (a) The variation from the Supreme Court child support
9 guidelines pursuant to section 42-364.16 is based on material
10 misrepresentation of fact concerning any financial information
11 submitted to the attorney;

12 (b) The variation from the guidelines is due to a
13 voluntary reduction in net monthly income. For purposes of this
14 section, a person who has been incarcerated for a period of one
15 year or more in a county or city jail or a federal or state
16 correctional facility shall be considered to have an involuntary
17 reduction of income unless (i) the incarceration is a result of
18 a conviction for criminal nonsupport pursuant to section 28-706
19 or a conviction for a violation of any federal law or law of
20 another state substantially similar to section 28-706, ~~or~~ (ii)
21 the incarcerated individual has a documented record of willfully
22 failing or neglecting to provide proper support which he or
23 she knew or reasonably should have known he or she was legally
24 obligated to provide when he or she had sufficient resources to
25 provide such support, or (iii) the incarceration is a result of a

1 conviction for a crime in which the child who is the subject of the
2 child support order was victimized; or

3 (c) When the amount of the order is considered with all
4 the other undisputed facts in the case, no variation from the
5 criteria set forth in subdivisions (1) and (2) of section 43-512.12
6 exists.

7 (2) The department, a county attorney, or an authorized
8 attorney shall not in any case be responsible for reviewing or
9 filing an application to modify child support for individuals
10 incarcerated as described in subdivision (1)(b) of this section.

11 (3) The proceedings to modify a child support order shall
12 comply with section 42-364, and the county attorney or authorized
13 attorney shall represent the state in the proceedings.

14 (4) After a complaint to modify a child support order is
15 filed, any party may choose to be represented personally by private
16 counsel. Any party who retains private counsel shall so notify the
17 county attorney or authorized attorney in writing.

18 Sec. 2. Original section 43-512.15, Reissue Revised
19 Statutes of Nebraska, is repealed.

BILL _____

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Sullivan Kate		
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LEGISLATURE OF NEBRASKA
ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 83

Introduced by McGill, 26.

Read first time January 8, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to protection orders; to amend section 42-924,
2 Reissue Revised Statutes of Nebraska; to provide for
3 the care of and protect from harm domestic animals as
4 prescribed; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 42-924, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 42-924 (1) Any victim of domestic abuse may file a
4 petition and affidavit for a protection order as provided in
5 subsection (2) of this section. Upon the filing of such a petition
6 and affidavit in support thereof, the judge or court may issue a
7 protection order without bond granting the following relief:

8 (a) Enjoining the respondent from imposing any restraint
9 upon the petitioner or upon the liberty of the petitioner;

10 (b) Enjoining the respondent from threatening,
11 assaulting, molesting, attacking, or otherwise disturbing the peace
12 of the petitioner;

13 (c) Enjoining the respondent from telephoning,
14 contacting, or otherwise communicating with the petitioner;

15 (d) Removing and excluding the respondent from the
16 residence of the petitioner, regardless of the ownership of the
17 residence;

18 (e) Ordering the respondent to stay away from any place
19 specified by the court;

20 (f) Awarding the petitioner temporary custody of any
21 minor children not to exceed ninety days; ~~or~~

22 (g) Directing the care, custody, or control of any
23 domestic animal owned, possessed, leased, kept, or held by either
24 party or a minor child residing in the household;

25 (h) Enjoining the respondent from harming or killing,

1 without justification, any domestic animal owned, possessed,
2 leased, kept, or held by the petitioner or a minor child residing
3 in the household; or

4 ~~(g)~~ (i) Ordering such other relief deemed necessary to
5 provide for the safety and welfare of the petitioner and any
6 designated family or household member.

7 (2) Petitions for protection orders shall be filed with
8 the clerk of the district court, and the proceeding may be heard
9 by the county court or the district court as provided in section
10 25-2740.

11 (3) A petition filed pursuant to subsection (1) of this
12 section may not be withdrawn except upon order of the court. An
13 order issued pursuant to subsection (1) of this section shall
14 specify that it is effective for a period of one year and, if
15 the order grants temporary custody, the number of days of custody
16 granted to the petitioner unless otherwise modified by the court.
17 Any person who knowingly violates an order issued pursuant to
18 subsection (1) of this section or section 42-931 after service
19 shall be guilty of a Class II misdemeanor, except that (a) any
20 person convicted of violating such order who has a prior conviction
21 for violating a protection order shall be guilty of a Class I
22 misdemeanor and (b) any person convicted of violating such order
23 who has a prior conviction for violating the same protection order
24 or a protection order granted to the same petitioner shall be
25 guilty of a Class IV felony.

1 (4) If there is any conflict between sections 42-924 to
2 42-926 and any other provision of law, sections 42-924 to 42-926
3 shall govern.

4 Sec. 2. Original section 42-924, Reissue Revised Statutes
5 of Nebraska, is repealed.

BILL _____

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LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 93

Introduced by Howard, 9.

Read first time January 8, 2009

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Nebraska Rules of the Road; to amend
2 section 60-601, Revised Statutes Cumulative Supplement,
3 2008; to prohibit smoking in a motor vehicle as
4 prescribed; to harmonize provisions; and to repeal the
5 original section.

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

1 Section 1. Section 60-601, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 60-601 Sections 60-601 to 60-6,377 and section 2 of this
4 act shall be known and may be cited as the Nebraska Rules of the
5 Road.

6 Sec. 2. (1) It shall be unlawful for an individual to
7 operate or be an occupant in a motor vehicle while smoking if an
8 individual under sixteen years of age is an occupant in the motor
9 vehicle. Violation of this section shall result in a fine of at
10 least fifty dollars but not to exceed one hundred fifty dollars.

11 (2) An individual fined under subsection (1) of this
12 section may voluntarily participate, at his or her own expense, in
13 a smoking cessation program approved by the Department of Health
14 and Human Services, and such fine shall be refunded upon successful
15 completion of the program.

16 (3) Any peace officer who has been duly authorized to
17 make arrests for violations of traffic laws of this state or of
18 ordinances of any city or village may stop a motor vehicle if the
19 officer has a clear and unobstructed view of any individual smoking
20 as prohibited in subsection (1) of this section. The officer may
21 issue a citation pursuant to subsection (1) of this section for a
22 primary offense.

23 (4) A citation issued under this section shall not become
24 part of the individual's driving record. Violation of this section
25 shall not constitute prima facie evidence of negligence. Violation

1 of this section shall not limit the liability of an insurer nor
2 shall it diminish any recovery of damages arising out of the
3 ownership, maintenance, or operation of a motor vehicle.

4 (5) For purposes of this section, smoke or smoking has
5 the same meaning as in section 71-5727.

6 Sec. 3. Original section 60-601, Revised Statutes
7 Cumulative Supplement, 2008, is repealed.

BILL _____

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White Tom		
Wightman John		

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 122

Introduced by Coash, 27.

Read first time January 09, 2009

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to children; to amend sections 28-718 and
2 28-720, Reissue Revised Statutes of Nebraska; to change
3 terminology for child protection cases; to harmonize
4 provisions; and to repeal the original sections.

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

1 Section 1. Section 28-718, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-718 There shall be a central register of child
4 protection cases maintained in the department containing records
5 of all reports of child abuse or neglect opened for investigation
6 as provided in section 28-713 and classified as either court
7 substantiated or ~~inconclusive~~ agency substantiated as provided in
8 section 28-720. The department may change records classified as
9 inconclusive prior to the effective date of this act to agency
10 substantiated.

11 Sec. 2. Section 28-720, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 28-720 All cases entered into the central register of
14 child protection cases maintained pursuant to section 28-718 shall
15 be classified as one of the following:

16 (1) Court substantiated, if a court of competent
17 jurisdiction has entered a judgment of guilty against the subject
18 of the report of child abuse or neglect upon a criminal complaint,
19 indictment, or information or there has been an adjudication of
20 jurisdiction of a juvenile court over the child under subdivision
21 (3)(a) of section 43-247 which relates or pertains to the report
22 of child abuse or neglect;

23 (2) Court pending, if a criminal complaint, indictment,
24 or information or a juvenile petition under subdivision (3)(a) of
25 section 43-247, which relates or pertains to the subject of the

1 report of abuse or neglect, has been filed and is pending in a
2 court of competent jurisdiction; or

3 (3) ~~Inconclusive,~~ Agency substantiated, if the
4 department's determination of child abuse or neglect against
5 the subject of the report of child abuse or neglect was ~~made,~~
6 supported, by a preponderance of the evidence, and based upon an
7 investigation pursuant to section 28-713.

8 Sec. 3. Original sections 28-718 and 28-720, Reissue
9 Revised Statutes of Nebraska, are repealed.

BILL _____

Sen	For/Against/Neutral	Comments
Adams Greg		
Ashford Brad		
Avery Bill		
Campbell Kathy		
Carlson Tom		
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Coash Colby		
Cook Tanya		
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Pirsch Pete		
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Rogert Kent		
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Stuthman Arnie		
Sullivan Kate		
Utter Dennis		
Wallman Norman		
White Tom		
Wightman John		

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 199

Introduced by Stuthman, 22.

Read first time January 12, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to support orders; to amend sections 42-358.02,
2 42-369, 43-512, 43-512.03, 43-512.07, 43-512.12,
3 43-512.16, 43-512.17, 48-2302, and 77-27,166, Reissue
4 Revised Statutes of Nebraska, and section 44-3,144,
5 Revised Statutes Cumulative Supplement, 2008; to change
6 provisions relating to collection of past-due payments,
7 interest, assignment, setoff, medical support, and health
8 care coverage for dependent children; to define and
9 redefine terms; to harmonize provisions; and to repeal
10 the original sections.

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

1 Section 1. Section 42-358.02, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 42-358.02 (1) All delinquent child support payments,
4 spousal support payments, and medical support payments shall draw
5 interest at the rate specified in section 45-103 in effect on the
6 date of the most recent order or decree. Such interest shall be
7 computed as simple interest.

8 (2) All child support payments, spousal support payments,
9 and medical support payments shall become delinquent the day after
10 they are due and owing, except that no obligor whose ~~child~~ support
11 payments are automatically withheld from his or her paycheck shall
12 be regarded or reported as being delinquent or in arrears if
13 (a) any delinquency or arrearage is solely caused by a disparity
14 between the schedule of the obligor's regular pay dates and the
15 scheduled date the ~~child~~ support payment is due, (b) the total
16 amount of ~~child~~ support payments to be withheld from the paychecks
17 of the obligor and the amount ordered by the support order are the
18 same on an annual basis, and (c) the automatic deductions for ~~child~~
19 support payments are continuous and occurring. Interest shall not
20 accrue until thirty days after such payments are delinquent.

21 (3) The court shall order the determination of the amount
22 of interest due, and such interest shall be payable in the same
23 manner as the support payments upon which the interest accrues
24 subject to subsection (2) of this section or unless it is waived
25 by agreement of the parties. The Title IV-D Division of the

1 Department of Health and Human Services shall compute interest and
2 identify delinquencies pursuant to this section on the payments
3 received by the State Disbursement Unit pursuant to section 42-369.
4 The Title IV-D Division shall provide the case information in
5 electronic format, and upon request in print format, to the judge
6 presiding over domestic relations cases and to the county attorney
7 or authorized attorney.

8 (4) Support order payments shall be credited in the
9 following manner:

10 (a) First, to the payments due for the current month in
11 the following order: Child support payments, then spousal support
12 payments, and lastly medical support payments;

13 (b) Second, toward any payment arrearage owing, in the
14 following order: Child support payment arrearage, then spousal
15 support payment arrearage, and lastly medical support payment
16 arrearage; and

17 (c) Third, toward the interest on any payment arrearage,
18 in the following order: Child support payment arrearage interest,
19 then spousal support payment arrearage interest, and lastly medical
20 support payment arrearage interest.

21 (5) Interest which may have accrued prior to September 6,
22 1991, shall not be affected or altered by changes to this section
23 which take effect on such date. All delinquent ~~child~~ support
24 order payments and all decrees entered prior to such date shall
25 draw interest at the effective rate as prescribed by this section

1 commencing as of such date.

2 Sec. 2. Section 42-369, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 42-369 (1) All orders, decrees, or judgments for
5 temporary or permanent support payments, including child, spousal,
6 or medical support, and all orders, decrees, or judgments for
7 alimony or modification of support payments or alimony shall direct
8 the payment of such sums to be made commencing on the first day
9 of each month for the use of the persons for whom the support
10 payments or alimony have been awarded. Such payments shall be made
11 to the clerk of the district court (a) when the order, decree, or
12 judgment is for spousal support, alimony, or maintenance support
13 and the order, decree, or judgment does not also provide for
14 child support, and (b) when the payment constitutes child care
15 or day care expenses, unless payments under subdivision (1)(a) or
16 (1)(b) of this section are ordered to be made directly to the
17 obligee. All other support order payments shall be made to the
18 State Disbursement Unit. In all cases in which income withholding
19 has been implemented pursuant to the Income Withholding for Child
20 Support Act or sections 42-364.01 to 42-364.14, support order
21 payments shall be made to the State Disbursement Unit. The court
22 may order such payment to be in cash or guaranteed funds.

23 ~~(2)~~ (2)(a) If the ~~person party~~ against whom an order,
24 decree, or judgment for child support is entered or the custodial
25 ~~parent or guardian party~~ has health insurance care coverage

1 available to him or her through an employer or organization
2 which may extend to cover any children affected by the order,
3 decree, or judgment, the coverage is accessible to the children,
4 and is available to the responsible party at reasonable cost, the
5 court shall require health care coverage to be provided or if not
6 available, then cash medical support shall be ordered unless the
7 parties have otherwise stipulated in writing to the court. Coverage
8 is accessible if the covered children can obtain services from a
9 plan provider with reasonable effort by the custodial party. When
10 the only health care option available through the noncustodial
11 party is a plan that limits service coverage to providers within a
12 defined geographic area, the decisionmaker shall determine whether
13 the child lives within the plan's service area. If the child does
14 not live within the plan's service area, the decisionmaker shall
15 determine whether the plan has a reciprocal agreement that permits
16 the child to receive coverage at no greater cost than if the child
17 resided in the plan's service area. The decisionmaker shall also
18 determine if primary care is available within the lesser of sixty
19 minutes or sixty miles of the child's residence. If primary care
20 services are not available within these constraints, the coverage
21 is presumed inaccessible. Cash medical support or the cost of
22 private health insurance is considered reasonable in cost if the
23 cost to the party responsible for providing medical support does
24 not exceed five percent of his or her gross income. In applying
25 the five percent, the cost is the cost of adding the children to

1 existing health care coverage or the difference between self-only
2 and family health care coverage. the court shall require the
3 option to be exercised or comparable coverage be obtained by either
4 party for additional coverage which favors the best interests of
5 the child or children affected unless the parties have otherwise
6 stipulated in writing or to the court.

7 (b) For purposes of this section:

8 (i) Health care coverage has the same meaning as in
9 section 44-3,144; and

10 (ii) Cash medical support means an amount ordered to be
11 paid toward the cost of health care coverage or other medical costs
12 not covered by insurance.

13 (3) ~~Such an A support order, decree, or judgment for~~
14 ~~support~~ may include the providing of necessary shelter, food,
15 clothing, care, medical support as defined in section 43-512,
16 medical attention, expenses of confinement, education expenses,
17 funeral expenses, and any other expense the court may deem
18 reasonable and necessary.

19 (4) Orders, decrees, and judgments for temporary or
20 permanent support or alimony shall be filed with the clerk of the
21 district court and have the force and effect of judgments when
22 entered. The clerk and the State Disbursement Unit shall disburse
23 all payments received as directed by the court and as provided
24 in sections 42-358.02 and 43-512.07. Records shall be kept of all
25 funds received and disbursed by the clerk and the unit and shall be

1 open to inspection by the parties and their attorneys.

2 (5) Unless otherwise specified by the court, an equal and
3 proportionate share of any child support awarded shall be presumed
4 to be payable on behalf of each child subject to the order, decree,
5 or judgment for purposes of an assignment under section 43-512.07.

6 Sec. 3. Section 43-512, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 43-512 (1) Any dependent child as defined in section
9 43-504 or any relative or eligible caretaker of such a dependent
10 child may file with the Department of Health and Human Services
11 a written application for financial assistance for such child on
12 forms furnished by the department.

13 (2) The department, through its agents and employees,
14 shall make such investigation pursuant to the application as it
15 deems necessary or as may be required by the county attorney
16 or authorized attorney. If the investigation or the application
17 for financial assistance discloses that such child has a parent
18 or stepparent who is able to contribute to the support of such
19 child and has failed to do so, a copy of the finding of such
20 investigation and a copy of the application shall immediately be
21 filed with the county attorney or authorized attorney.

22 (3) The department shall make a finding as to whether the
23 application referred to in subsection (1) of this section should
24 be allowed or denied. If the department finds that the application
25 should be allowed, the department shall further find the amount

1 of monthly assistance which should be paid with reference to such
2 dependent child. Except as may be otherwise provided, payments
3 shall be made by state warrant, and the amount of payments shall
4 not exceed three hundred dollars per month when there is but
5 one dependent child and one eligible caretaker in any home, plus
6 an additional seventy-five dollars per month on behalf of each
7 additional eligible person. No payments shall be made for amounts
8 totaling less than ten dollars per month except in the recovery of
9 overpayments.

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

18 (5)(a) For the purpose of preventing dependency, the
19 department shall adopt and promulgate rules and regulations
20 providing for services to former and potential recipients of aid to
21 dependent children and medical assistance benefits. The department
22 shall adopt and promulgate rules and regulations establishing
23 programs and cooperating with programs of work incentive, work
24 experience, job training, and education. The provisions of this
25 section with regard to determination of need, amount of payment,

1 maximum payment, and method of payment shall not be applicable to
2 families or children included in such programs.

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

13 (i) An ongoing transitional payment that is intended to
14 meet the family's ongoing basic needs which may include food,
15 clothing, shelter, utilities, household goods, personal care items,
16 and general incidental expenses during the five months following
17 the time the family becomes ineligible for assistance under the aid
18 to dependent children program, if the family's earned income is at
19 or below one hundred eighty-five percent of the federal poverty
20 level at the time the family becomes ineligible for the aid to
21 dependent children program. Payments shall be made in five monthly
22 payments, each equal to one-fifth of the aid to dependent children
23 payment standard for the family's size at the time the family
24 becomes ineligible for the aid to dependent children program. If
25 during the five-month period, (A) the family's earnings exceed one

1 hundred eighty-five percent of the federal poverty level, (B) the
2 family members are no longer working, (C) the family ceases to
3 be Nebraska residents, (D) there is no longer a minor child in
4 the family's household, or (E) the family again becomes eligible
5 for the aid to dependent children program, the family shall become
6 ineligible for any remaining transitional benefits under this
7 subdivision;

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

10 (iii) Except as may be provided in accordance with
11 subsection (2) of section 68-1713 and subdivision (1)(c) of section
12 68-1724, medical assistance for up to twelve months after the month
13 the recipient becomes employed and is no longer eligible for aid to
14 dependent children.

15 (6) For purposes of sections 43-512 ~~to 43-512.10 and~~
16 ~~43-512.12~~ to 43-512.18:

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

23 (b) Child support shall be defined as provided in section
24 43-1705;

25 (c) Medical support shall include all expenses associated

1 with the birth of a child, cash medical support as defined
2 in section 42-369, health care coverage as defined in section
3 44-3,144, and, if required pursuant to section 42-369 or 43-290,
4 and medical and hospital insurance coverage or membership in a
5 health maintenance organization or preferred provider organization;

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

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

10 (f) Support shall be defined as provided in section
11 43-3313.

12 Sec. 4. Section 43-512.03, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 43-512.03 (1) The county attorney or authorized attorney
15 shall:

16 (a) On request by the Department of Health and Human
17 Services as described in subsection (2) of this section or when
18 the investigation or application filed under section 43-512 or
19 43-512.02 justifies, file a complaint against a nonsupporting
20 ~~parent or stepparent~~ party in the district, county, or separate
21 juvenile court praying for an order for child or medical support
22 in cases when there is no existing child or medical support order.
23 After notice and hearing, the court shall adjudicate the child and
24 medical support liability of ~~the nonsupporting parent or stepparent~~
25 either party and enter an order accordingly;

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

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

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

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

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

14 (3) In any action brought by or intervened in by a
15 county attorney or authorized attorney under the Income Withholding
16 for Child Support Act, the License Suspension Act, the Uniform
17 Interstate Family Support Act, or sections 42-347 to 42-381,
18 43-290, 43-512 ~~to~~ 43-512.10, 43-512.12 to 43-512.18, 43-1401 to
19 43-1418, and 43-3328 to 43-3339, such attorneys shall represent the
20 State of Nebraska.

21 (4) The State of Nebraska shall be a real party in
22 interest in any action brought by or intervened in by a county
23 attorney or authorized attorney for the purpose of establishing
24 paternity or securing, modifying, suspending, or terminating child
25 or medical support or in any action brought by or intervened in by

1 a county attorney or authorized attorney to enforce an order for
2 child, spousal, or medical support.

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

9 Sec. 5. Section 43-512.07, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 43-512.07 (1) Any action, payment, aid, or assistance
12 listed in ~~subdivisions (a) through (e)~~ of this subsection shall
13 constitute an assignment by operation of law to the Department
14 of Health and Human Services of any right to spousal or medical
15 support, when ordered by the court, and to child support, whether
16 or not ordered by the court, which a ~~recipient~~ person may have in
17 his or her own behalf or on behalf of any other person for whom an
18 ~~applicant~~ such person receives such payments, aid, or assistance;
19 ~~including any accrued arrearages as of the time of the assignment;~~

20 (a) Application for and acceptance of one or more aid to
21 dependent children payments by a parent, another relative, or a
22 custodian;

23 (b) Receipt of aid by or on behalf of any dependent child
24 as defined in section 43-504; or

25 (c) Receipt of aid from child welfare funds.

1 The assignment under this section is the right to support
2 payments that become due while the person is receiving payments,
3 aid, or assistance listed in this subsection. The department shall
4 be entitled to retain such child, spousal, or other support up to
5 the amount of payments, aid, or assistance provided to a recipient.
6 For purposes of this section, the right to receive ~~current and~~
7 ~~past-due~~ child support shall belong to the child and the assignment
8 shall be effective as to any such support even if the recipient of
9 the payments, aid, or assistance is not the same as the payee of
10 court-ordered support.

11 (2) After notification of the State Disbursement Unit
12 receiving the child, spousal, or other support payments made
13 pursuant to a court order that the person for whom such support
14 is ordered is a recipient of payments, aid, or assistance listed
15 in subsection (1) of this section, the department shall also give
16 notice to the payee named in the court order at his or her
17 last-known address.

18 (3) Upon written or other notification from the
19 department or from another state of such assignment of child,
20 spousal, or other support payments, the State Disbursement Unit
21 shall transmit the support payments received to the department
22 or the other state without the requirement of a subsequent order
23 by the court. The State Disbursement Unit shall continue to
24 transmit the support payments for as long as the payments, aid, or
25 assistance listed in subsection (1) of this section continues.

1 (4) Any court-ordered child, spousal, or other support
2 remaining unpaid ~~during the period of the assignment~~ for the months
3 during which such payments, aid, or assistance was made shall
4 constitute a debt and a continuing assignment at the termination
5 of payments, aid, or assistance listed in subsection (1) of
6 this section, collectible by the department or other state as
7 reimbursement for such payments, aid, or assistance. ~~However,~~ any
8 assignment pursuant to subdivisions ~~(1)(b) and (1)(c)~~ of this
9 section shall be limited to the amount of child support due for
10 any months during which such payments, aid, or assistance was made.
11 The continuing assignment shall only apply to support payments
12 made during a calendar period which exceed the specific amount of
13 support ordered for that period. When payments, aid, or assistance
14 listed in subsection (1) of this section have ceased and upon
15 notice by the department or the other state, the State Disbursement
16 Unit shall continue to transmit to the department or the other
17 state any support payments received ~~on arrearages~~ in excess of the
18 amount of support ordered for that specific calendar period until
19 notified by the department or the other state that the debt has
20 been paid in full, ~~except that any amount of support arrearages~~
21 ~~that has accrued or accrues after termination of payments, aid, or~~
22 ~~assistance listed in subsection (1) of this section shall be paid~~
23 ~~first by the unit to the person to whom support is due before any~~
24 ~~reimbursement is made to the department or the other state.~~

25 Sec. 6. Section 43-512.12, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 43-512.12 Child support orders in cases in which a party
3 has applied for services under Title IV-D of the federal Social
4 Security Act, as amended, shall be reviewed by the Department of
5 Health and Human Services to determine whether to refer such orders
6 to the county attorney or authorized attorney for filing of an
7 application for modification. An order shall be reviewed by the
8 department upon its own initiative or at the request of either
9 parent when such review is required by Title IV-D of the federal
10 Social Security Act, as amended. After review the department shall
11 refer an order to a county attorney or authorized attorney when
12 the verifiable financial information available to the department
13 indicates:

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

20 (2) Health insurance care coverage meeting the
21 requirements of subsection (2) of section 42-369 is available to
22 the obligor as provided in subsection (2) of section 42-369 either
23 party and the children are not covered by health insurance do not
24 have health care coverage other than the medical assistance program
25 under the Medical Assistance Act.

1 An order shall not be reviewed by the department if
2 it has not been three years since the present child support
3 obligation was ordered. An order shall not be reviewed by the
4 department more than once every three years unless the requesting
5 party demonstrates a substantial change in circumstances, and
6 an order may be reviewed after one year if the department's
7 determination after the previous review was not to refer to the
8 county attorney or authorized attorney for filing of an application
9 for modification because financial circumstances had not lasted
10 or were not expected to last for the time periods established by
11 subdivision (1) of this section.

12 Sec. 7. Section 43-512.16, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 43-512.16 The county attorney or authorized attorney
15 shall review the health ~~insurance~~ care coverage provisions
16 contained in any child support order which is subject to review
17 under section 43-512.12 and shall include in any application for
18 modification a request that the court order health ~~insurance~~ care
19 coverage or cash medical support as provided in subsection (2) of
20 section 42-369.

21 Sec. 8. Section 43-512.17, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 43-512.17 Any financial information provided to the
24 Department of Health and Human Services, the county attorney,
25 or the authorized attorney by either parent for the purpose of

1 facilitating a modification proceeding under sections 43-512.12 to
2 43-512.18 may be disclosed to the other parties to the case or to
3 the court. Financial information shall include the following:

4 (1) An affidavit of financial status provided by the
5 party requesting review;

6 (2) An affidavit of financial status of the nonrequesting
7 party provided by the nonrequesting party or by the requesting
8 party at the request of the county attorney or authorized attorney;

9 (3) Supporting documentation such as state and federal
10 income tax returns, paycheck stubs, W-2 forms, 1099 forms, bank
11 statements, and other written evidence of financial status; and

12 (4) Information relating to health insurance care
13 coverage as provided in subsection (2) of section 42-369.

14 Sec. 9. Section 44-3,144, Revised Statutes Cumulative
15 Supplement, 2008, is amended to read:

16 44-3,144 For purposes of sections 44-3,144 to 44-3,150:

17 (1) Authorized attorney has the same meaning as in
18 section 43-512;

19 (2) Child means an individual to whom or on whose behalf
20 a legal duty of support is owed by an obligor;

21 (3) Department means the Department of Health and Human
22 Services;

23 (4) Employer means an individual, a firm, a partnership,
24 a corporation, an association, a union, a political subdivision, a
25 state agency, or any agent thereof who pays income to an obligor on

1 a periodic basis and has or provides health care coverage to the
2 obligor-employee;

3 (5) Health care coverage means a health benefit plan or
4 combination of plans, including fee for service, health maintenance
5 organization, preferred provider organization, and other types of
6 coverage available to either party, under which medical services
7 could be provided to dependent children, other than public medical
8 assistance programs, that provide medical care or benefits;

9 (6) Insurer means an insurer as defined in section 44-103
10 offering a group health plan as defined in 29 U.S.C. 1167, as such
11 section existed on January 1, 2002;

12 (7) Medical support means the provision of health care
13 coverage, contribution to the cost of health care coverage,
14 contribution to expenses associated with the birth of a child,
15 other uninsured medical expenses of a child, or any combination
16 thereof;

17 (8) Medical assistance program means the program
18 established pursuant to the Medical Assistance Act;

19 (9) National medical support notice means a uniform
20 administrative notice issued by the county attorney, authorized
21 attorney, or department to enforce the medical support provisions
22 of a support order;

23 (10) Obligee has the same meaning as in section 43-3341;

24 (11) Obligor has the same meaning as in section 43-3341;

25 (12) Plan administrator means the person or entity that

1 administers health care coverage for an employer;

2 (13) Qualified medical child support order means an order
3 that meets the requirements of 29 U.S.C. 1169, as such section
4 existed on January 1, 2002; and

5 (14) Uninsured medical expenses means the reasonable and
6 necessary health-related expenses that are not paid by health care
7 coverage.

8 Sec. 10. Section 48-2302, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 48-2302 For purposes of the New Hire Reporting Act:

11 (1) Date of hire means the day an employee begins
12 employment with an employer;

13 (2) Department means the Department of Health and Human
14 Services;

15 (3) Employee means any an independent contractor or a
16 person who is compensated by or receives income from an employer or
17 other payor, regardless of how such income is denominated;

18 (4) Employer means any individual, partnership, limited
19 liability company, firm, corporation, association, political
20 subdivision, or department or agency of the state or federal
21 government, labor organization, or any other entity with an
22 employee;

23 (5) Income means compensation paid, payable, due, or to
24 be due for labor or personal services, whether denominated as
25 wages, salary, earnings, income, commission, bonus, or otherwise;

1 (6) Payor includes a person, partnership, limited
2 partnership, limited liability partnership, limited liability
3 company, corporation, or other entity doing business or authorized
4 to do business in the State of Nebraska, including a financial
5 institution, or a department or an agency of state, county, or city
6 government; and

7 (7) Rehire means the first day an employee begins
8 employment with the employer following a termination of employment
9 with such employer. Termination of employment does not include
10 temporary separations from employment, such as an unpaid medical
11 leave, an unpaid leave of absence, a temporary layoff, or an
12 absence for disability or maternity.

13 Sec. 11. Section 77-27,166, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 77-27,166 (1) ~~By December 1 of each year, the~~ The
16 Department of Health and Human Services may submit any certified
17 debt of twenty-five dollars or more to the Department of Revenue
18 except when the validity of the debt is legitimately in dispute.
19 The submission of debts of past due support shall be a continuous
20 submission process that allows the amount past due support to
21 fluctuate up or down depending on the actual amount owed. Any
22 submission shall be effective only to initiate setoff for a
23 claim against a refund that would be made for the calendar year
24 subsequent to the year in which such submission is made.

25 (2) The Lottery Division of the Department of Revenue

1 shall review all current debts on the records of the Department of
2 Health and Human Services at the time of redeeming a lottery ticket
3 for a state lottery prize to certify a debt owed by a winner of a
4 state lottery prize.

5 Sec. 12. Original sections 42-358.02, 42-369, 43-512,
6 43-512.03, 43-512.07, 43-512.12, 43-512.16, 43-512.17, 48-2302,
7 and 77-27,166, Reissue Revised Statutes of Nebraska, and section
8 44-3,144, Revised Statutes Cumulative Supplement, 2008, are
9 repealed.

BILL _____

Sen	For/Against/Neutral	Comments
Adams Greg		
Ashford Brad		
Avery Bill		
Campbell Kathy		
Carlson Tom		
Christensen Mark		
Coash Colby		
Cook Tanya		
Cornett Abbie		
Council Brenda		
Dierks Cap		
Dubas Annette		
Fischer Deb		
Flood Mike		
Friend Mike		
Fulton Tony		
Gay Tim		
Giese Robert		
Gloor Mike		
Haar Ken		
Hadley Galen		
Hansen Thomas		
Harms John		
Heidemann Lavon		
Howard Gwen		
Janssen Charlie		
Karpisek Russ		
Langemeier Chris		
Lathrop Steve		

Lautenbaugh Scott		
Louden LeRoy		
McCoy Beau		
McGill Amanda		
Mello Heath		
Nantkes Danielle		
Nelson John		
Nordquist Jeremy		
Pahls Rich		
Pankonin Dave		
Pirsch Pete		
Price Scott		
Rogert Kent		
Schilz Ken		
Stuthman Arnie		
Sullivan Kate		
Utter Dennis		
Wallman Norman		
White Tom		
Wightman John		

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 201

Introduced by McGill, 26; Christensen, 44; Coash, 27; Friend, 10;
Fulton, 29; Howard, 9; Lautenbaugh, 18; Rogert, 16;
Stuthman, 22.

Read first time January 12, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to children; to amend section 43-1230, Reissue
2 Revised Statutes of Nebraska; to change provisions
3 relating to the international application of the Uniform
4 Child Custody Jurisdiction and Enforcement Act; and to
5 repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-1230, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 43-1230 (a) A court of this state shall treat a foreign
4 country as if it were a state of the United States for the purpose
5 of applying sections 43-1226 to 43-1247.

6 (b) Except as otherwise provided in subsection (c) or (d)
7 of this section, a child custody determination made in a foreign
8 country under factual circumstances in substantial conformity
9 with the jurisdictional standards of the Uniform Child Custody
10 Jurisdiction and Enforcement Act shall be recognized and enforced
11 under sections 43-1248 to 43-1264.

12 (c) A court of this state need not apply the act if
13 the child custody law of a foreign country violates fundamental
14 principles of human rights.

15 (d) A court of this state need not recognize and enforce
16 an otherwise valid child custody determination of a foreign
17 court under the act if it determines (1) that the child is a
18 habitual resident of Nebraska as defined under the provisions of
19 the Hague Convention on the Civil Aspects of International Child
20 Abduction, as implemented by the International Child Abduction
21 Remedies Act, 42 U.S.C. 11601 et seq., and (2) that the child
22 would be at significant and demonstrable risk of child abuse or
23 neglect as defined in section 28-710 if the foreign child custody
24 determination is recognized and enforced. Such a determination
25 shall create a rebuttable presumption against recognition and

1 enforcement of the foreign child custody determination and,
2 thereafter, a court of this state may exercise child custody
3 jurisdiction pursuant to subdivision (a)(1) of section 43-1238.

4 (e) The changes made to this section by Laws 2007,
5 LB 341, shall be deemed remedial and shall apply to all cases
6 pending on or before February 2, 2007, and to all cases initiated
7 subsequent thereto.

8 (f) A court of this state shall have initial and ongoing
9 jurisdiction to make any determinations and to grant any relief
10 set forth in subsection (d) of this section upon the motion or
11 complaint seeking such, filed by any parent or custodian of a
12 child who is the subject of a foreign court's custody determination
13 and a habitual resident of Nebraska. The absence or dismissal,
14 either voluntary or involuntary, of an action for the recognition
15 and enforcement of a foreign court's custody determination under
16 subsection (b) of this section shall in no way deprive the court of
17 jurisdiction set forth in this subsection.

18 This subsection shall be deemed remedial and shall apply
19 to all cases pending on or before the effective date of this act
20 and to all cases initiated subsequent thereto.

21 Sec. 2. Original section 43-1230, Reissue Revised
22 Statutes of Nebraska, is repealed.

BILL _____

Sen	For/Against/Neutral	Comments
Adams Greg		
Ashford Brad		
Avery Bill		
Campbell Kathy		
Carlson Tom		
Christensen Mark		
Coash Colby		
Cook Tanya		
Cornett Abbie		
Council Brenda		
Dierks Cap		
Dubas Annette		
Fischer Deb		
Flood Mike		
Friend Mike		
Fulton Tony		
Gay Tim		
Giese Robert		
Gloor Mike		
Haar Ken		
Hadley Galen		
Hansen Thomas		
Harms John		
Heidemann Lavon		
Howard Gwen		
Janssen Charlie		
Karpisek Russ		
Langemeier Chris		
Lathrop Steve		

Lautenbaugh Scott		
Louden LeRoy		
McCoy Beau		
McGill Amanda		
Mello Heath		
Nantkes Danielle		
Nelson John		
Nordquist Jeremy		
Pahls Rich		
Pankonin Dave		
Pirsch Pete		
Price Scott		
Rogert Kent		
Schilz Ken		
Stuthman Arnie		
Sullivan Kate		
Utter Dennis		
Wallman Norman		
White Tom		
Wightman John		

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 423

Introduced by Cornett, 45.

Read first time January 20, 2009

Committee:

A BILL

1 FOR AN ACT relating to children; to amend sections 42-364,
2 43-2922, 43-2923, and 43-2929, Reissue Revised Statutes
3 of Nebraska; to change provisions relating to the
4 determination of child custody and provisions of the
5 Parenting Act; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 42-364, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 42-364 (1) In an action under Chapter 42 involving
4 child support, child custody, parenting time, visitation, or other
5 access, the parties and their counsel, if represented, shall
6 develop a parenting plan as provided in the Parenting Act. ~~If~~ For
7 any case filed before July 1, 2010, if the parties and counsel do
8 not develop a parenting plan, ~~the complaint shall so indicate as~~
9 ~~provided in section 42-353 and before July 1, 2010,~~ the case may be
10 referred to mediation, specialized alternative dispute resolution,
11 or other alternative dispute resolution process ~~and on or after~~
12 ~~such date~~ as provided in the Parenting Act. For any case filed
13 on and after July 1, 2010, if the parties and counsel do not
14 develop a parenting plan, the case shall be referred to mediation
15 or specialized alternative dispute resolution as provided in the
16 Parenting Act. The decree in an action involving the custody of a
17 minor child shall include ~~the determination~~ separate and distinct
18 determinations of legal custody and physical custody ~~based upon the~~
19 ~~best interests of the child,~~ as defined in the Parenting Act, and
20 child support. Such determinations shall be made by incorporation
21 into the decree of (a) a parenting plan developed by the parties,
22 ~~if approved by the court,~~ or (b) a parenting plan developed by
23 the court based upon evidence produced after a hearing in open
24 court. ~~if no parenting plan is developed by the parties or the plan~~
25 ~~developed by the parties is not approved by the court.~~ The decree

1 shall conform to the Parenting Act. The social security number of
2 each parent and the minor child shall be furnished to the clerk
3 of the district court but shall not be disclosed or considered a
4 public record.

5 (2) In determining legal custody ~~or~~ and physical custody,
6 the court shall presume that, assuming both parents to be fit, it
7 is in the child's best interests for the parents to share joint
8 legal custody and joint physical custody. The court shall not give
9 preference to either parent based on the sex of the parent and,
10 except as provided in section 43-2933, no presumption shall exist
11 that either parent is more fit or suitable than the other. Custody
12 shall be determined on the basis of the best interests of the
13 child, as defined in the Parenting Act. This presumption may be
14 rebutted by a showing based on a preponderance of the evidence that
15 joint legal and physical custody would not be in the best interests
16 of the child. Unless parental rights are terminated, both parents
17 shall continue to have the rights stated in section 42-381.

18 (3) Custody of a minor child ~~may~~ shall be placed with
19 both parents on a joint legal custody or joint physical custody
20 basis, or both, (a) when both parents agree to such an arrangement
21 in the parenting plan and the court determines that ~~such an~~
22 arrangement is in the best interests of the child both parents are
23 fit or (b) ~~if~~ when the court specifically finds, after a hearing
24 in open court, that the presumption that joint physical custody or
25 joint legal custody, or both, is in the best interests of the minor

1 child has not been rebutted by credible evidence to the contrary.
 2 ~~regardless of any parental agreement or consent.~~

3 (4) In determining the amount of child support to be
 4 paid by a parent, the court shall consider the earning capacity
 5 of each parent and the guidelines provided by the Supreme Court
 6 pursuant to section 42-364.16 for the establishment of child
 7 support obligations. Upon application, hearing, and presentation
 8 of evidence of an abusive disregard of the use of child support
 9 money paid by one party to the other, the court may require the
 10 party receiving such payment to file a verified report with the
 11 court, as often as the court requires, stating the manner in
 12 which such money is used. Child support paid to the party having
 13 custody of the minor child shall be the property of such party
 14 except as provided in section 43-512.07. The clerk of the district
 15 court shall maintain a record, separate from all other judgment
 16 dockets, of all decrees and orders in which the payment of child
 17 support or spousal support has been ordered, whether ordered by a
 18 district court, county court, separate juvenile court, or county
 19 court sitting as a juvenile court. Orders for child support in
 20 cases in which a party has applied for services under Title IV-D of
 21 the federal Social Security Act, as amended, shall be reviewed as
 22 provided in sections 43-512.12 to 43-512.18.

23 (5) Whenever termination of parental rights is placed in
 24 issue:

25 (a) The court shall transfer jurisdiction to a juvenile

1 court established pursuant to the Nebraska Juvenile Code unless
2 a showing is made that the county court or district court
3 is a more appropriate forum. In making such determination, the
4 court may consider such factors as cost to the parties, undue
5 delay, congestion of dockets, and relative resources available for
6 investigative and supervisory assistance. A determination that the
7 county court or district court is a more appropriate forum shall
8 not be a final order for the purpose of enabling an appeal. If
9 no such transfer is made, the court shall appoint an attorney as
10 guardian ad litem to protect the interests of any minor child.
11 The court may terminate the parental rights of one or both parents
12 after notice and hearing when the court finds such action to be in
13 the best interests of the minor child, as defined in the Parenting
14 Act, and it appears by the evidence that one or more of the grounds
15 for termination of parental rights stated in section 43-292 exist;
16 and

17 (b) The court shall inform a parent who does not have
18 legal counsel of the parent's right to retain counsel and of
19 the parent's right to retain legal counsel at county expense if
20 such parent is unable to afford legal counsel. If such parent
21 is unable to afford legal counsel and requests the court to
22 appoint legal counsel, the court shall immediately appoint an
23 attorney to represent the parent in the termination proceedings.
24 The court shall order the county to pay the attorney's fees and
25 all reasonable expenses incurred by the attorney in protecting the

1 rights of the parent. At such hearing, the guardian ad litem shall
2 take all action necessary to protect the interests of the minor
3 child. The court shall fix the fees and expenses of the guardian ad
4 litem and tax the same as costs but may order the county to pay on
5 finding the responsible party indigent and unable to pay.

6 (6) Modification proceedings relating to support,
7 custody, parenting time, visitation, other access, or removal of
8 children from the jurisdiction of the court shall be commenced
9 by filing a complaint to modify. Modification of a parenting
10 plan is governed by the Parenting Act. Proceedings to modify a
11 parenting plan shall be commenced by filing a complaint to modify.
12 Such actions may be referred to mediation, specialized alternative
13 dispute resolution, or other alternative dispute resolution process
14 before July 1, 2010, and on and after such date shall be referred
15 to mediation or specialized alternative dispute resolution as
16 provided in the Parenting Act. Service of process and other
17 procedure shall comply with the requirements for a dissolution
18 action.

19 (7) In any proceeding under this section relating to
20 custody of a child of school age, certified copies of school
21 records relating to attendance and academic progress of such child
22 are admissible in evidence.

23 Sec. 2. Section 43-2922, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 43-2922 For purposes of the Parenting Act:

1 (1) Appropriate means reflective of the developmental
2 abilities of the child taking into account any cultural traditions
3 that are within the boundaries of state and federal law;

4 (2) Approved mediation center means a mediation center
5 approved by the Office of Dispute Resolution;

6 (3) Best interests of the child means the determination
7 made taking into account the requirements stated in section
8 43-2923;

9 (4) Child means a minor under nineteen years of age;

10 (5) Child abuse or neglect has the same meaning as in
11 section 28-710;

12 (6) Court conciliation program means a court-based
13 conciliation program under the Conciliation Court Law;

14 (7) Custody includes legal custody and physical custody;

15 (8) Domestic intimate partner abuse means an act of
16 abuse as defined in section 42-903 and a pattern or history
17 of abuse evidenced by one or more of the following acts:
18 Physical or sexual assault, threats of physical assault or sexual
19 assault, stalking, harassment, mental cruelty, emotional abuse,
20 intimidation, isolation, economic abuse, or coercion against any
21 current or past intimate partner, or an abuser using a child to
22 establish or maintain power and control over any current or past
23 intimate partner, and, when they contribute to the coercion or
24 intimidation of an intimate partner, acts of child abuse or neglect
25 or threats of such acts, cruel mistreatment or cruel neglect of

1 an animal as defined in section 28-1008, or threats of such acts,
2 and other acts of abuse, assault, or harassment, or threats of
3 such acts against other family or household members. A finding by
4 a child protection agency shall not be considered res judicata or
5 collateral estoppel regarding an act of child abuse or neglect or
6 a threat of such act, and shall not be considered by the court
7 unless each parent is afforded the opportunity to challenge any
8 such determination;

9 (9) Economic abuse means causing or attempting to cause
10 an individual to be financially dependent by maintaining total
11 control over the individual's financial resources, including, but
12 not limited to, withholding access to money or credit cards,
13 forbidding attendance at school or employment, stealing from or
14 defrauding of money or assets, exploiting the victim's resources
15 for personal gain of the abuser, or withholding physical resources
16 such as food, clothing, necessary medications, or shelter;

17 (10) Emotional abuse means a pattern of acts, threats
18 of acts, or coercive tactics, including, but not limited to,
19 threatening or intimidating to gain compliance, destruction of
20 the victim's personal property or threats to do so, violence to
21 an animal or object in the presence of the victim as a way to
22 instill fear, yelling, screaming, name-calling, shaming, mocking,
23 or criticizing the victim, possessiveness, or isolation from
24 friends and family. Emotional abuse can be verbal or nonverbal;

25 (11) Joint legal custody means ~~mutual~~ joint authority

1 and responsibility ~~of the parents~~ for making ~~mutual fundamental~~
2 major decisions regarding the child's welfare; ~~including choices~~
3 ~~regarding education and health;~~

4 (12) Joint physical custody means ~~mutual authority and~~
5 joint responsibility of the parents regarding the child's place
6 of residence for minor day-to-day decisions and the exertion
7 of continuous ~~blocks of parenting time~~ physical custody by both
8 parents over the child for significant periods of time;

9 (13) Legal custody means ~~the authority and responsibility~~
10 for making ~~fundamental~~ major decisions regarding the child's
11 welfare; ~~including choices regarding education and health;~~

12 (14) Mediation means a method of nonjudicial intervention
13 in which a trained, neutral third-party mediator, who has no
14 decisionmaking authority, provides a structured process in which
15 individuals and families in conflict work through parenting and
16 other related family issues with the goal of achieving a voluntary,
17 mutually agreeable parenting plan or related resolution;

18 (15) Mediator means a mediator meeting the qualifications
19 of section 43-2938 and acting in accordance with the Parenting Act;

20 (16) Office of Dispute Resolution means the office
21 established under section 25-2904;

22 (17) Parenting functions means those aspects of the
23 relationship in which a parent or person in the parenting role
24 makes fundamental decisions and performs fundamental functions
25 necessary for the care and development of a child. Parenting

1 functions include, but are not limited to:

2 (a) Maintaining a safe, stable, consistent, and nurturing
3 relationship with the child;

4 (b) Attending to the ongoing developmental needs of the
5 child, including feeding, clothing, physical care and grooming,
6 health and medical needs, emotional stability, supervision, and
7 appropriate conflict resolution skills and engaging in other
8 activities appropriate to the healthy development of the child
9 within the social and economic circumstances of the family;

10 (c) Attending to adequate education for the child,
11 including remedial or other special education essential to the
12 best interests of the child;

13 (d) Assisting the child in maintaining a safe, positive,
14 and appropriate relationship with each parent and other family
15 members, including establishing and maintaining the authority and
16 responsibilities of each party with respect to the child and
17 honoring the parenting plan duties and responsibilities;

18 (e) Minimizing the child's exposure to harmful parental
19 conflict;

20 (f) Assisting the child in developing skills to maintain
21 safe, positive, and appropriate interpersonal relationships; and

22 (g) Exercising appropriate support for social, academic,
23 athletic, or other special interests and abilities of the child
24 within the social and economic circumstances of the family;

25 (18) Parenting plan means a plan for parenting the child

1 that takes into account parenting functions;

2 (19) Parenting time, visitation, or other access means
3 communication or time spent between the child and parent, the child
4 and a court-appointed guardian, or the child and another family
5 member or members;

6 (20) Physical custody means ~~authority and~~ the
7 responsibility regarding the child's place of residence for minor
8 day-to-day decisions and the exertion of continuous parenting time
9 physical custody for significant periods of time;

10 (21) Provisions for safety means a plan developed to
11 reduce risks of harm to children and adults who are victims
12 of child abuse or neglect, domestic intimate partner abuse, or
13 unresolved parental conflict;

14 (22) Remediation process means the method established in
15 the parenting plan which maintains the best interests of the child
16 and provides a means to identify, discuss, and attempt to resolve
17 future circumstantial changes or conflicts regarding the parenting
18 functions and which minimizes repeated litigation and utilizes
19 judicial intervention as a last resort;

20 (23) Specialized alternative dispute resolution means a
21 method of nonjudicial intervention in high conflict or domestic
22 intimate partner abuse cases in which an approved specialized
23 mediator facilitates voluntary mutual development of and agreement
24 to a structured parenting plan, provisions for safety, a transition
25 plan, or other related resolution between the parties;

1 (24) Transition plan means a plan developed to reduce
2 exposure of the child and the adult to ongoing unresolved parental
3 conflict during parenting time, visitation, or other access for the
4 exercise of parental functions; and

5 (25) Unresolved parental conflict means persistent
6 conflict in which parents are unable to resolve disputes about
7 parenting functions which has a potentially harmful impact on a
8 child.

9 Sec. 3. Section 43-2923, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 43-2923 The best interests of the child require:

12 (1) A parenting arrangement and parenting plan or other
13 court-ordered arrangement which provides for a child's safety,
14 emotional growth, health, stability, and physical care and regular
15 and continuous school attendance and progress for school-age
16 children;

17 (2) When a preponderance of the evidence indicates
18 domestic intimate partner abuse, a parenting and visitation
19 arrangement that provides for the safety of a victim parent;

20 (3) That the child's families and those serving in
21 parenting roles remain appropriately active and involved in
22 parenting with safe, appropriate, continuing quality contact
23 between children and their families when they have shown the
24 ability to act in the best interests of the child and have shared
25 in the responsibilities of raising the child;

1 (4) That even when parents have voluntarily negotiated or
2 mutually mediated and agreed upon a parenting plan, the court shall
3 determine whether it is in the best interests of the child. ~~for~~
4 ~~parents to maintain continued communications with each other and~~
5 ~~to make joint decisions in performing parenting functions as are~~
6 ~~necessary for the care and healthy development of the child.~~ If the
7 court rejects a negotiated or mutually mediated parenting plan, the
8 court shall provide written findings as to why the parenting plan
9 is not in the best interests of the child; and

10 (5) That certain principles provide a basis upon which
11 education of parents is delivered and upon which negotiation and
12 mediation of parenting plans are conducted. Such principles shall
13 include: To minimize the potentially negative impact of parental
14 conflict on children while allowing the child to have equal time
15 or contact with both parents; to provide parents the tools they
16 need to reach parenting decisions that are in the best interests of
17 a child; to provide alternative dispute resolution or specialized
18 alternative dispute resolution options that are less adversarial
19 for the child and the family; to ensure that the child's voice
20 is heard and considered in parenting decisions; to maximize the
21 safety of family members through the justice process; and, in
22 cases of domestic intimate partner abuse or child abuse or neglect,
23 to incorporate the principles of victim safety and sensitivity,
24 offender accountability, and community safety in parenting plan
25 decisions.

1 Sec. 4. Section 43-2929, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 43-2929 (1) In any proceeding in which parenting
4 functions for a child are at issue under Chapter 42, a parenting
5 plan shall be developed and shall be approved by the court. Court
6 rule may provide for the parenting plan to be developed by the
7 parties or their counsel, a court conciliation program, an approved
8 mediation center, or a private mediator. When a parenting plan has
9 not been developed and submitted to the court, the court shall
10 create the parenting plan in accordance with the Parenting Act. A
11 parenting plan shall serve the best interests of the child pursuant
12 to sections 42-364 and 43-2923 and shall:

13 (a) Assist in developing a restructured family that
14 serves the best interests of the child by accomplishing the
15 parenting functions; and

16 (b) Include, but not be limited to, determinations of the
17 following:

18 (i) Legal custody and physical custody of each child;

19 (ii) Apportionment of parenting time, visitation, or
20 other access for each child, including, but not limited to,
21 specified religious and secular holidays, birthdays, Mother's Day,
22 Father's Day, school and family vacations, and other special
23 occasions, specifying dates and times for the same, or a formula
24 or method for determining such a schedule in sufficient detail
25 that, if necessary, the schedule can be enforced in subsequent

1 proceedings by the court, and set out appropriate times and numbers
2 for telephone access;

3 (iii) Location of the child during the week, weekend, and
4 given days during the year;

5 (iv) A transition plan, including the time and places for
6 transfer of the child, method of communication or amount and type
7 of contact between the parties during transfers, and duties related
8 to transportation of the child during transfers;

9 ~~(v) Procedures for making decisions regarding the~~
10 ~~day-to-day care and control of the child consistent with the major~~
11 ~~decisions made by the person or persons who have legal custody and~~
12 ~~responsibility for parenting functions;~~

13 ~~(vi)~~ (v) Provisions for a remediation process regarding
14 future modifications to such plan;

15 ~~(vii)~~ (vi) Arrangements to maximize the safety of all
16 parties and the child;

17 ~~(viii)~~ (vii) Provisions to ensure regular and continuous
18 school attendance and progress for school-age children of the
19 parties; and

20 ~~(ix)~~ (viii) Provisions for safety when a preponderance of
21 the evidence establishes child abuse or neglect, domestic intimate
22 partner abuse, unresolved parental conflict, or criminal activity
23 which is directly harmful to a child.

24 (2) A parenting plan shall require that the parties
25 notify each other of a change of address, except that the address

1 or return address shall only include the county and state for a
2 party who is living or moving to an undisclosed location because of
3 safety concerns.

4 (3) When safe and appropriate for the best interests of
5 the child, the parenting plan may encourage mutual discussion of
6 major decisions regarding parenting functions including the child's
7 education, health care, and spiritual or religious upbringing.
8 However, when a prior factual determination of child abuse or
9 neglect, domestic intimate partner abuse, or unresolved parental
10 conflict has been made, then consideration shall be given to
11 inclusion of provisions for safety and a transition plan that
12 restrict communication or the amount and type of contact between
13 the parties during transfers.

14 (4) Regardless of the custody determinations in the
15 parenting plan, unless parental rights are terminated, both parents
16 shall continue to have the rights stated in section 42-381.

17 (5) In the development of a parenting plan, consideration
18 shall be given to the child's age, the child's developmental needs,
19 and the child's perspective, as well as consideration of enhancing
20 healthy relationships between the child and each party.

21 Sec. 5. Original sections 42-364, 43-2922, 43-2923, and
22 43-2929, Reissue Revised Statutes of Nebraska, are repealed.

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 589

Introduced by Dierks, 40.

Read first time January 21, 2009

Committee:

A BILL

1 FOR AN ACT relating to child custody; to amend sections 42-364
2 and 43-2929, Reissue Revised Statutes of Nebraska; to
3 designate both parents as joint custodians unless there
4 is proof otherwise; and to repeal the original sections.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 42-364, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 42-364 (1) In an action under Chapter 42 involving
4 child support, child custody, parenting time, visitation, or other
5 access, the parties and their counsel, if represented, shall
6 develop a parenting plan as provided in the Parenting Act. If
7 the parties and counsel do not develop a parenting plan, the
8 complaint shall so indicate as provided in section 42-353 and
9 before July 1, 2010, the case may be referred to mediation,
10 specialized alternative dispute resolution, or other alternative
11 dispute resolution process and on or after such date the case
12 shall be referred to mediation or specialized alternative dispute
13 resolution as provided in the Parenting Act. The decree in an
14 action involving the custody of a minor child shall include the
15 determination of legal custody and physical custody based upon the
16 best interests of the child, as defined in the Parenting Act, and
17 child support. Such determinations shall be made by incorporation
18 into the decree of (a) a parenting plan developed by the parties,
19 if approved by the court, or (b) a parenting plan developed by the
20 court based upon evidence produced after a hearing in open court if
21 no parenting plan is developed by the parties or the plan developed
22 by the parties is not approved by the court. The decree shall
23 conform to the Parenting Act. The social security number of each
24 parent and the minor child shall be furnished to the clerk of the
25 district court but shall not be disclosed or considered a public

1 record.

2 (2) In determining legal custody ~~or~~ and physical custody,
3 the court shall not give preference to either parent based on the
4 sex of the parent and, except as provided in section 43-2933, no
5 presumption shall exist that either parent is more fit or suitable
6 than the other. Custody shall be determined on the basis of the
7 best interests of the child, as defined in the Parenting Act.
8 Unless parental rights are terminated, both parents shall continue
9 to have the rights stated in section 42-381.

10 ~~(3) Custody of a minor child may be placed with both~~
11 ~~parents on a joint legal custody or joint physical custody basis,~~
12 ~~or both, (a) when both parents agree to such an arrangement in the~~
13 ~~parenting plan and the court determines that such an arrangement is~~
14 ~~in the best interests of the child or (b) if the court specifically~~
15 ~~finds, after a hearing in open court, that joint physical custody~~
16 ~~or joint legal custody, or both, is in the best interests of the~~
17 ~~minor child regardless of any parental agreement or consent.~~

18 (3) Unless there is medical or legal proof to rebut
19 the presumption of suitability of a parent to have legal custody
20 and physical custody of his or her child, the court shall place
21 the custody of a minor child on a joint legal custody and joint
22 physical custody basis with both parents.

23 (4) In determining the amount of child support to be
24 paid by a parent, the court shall consider the earning capacity
25 of each parent and the guidelines provided by the Supreme Court

1 pursuant to section 42-364.16 for the establishment of child
2 support obligations. Upon application, hearing, and presentation
3 of evidence of an abusive disregard of the use of child support
4 money paid by one party to the other, the court may require the
5 party receiving such payment to file a verified report with the
6 court, as often as the court requires, stating the manner in
7 which such money is used. Child support paid to the party having
8 custody of the minor child shall be the property of such party
9 except as provided in section 43-512.07. The clerk of the district
10 court shall maintain a record, separate from all other judgment
11 dockets, of all decrees and orders in which the payment of child
12 support or spousal support has been ordered, whether ordered by a
13 district court, county court, separate juvenile court, or county
14 court sitting as a juvenile court. Orders for child support in
15 cases in which a party has applied for services under Title IV-D of
16 the federal Social Security Act, as amended, shall be reviewed as
17 provided in sections 43-512.12 to 43-512.18.

18 (5) Whenever termination of parental rights is placed in
19 issue:

20 (a) The court shall transfer jurisdiction to a juvenile
21 court established pursuant to the Nebraska Juvenile Code unless
22 a showing is made that the county court or district court
23 is a more appropriate forum. In making such determination, the
24 court may consider such factors as cost to the parties, undue
25 delay, congestion of dockets, and relative resources available for

1 investigative and supervisory assistance. A determination that the
2 county court or district court is a more appropriate forum shall
3 not be a final order for the purpose of enabling an appeal. If
4 no such transfer is made, the court shall appoint an attorney as
5 guardian ad litem to protect the interests of any minor child.
6 The court may terminate the parental rights of one or both parents
7 after notice and hearing when the court finds such action to be in
8 the best interests of the minor child, as defined in the Parenting
9 Act, and it appears by the evidence that one or more of the grounds
10 for termination of parental rights stated in section 43-292 exist;
11 and

12 (b) The court shall inform a parent who does not have
13 legal counsel of the parent's right to retain counsel and of
14 the parent's right to retain legal counsel at county expense if
15 such parent is unable to afford legal counsel. If such parent
16 is unable to afford legal counsel and requests the court to
17 appoint legal counsel, the court shall immediately appoint an
18 attorney to represent the parent in the termination proceedings.
19 The court shall order the county to pay the attorney's fees and
20 all reasonable expenses incurred by the attorney in protecting the
21 rights of the parent. At such hearing, the guardian ad litem shall
22 take all action necessary to protect the interests of the minor
23 child. The court shall fix the fees and expenses of the guardian ad
24 litem and tax the same as costs but may order the county to pay on
25 finding the responsible party indigent and unable to pay.

1 (6) Modification proceedings relating to support,
2 custody, parenting time, visitation, other access, or removal of
3 children from the jurisdiction of the court shall be commenced
4 by filing a complaint to modify. Modification of a parenting
5 plan is governed by the Parenting Act. Proceedings to modify a
6 parenting plan shall be commenced by filing a complaint to modify.
7 Such actions may be referred to mediation, specialized alternative
8 dispute resolution, or other alternative dispute resolution process
9 before July 1, 2010, and on and after such date shall be referred
10 to mediation or specialized alternative dispute resolution as
11 provided in the Parenting Act. Service of process and other
12 procedure shall comply with the requirements for a dissolution
13 action.

14 (7) In any proceeding under this section relating to
15 custody of a child of school age, certified copies of school
16 records relating to attendance and academic progress of such child
17 are admissible in evidence.

18 Sec. 2. Section 43-2929, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 43-2929 (1) In any proceeding in which parenting
21 functions for a child are at issue under Chapter 42, a parenting
22 plan shall be developed and shall be approved by the court. Court
23 rule may provide for the parenting plan to be developed by the
24 parties or their counsel, a court conciliation program, an approved
25 mediation center, or a private mediator. When a parenting plan has

1 not been developed and submitted to the court, the court shall
2 create the parenting plan in accordance with the Parenting Act. A
3 parenting plan shall serve the best interests of the child pursuant
4 to sections 42-364 and 43-2923 and shall:

5 (a) Assist in developing a restructured family that
6 serves the best interests of the child by accomplishing the
7 parenting functions; and

8 (b) Include, but not be limited to, determinations of the
9 following:

10 (i) Legal custody and physical custody of each child if
11 joint legal custody and joint physical custody will not be ordered
12 because there is medical or legal proof that a parent is not
13 suitable to be awarded legal custody or physical custody;

14 (ii) Apportionment of parenting time, visitation, or
15 other access for each child, including, but not limited to,
16 specified religious and secular holidays, birthdays, Mother's Day,
17 Father's Day, school and family vacations, and other special
18 occasions, specifying dates and times for the same, or a formula
19 or method for determining such a schedule in sufficient detail
20 that, if necessary, the schedule can be enforced in subsequent
21 proceedings by the court, and set out appropriate times and numbers
22 for telephone access;

23 (iii) Location of the child during the week, weekend, and
24 given days during the year;

25 (iv) A transition plan, including the time and places for

1 transfer of the child, method of communication or amount and type
2 of contact between the parties during transfers, and duties related
3 to transportation of the child during transfers;

4 (v) Procedures for making decisions regarding the
5 day-to-day care and control of the child consistent with the major
6 decisions made by the person or persons who have legal custody and
7 responsibility for parenting functions;

8 (vi) Provisions for a remediation process regarding
9 future modifications to such plan;

10 (vii) Arrangements to maximize the safety of all parties
11 and the child;

12 (viii) Provisions to ensure regular and continuous school
13 attendance and progress for school-age children of the parties; and

14 (ix) Provisions for safety when a preponderance of the
15 evidence establishes child abuse or neglect, domestic intimate
16 partner abuse, unresolved parental conflict, or criminal activity
17 which is directly harmful to a child.

18 (2) A parenting plan shall require that the parties
19 notify each other of a change of address, except that the address
20 or return address shall only include the county and state for a
21 party who is living or moving to an undisclosed location because of
22 safety concerns.

23 (3) When safe and appropriate for the best interests of
24 the child, the parenting plan may encourage mutual discussion of
25 major decisions regarding parenting functions including the child's

1 education, health care, and spiritual or religious upbringing.
2 However, when a prior factual determination of child abuse or
3 neglect, domestic intimate partner abuse, or unresolved parental
4 conflict has been made, then consideration shall be given to
5 inclusion of provisions for safety and a transition plan that
6 restrict communication or the amount and type of contact between
7 the parties during transfers.

8 (4) Regardless of the custody determinations in the
9 parenting plan, unless parental rights are terminated, both parents
10 shall continue to have the rights stated in section 42-381.

11 (5) In the development of a parenting plan, consideration
12 shall be given to the child's age, the child's developmental needs,
13 and the child's perspective, as well as consideration of enhancing
14 healthy relationships between the child and each party.

15 Sec. 3. Original sections 42-364 and 43-2929, Reissue
16 Revised Statutes of Nebraska, are repealed.

BILL _____

Sen	For/Against/Neutral	Comments
Adams Greg		
Ashford Brad		
Avery Bill		
Campbell Kathy		
Carlson Tom		
Christensen Mark		
Coash Colby		
Cook Tanya		
Cornett Abbie		
Council Brenda		
Dierks Cap		
Dubas Annette		
Fischer Deb		
Flood Mike		
Friend Mike		
Fulton Tony		
Gay Tim		
Giese Robert		
Gloor Mike		
Haar Ken		
Hadley Galen		
Hansen Thomas		
Harms John		
Heidemann Lavon		
Howard Gwen		
Janssen Charlie		
Karpisek Russ		
Langemeier Chris		
Lathrop Steve		

Lautenbaugh Scott		
Louden LeRoy		
McCoy Beau		
McGill Amanda		
Mello Heath		
Nantkes Danielle		
Nelson John		
Nordquist Jeremy		
Pahls Rich		
Pankonin Dave		
Pirsch Pete		
Price Scott		
Rogert Kent		
Schilz Ken		
Stuthman Arnie		
Sullivan Kate		
Utter Dennis		
Wallman Norman		
White Tom		
Wightman John		

