

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 830

Introduced by DeBoer, 10.

Read first time January 06, 2022

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to children and families; to amend section
- 2 42-369, Revised Statutes Cumulative Supplement, 2020; to change
- 3 provisions relating to cash medical support; and to repeal the
- 4 original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 42-369, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 42-369 (1) All orders, decrees, or judgments for temporary or
4 permanent support payments, including child, spousal, or medical support,
5 and all orders, decrees, or judgments for alimony or modification of
6 support payments or alimony shall direct the payment of such sums to be
7 made commencing on the first day of each month for the use of the persons
8 for whom the support payments or alimony have been awarded. Such payments
9 shall be made to the clerk of the district court (a) when the order,
10 decree, or judgment is for spousal support, alimony, or maintenance
11 support and the order, decree, or judgment does not also provide for
12 child support, and (b) when the payment constitutes child care or day
13 care expenses, unless payments under subdivision (1)(a) or (1)(b) of this
14 section are ordered to be made directly to the obligee. All other support
15 order payments shall be made to the State Disbursement Unit. In all cases
16 in which income withholding has been implemented pursuant to the Income
17 Withholding for Child Support Act or sections 42-364.01 to 42-364.14,
18 support order payments shall be made to the State Disbursement Unit. The
19 court may order such payment to be in cash or guaranteed funds.

20 (2)(a) If the party against whom an order, decree, or judgment for
21 child support is entered or the custodial party has health care coverage
22 available to him or her through an employer, organization, or other
23 health care coverage entity which may extend to cover any children
24 affected by the order, decree, or judgment and the health care coverage
25 is accessible to the children and is available to the responsible party
26 at reasonable cost, the court shall require health care coverage to be
27 provided. Health care coverage is accessible if the covered children can
28 obtain services from a plan provider with reasonable effort by the
29 custodial party. When the administrative agency, court, or other tribunal
30 determines that the only health care coverage option available through
31 the noncustodial party is a plan that limits service coverage to

1 providers within a defined geographic area, the administrative agency,
2 court, or other tribunal shall determine whether the child lives within
3 the plan's service area. If the child does not live within the plan's
4 service area, the administrative agency, court, or other tribunal shall
5 determine whether the plan has a reciprocal agreement that permits the
6 child to receive coverage at no greater cost than if the child resided in
7 the plan's service area. The administrative agency, court, or other
8 tribunal shall also determine if primary care is available within thirty
9 minutes or thirty miles of the child's residence. For the purpose of
10 determining the accessibility of health care coverage, the administrative
11 agency, court, or other tribunal may determine and include in an order
12 that longer travel times are permissible if residents, in part or all of
13 the service area, customarily travel distances farther than thirty
14 minutes or thirty miles. If primary care services are not available
15 within these constraints, the health care coverage is presumed
16 inaccessible. If health care coverage is not available or is inaccessible
17 and one or more of the parties are receiving Title IV-D services, then
18 cash medical support shall be ordered. Cash medical support or the cost
19 of health care coverage is considered reasonable in cost if the cost to
20 the party responsible for providing medical support does not exceed the
21 amount set forth in child support guidelines established by the Supreme
22 Court by court rule pursuant to section 42-364.16 ~~three percent of his or~~
23 ~~her gross income. In applying the three percent standard, the cost is the~~
24 ~~cost of adding the children to existing health care coverage or the~~
25 ~~difference between self-only and family health care coverage. Cash~~
26 ~~medical support payments shall not be ordered if, at the time that the~~
27 ~~order is issued or modified, the responsible party's income is or such~~
28 ~~expense would reduce the responsible party's net income below the basic~~
29 ~~subsistence limitation provided in Nebraska Court Rule section 4-218. If~~
30 ~~such rule does not describe a basic subsistence limitation, the~~
31 ~~responsible party's net income shall not be reduced below nine hundred~~

1 ~~three dollars net monthly income for one person or below the poverty~~
2 ~~guidelines updated annually in the Federal Register by the United States~~
3 ~~Department of Health and Human Services under the authority of 42 U.S.C.~~
4 ~~9902(2).~~

5 (b) For purposes of this section:

6 (i) Health care coverage has the same meaning as in section
7 44-3,144; and

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

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

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

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

29 Sec. 2. Original section 42-369, Revised Statutes Cumulative
30 Supplement, 2020, is repealed.