

AMENDMENTS TO LB922

(Amendments to Standing Committee amendments, AM2332)

Introduced by DeBoer, 10.

1 1. Insert the following new section:

2 Sec. 8. Section 42-369, Revised Statutes Cumulative Supplement,
3 2020, is amended to read:

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

21 (2)(a) If the party against whom an order, decree, or judgment for
22 child support is entered or the custodial party has health care coverage
23 available to him or her through an employer, organization, or other
24 health care coverage entity which may extend to cover any children
25 affected by the order, decree, or judgment and the health care coverage
26 is accessible to the children and is available to the responsible party

1 at reasonable cost, the court shall require health care coverage to be
2 provided. Health care coverage is accessible if the covered children can
3 obtain services from a plan provider with reasonable effort by the
4 custodial party. When the administrative agency, court, or other tribunal
5 determines that the only health care coverage option available through
6 the noncustodial party is a plan that limits service coverage to
7 providers within a defined geographic area, the administrative agency,
8 court, or other tribunal shall determine whether the child lives within
9 the plan's service area. If the child does not live within the plan's
10 service area, the administrative agency, court, or other tribunal shall
11 determine whether the plan has a reciprocal agreement that permits the
12 child to receive coverage at no greater cost than if the child resided in
13 the plan's service area. The administrative agency, court, or other
14 tribunal shall also determine if primary care is available within thirty
15 minutes or thirty miles of the child's residence. For the purpose of
16 determining the accessibility of health care coverage, the administrative
17 agency, court, or other tribunal may determine and include in an order
18 that longer travel times are permissible if residents, in part or all of
19 the service area, customarily travel distances farther than thirty
20 minutes or thirty miles. If primary care services are not available
21 within these constraints, the health care coverage is presumed
22 inaccessible. If health care coverage is not available or is inaccessible
23 and one or more of the parties are receiving Title IV-D services, then
24 cash medical support shall be ordered. Cash medical support or the cost
25 of health care coverage is considered reasonable in cost if the cost to
26 the party responsible for providing medical support does not exceed the
27 amount set forth in child support guidelines established by the Supreme
28 Court by court rule pursuant to section 42-364.16 ~~three percent of his or~~
29 ~~her gross income. In applying the three percent standard, the cost is the~~
30 ~~cost of adding the children to existing health care coverage or the~~
31 ~~difference between self-only and family health care coverage. Cash~~

1 ~~medical support payments shall not be ordered if, at the time that the~~
2 ~~order is issued or modified, the responsible party's income is or such~~
3 ~~expense would reduce the responsible party's net income below the basic~~
4 ~~subsistence limitation provided in Nebraska Court Rule section 4-218. If~~
5 ~~such rule does not describe a basic subsistence limitation, the~~
6 ~~responsible party's net income shall not be reduced below nine hundred~~
7 ~~three dollars net monthly income for one person or below the poverty~~
8 ~~guidelines updated annually in the Federal Register by the United States~~
9 ~~Department of Health and Human Services under the authority of 42 U.S.C.~~
10 ~~9902(2).~~

11 (b) For purposes of this section:

12 (i) Health care coverage has the same meaning as in section
13 44-3,144; and

14 (ii) Cash medical support means an amount ordered to be paid toward
15 the cost of health care coverage provided by a public entity or by
16 another parent through employment or otherwise or for other medical costs
17 not covered by insurance or other health care coverage.

18 (3) A support order, decree, or judgment may include the providing
19 of necessary shelter, food, clothing, care, medical support as defined in
20 section 43-512, medical attention, expenses of confinement, education
21 expenses, funeral expenses, and any other expense the court may deem
22 reasonable and necessary.

23 (4) Orders, decrees, and judgments for temporary or permanent
24 support or alimony shall be filed with the clerk of the district court
25 and have the force and effect of judgments when entered. The clerk and
26 the State Disbursement Unit shall disburse all payments received as
27 directed by the court and as provided in sections 42-358.02 and
28 43-512.07. Records shall be kept of all funds received and disbursed by
29 the clerk and the unit and shall be open to inspection by the parties and
30 their attorneys.

31 (5) Unless otherwise specified by the court, an equal and

1 proportionate share of any child support awarded shall be presumed to be
2 payable on behalf of each child subject to the order, decree, or judgment
3 for purposes of an assignment under section 43-512.07.

4 2. Correct the operative date and repealer sections so that the
5 section added by this amendment becomes operative on its effective date.

6 3. Renumber the remaining sections and correct internal references
7 accordingly.