

## **TITLE 466 - CHILD SUPPORT ENFORCEMENT PROGRAM**

### **CHAPTER 8 - REVIEW AND MODIFICATION OF CHILD SUPPORT ORDERS**

**001. SCOPE AND AUTHORITY.** Part D of Title IV of the Social Security Act and other federal laws and regulations set forth requirements for child support enforcement. This chapter pertains to the review and modification of child support orders.

**002. NOTICE OF RIGHT TO REQUEST A REVIEW.** At least once every three years, the Department will notify each party subject to an IV-D child support order in Nebraska of the right to request a review of the order and the appropriate place and manner in which the request should be made.

**003. CRITERIA FOR A REVIEW.** All Nebraska IV-D court orders or foreign orders registered under the Uniform Interstate Family Support Act (UIFSA) or the Revised Uniform Reciprocal Enforcement of Support Act (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:

- (A) The order is for current support;
- (B) The order is an active Nebraska order;
- (C) Nebraska maintains continuing exclusive jurisdiction under the Uniform Interstate Family Support Act (UIFSA) or is the proper state to acquire continuing exclusive jurisdiction under the Uniform Interstate Family Support Act (UIFSA) for the support order;
- (D) At least one party resides in Nebraska;
- (E) The location of all parties involved is known;
- (F) The noncustodial party is not institutionalized;
- (G) The order is not a Tribal order;
- (H) The youngest child in the order will not reach the age of majority within the next 12 months;
- (I) The order is not registered for income withholding only; and
- (J) The order does not require a change in custody to effectuate the modification of support.

**003.01 FREQUENCY OF REQUEST FOR REVIEW.** Child support orders in cases in which a party has applied for services under Title IV-D of the federal Social Security Act, shall be reviewed by the Department to determine whether to refer such orders to the county attorney or authorized attorney for filing of an application for modification in accordance with Neb. Rev. Stat. §43-512.12 through §43-512.18.

003.01(A) REVIEW CLOSED. If a party requests a review and if at any time during the review process the review criteria are not met, the request for review will be closed and the requesting party will be notified that the order is no longer eligible for review.

003.01(B) GOOD CAUSE. The Department will not conduct a review of an order in cases where the support has been assigned to the State, the custodial party is exempt from cooperation for good cause, and the Department has determined it would not be in the best interest of the child or custodial party to pursue a modification.

**004. TIMEFRAMES FOR REVIEW AND MODIFICATION.** Within 180 calendar days of the date that the Department receives a request for review, or locates the non-requesting party, whichever occurs later, the Department will:

(A) Conduct a review of the order and complete all proceedings to modify the order; or

(B) Determine that the order should not be adjusted.

**005. WITHDRAWAL OF REQUEST FOR REVIEW.** A party requesting a review may withdraw the request, in writing, at any time before a review determination is made.

**006. REVIEW.** All parties must return financial information and supporting documentation to the Department within 30 calendar days of a request for information by the Department. If the Department requests additional information, the parties must return the requested information postmarked within 15 calendar days of the date of the request.

006.01 FAILURE TO LOCATE ALL PARTIES OF STANDING. The Department may close a review if it is unable to locate an essential party after making reasonable efforts.

**007. INTERGOVERNMENTAL REVIEW AND MODIFICATIONS.** When a party requests the review of an order in an intergovernmental case, the Department will determine whether a review should be conducted in another state.

007.01 REQUEST TO ANOTHER JURISDICTION. The Department will refer the case to the child support intergovernmental central registry in another state for action within 20 calendar days of:

(A) Determining that it is appropriate to request a review in another state; and

(B) Receiving the information necessary to process the case.

007.02 NOTIFICATION TO THE NEBRASKA PARTY. If the Department receives notice from a responding state in connection with the review and modification of an order, a copy will be sent to the party in Nebraska within 10 calendar days.

007.03 REQUEST FROM ANOTHER JURISDICTION. Within 10 working days of receiving a request for review and modification from another jurisdiction, the Intergovernmental Central Registry will forward the request to the Department. Within 15 calendar days of receipt of a request from the Intergovernmental Central Registry, the Department will determine whether a review should be conducted.

007.04 INTERGOVERNMENTAL REQUEST DENIED. When the Department determines that a review should not be conducted, notice will be sent to the other jurisdiction advising the reason for the denial.

007.05 INTERGOVERNMENTAL REQUEST GRANTED. When the Department determines that a review should be conducted, each party will be sent notice that a review will be conducted. After the review is conducted, notice will be provided to the parties of the Department's determination and how to contest the determination. The Department will conduct a review of the order and complete all proceedings to modify the order or determine that the order should not be adjusted within the timeframes set forth for review and modification in this chapter.

007.06 NOTIFICATION TO THE PARTY IN THE INITIATING STATE. The Department will send any notices of the review to the party in the initiating state through the appropriate agency in the initiating state.

007.07 GOVERNING LAWS. The Department will not refer for modification any final, non-modifiable aspect of an original order from another jurisdiction.

