

LEGISLATIVE BILL 265

Approved by the Governor March 27, 1989

Introduced by Chizek, 31

AN ACT relating to child support referees; to state intent; to provide for appointment and removal; to provide offices, staff, equipment, furnishings, and supplies; to provide powers and duties; to provide procedures; to eliminate provisions regarding child support referees; and to repeal sections 43-1601 to 43-1607, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. The Legislature finds that matters relating to the establishment and enforcement of child or spousal support should be handled by the district courts in an expeditious manner so that parties may obtain needed orders and other action as quickly as possible.

Sec. 2. A child support referee shall be appointed by order of the district court if it is determined by the district court that a child support referee is necessary to aid the court in meeting the requirements relating to case progression standards established by Public Law 98-378. The district courts in two or more judicial districts may agree to appoint a child support referee to serve more than one judicial district. In order to be appointed as a child support referee, a person shall be an attorney in good standing admitted to the practice of law in the State of Nebraska. A child support referee shall be sworn or affirmed to well and faithfully hear and examine the cause and to make a just and true report according to the best of his or her understanding. The oath or affirmation may be administered by a district court judge. A child support referee may be removed at any time by the district court.

Sec. 3. Offices, support staff, equipment, furnishings, and supplies shall be provided by the county in the budget of the district court of the county or counties in which the child support referee serves. Salaries and expenses of child support referees and staff shall be paid by funds appropriated by the county or counties to the district court.

Sec. 4. A district court may by rule or order refer or assign any and all matters regarding the establishment, enforcement, and collection of child or spousal support and paternity matters to a child support referee for findings and recommendations.

Sec. 5. (1) A hearing before a child support referee shall be conducted in the same manner as a hearing before the district court. A child support referee shall have the power to summon and enforce the attendance of parties and witnesses, administer all necessary oaths, supervise pretrial preparation pursuant to the rules of discovery adopted pursuant to section 25-1273.01, grant continuations and adjournments, recommend the appointment of counsel for indigent parties, and carry out any other duties permitted by law and assigned by the district court.

(2) Testimony in matters heard by a child support referee shall be preserved by tape recording or other prescribed measures and in accordance with prescribed standards. Transcripts of all hearings shall be available upon request and all costs of preparing the transcript shall be paid by the party for whom it is prepared.

(3) A child support referee shall, in all cases, announce orally his or her findings and recommendations to the parties or their attorneys and submit a written report to the district court containing findings of fact and recommendations and any and all exceptions.

Sec. 6. In any and all cases referred to a child support referee by the district court, the parties shall have the right to take exceptions to the findings and recommendations made by the referee and to have a further hearing before the district court for final disposition. The district court upon receipt of the findings, recommendations, and exceptions shall review the child support referee's report and may accept or reject all or any part of the report and enter judgment based on the district court's own determination.

Sec. 7. That sections 43-1601 to 43-1607, Reissue Revised Statutes of Nebraska, 1943, are repealed.