



Ninety-Eighth Legislature - First Session - 2003
Committee Statement
LB 148

Hearing Date: January 30, 2003
Committee On: Judiciary

Introducer(s): (Landis)

Title: Adopt Uniform changes to the Uniform Interstate Family Support Act

Roll Call Vote – Final Committee Action:

- X Advanced to General File
 - Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

| | | |
|---|---------------------|--|
| 7 | Yes | Senators Brashear, Chambers, Foley, Mines, Mossey, Pedersen, Tyson |
| | No | |
| | Present, not voting | |
| 1 | Absent | Senator Quandahl |

Proponents:

Senator David Landis
Larry Ruth

Dan Redler

Representing:

Introducer
National Conference of Commissioners on
Uniform State Laws
HHS Child Support Enforcement

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

Legislative Bill 148 adopts changes to the Nebraska version of the Uniform Interstate Family Support Act (UIFSA).

UIFSA is an act that all states have enacted in some form. The purpose of UIFSA is to aid the enforcement and collection of family support orders, primarily child support, among and between differing jurisdictions. UIFSA also established rules for determining which state has the controlling court order in the event that proceedings are initiated in multiple jurisdictions.

There are a number of clarifying changes proposed by the bill on the matter of determining when a party can seek modification of an order in states other than the original issuing states. Summarized generally, these are:

- a clarification that personal jurisdiction shall not be used to modify a child support order unless another jurisdiction cannot or will not modify the order;
- personal jurisdiction in Nebraska continues so long as the Nebraska court has jurisdiction to modify and enforce its order;
- a court that entered the order shall have continuing and exclusive jurisdiction to modify if its order is the “controlling order” and at the time of the filing of the request for modification, all parties (obligor, obligee and child) resided in Nebraska;
- if a court in Nebraska issued an order, it cannot continue jurisdiction if all parties consent to jurisdiction in another state;
- if a court in another state or country properly modifies a Nebraska court order under the UIFSA, then Nebraska courts shall recognize such modification;
- if a court in Nebraska lacks jurisdiction to modify an order, it may request the state with jurisdiction to modify the order in that state;
- a court in Nebraska may request another state to initiate an effort to enforce a Nebraska order if:
 - the Nebraska order is the controlling order and has not been modified, or
 - the order is to collect money for arrearage of an original order.

LB 148 clarifies the process for determining, in instances in which two or more jurisdictions have orders of support for the same child, which jurisdiction has the “controlling order”.

LB 148 also provides for the redirection of support when an obligee moves from one state to another and establishes duties for the Department of Health and Human Services (Department) by requiring that the local procedures regarding collection and enforcement of the responding state apply.

LB 148 expands the reference from “documents” to “records” in a number of statutes to allow for electronic signatures and other alternative means of communications regarding legal orders.

Finally, LB 148 provides accommodations in Nebraska law for department recognition and court enforcement of foreign support orders. LB 148 also allows that, if a party can establish that a foreign jurisdiction will not or cannot modify its own order, a Nebraska court may do so.

Senator Kermit A. Brashear, Chairperson
