

Changing a Child Support Order in Your State

 The information below applies only to Nebraska

1. How can I find out if I have a “IV-D” child support case in this state?

Call the Nebraska Child Support Customer Service Call Center at 1-877-631-9973, option 2.

2. How can I contact my child support agency?

Telephone: Nebraska Child Support Customer Service Call Center at 1-877-631-9973, option 2 or call 402-471-1400

Mailing address: Child Support Enforcement, PO Box 94728, Lincoln NE 68508-9427

Web address: http://dhhs.ne.gov/children_family_services/CSE/Pages/CSEHome.aspx

3. If I am incarcerated, are there any barriers to having my order changed?

Yes. Under, §43-512.15(1), (1) The county attorney or authorized attorney, upon referral from the Department of Health and Human Services, shall file a complaint to modify a child support order unless the attorney determines in the exercise of independent professional judgment that: **(b) The variation from the guidelines is due to a voluntary reduction in net monthly income. For purposes of this section, a person who has been incarcerated for a period of one year or more in a county or city jail or a federal or state correctional facility shall be considered to have an involuntary reduction of income unless (i) the incarceration is a result of a conviction for criminal nonsupport pursuant to section 28-706 or a conviction for a violation of any federal law or law of another state substantially similar to section 28-706, (ii) the incarcerated individual has a documented record of willfully failing or neglecting to provide proper support which he or she knew or reasonably should have known he or she was legally obligated to provide when he or she had sufficient resources to provide such support, or (iii) the incarceration is a result of a conviction for a crime in which the child who is the subject of the child support order was victimized;** or (c) When the amount of the order is considered with all the other undisputed facts in the case, no variation from the criteria set forth in subdivisions (1) (a) and (b) of section 43-512.12 exists; (2) The department, a county attorney, or an authorized attorney shall not in any case be responsible for reviewing or filing an application to modify child support for individuals incarcerated as described in subdivision (1)(b) of this section.

4. Do you provide any materials online that I can use to ask for a change to my child support order?

Yes. For further information go to http://dhhs.ne.gov/children_family_services/CSE/Pages/ReviewandModification.aspx

5. Do you have any printed materials I could read to learn more about child support for parents who are incarcerated?

No.

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6. When can I ask to have my order changed?

All Nebraska IV-D court orders or foreign orders registered under UIFSA or RURESA in Nebraska are eligible for a review for possible modification of the child support amount and inclusion of health care coverage if the following criteria are met:

1. The order is for current support;
2. The order is an active Nebraska order;
3. Nebraska maintains continuing exclusive jurisdiction under UIFSA or is the proper state to acquire continuing exclusive jurisdiction under UIFSA for the support order;
4. At least one party resides in Nebraska;
5. The location of all parties involved is known;
6. The non-custodial party is not institutionalized or incarcerated;
7. The order is not a tribal order;
8. The youngest child in the order will not reach the age of majority within the next 12 months;
9. The order is not registered for income withholding only; and
10. The order does not require a change in custody to effectuate the modification of support.

An order will not be reviewed by the Department or County/Authorized Attorney if it has not been three years since the present child support obligation was ordered unless:

- a. The newly calculated child support and current support obligations vary by the percentage determined by the Nebraska Supreme Court and the variance is due to financial circumstances which have lasted three months and can be reasonably expected to last an additional six months;
- b. Health care coverage is available to either party and the child(ren) do not have health care coverage other than the Medical Assistance Program under the Medical Assistance Act;
- c. The requesting party demonstrates a substantial change in circumstances that has lasted for at least three months and is expected to last an additional six months;
- d. The present child support obligation does not provide for health care coverage; or
- e. Such review is required by Title IV-D of the Social Security Act, as amended.

An order may be reviewed one year after the most recent request for review if: the Department's determination after the previous review was not to refer to the County/Authorized Attorney for filing an application for modification because financial circumstances had not lasted for three months or were not expected to last for an additional six months; it has been three years since the present child support obligation was entered; and no exception under 466 NAC 8-002.01 section 1 a through e requires an earlier review.

7. How do I request the change?

A party to a court order may request in writing or by calling the Nebraska Child Support Customer Service Call Center at 1-877-631-9973, option 2. A review of a child support order can be requested by either parent or initiated by the IV-D agency. A review and modification packet is sent to the requesting party (in agency initiated cases the packet is sent to the CP receiving public assistance) to complete and return.

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8. What is the process after I've asked to have my order changed, and how long does it take?

Once all information is received from the requesting party or, if agency initiated, the custodial parent, a notice of intent to review is sent to the non-requesting parent. The non-requesting parent has 30 days to respond. After 30 days, a review determination notice is sent to both parents stating the results of the review and whether or not the case will be referred to the county/authorized attorney. An order shall be referred to the county/authorized attorney for filing an application for modification with the court when: 1) The newly calculated support varies by 10% (upward or downward); 2) Health insurance and/or cash medical support is available at reasonable cost to either party; and 3) Failure by a non-requesting parent to provide adequate financial information creates a rebuttable presumption. Upon receipt of the review determination notice, each parent is allowed 30 days to submit a written request for consideration stating the reasons he/she disagrees with the review determination, along with any evidence or documentation that supports his/her position. Once the 30-day reconsideration period has expired, the order is referred to the county/authorized attorney for possible modification. Once referred to the county/authorized attorney, the attorney decides whether or not he/she will file the application with the court. The review process may take 180 days.

9. Is this process different if the other parent agrees to the change in advance?

Parents may stipulate to the terms of a modification, however the modification to the order must still be submitted to the Court for approval and signature.

10. Does it cost anything to try to have my order changed?

There is no cost to parties in a Nebraska IV-D modification.

11. If I am incarcerated, do I need to do anything else to have my order changed?

You would need to retain private counsel or proceed with the modification request pro se.

12. If I am incarcerated, does my state have any programs to help me with child support?

Several of our Regional Offices periodically visit correctional facilities to provide information about the Child Support Enforcement Program.

13. Can I get help with child support questions from other sources?

Nebraska Legal Aid and the Nebraska State Bar Association's Volunteer Lawyers Project offer legal assistance on a limited basis. The Nebraska Supreme Court also offers some self-help materials on their website.

14. Is there anything else I should know about trying to change my order?

Nebraska's child support guidelines require a minimum support order of \$50 per month unless the Court makes specific findings that a deviation from the guidelines is warranted.



The federal Office of Child Support Enforcement prepared this guide; however, your local child support agency can provide the most current information. This guide does not have any binding legal authority and does not constitute legal advice. You may wish to consult a lawyer before using the forms or information provided.

