

LEGISLATIVE BILL 961

Approved by the Governor March 22, 1974

Introduced by Schmit, 23

AN ACT to amend section 42-358, Revised Statutes Supplement, 1972, relating to husband and wife; to provide for the appointment of attorneys to initiate contempt of court proceedings for the collection of delinquent child support payments; to repeal the original section; and to declare an emergency.

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

Section 1. That section 42-358, Revised Statutes Supplement, 1972, be amended to read as follows:

42-358. The court may appoint an attorney to protect the interests of any minor children of the parties. Such attorney shall be empowered to make independent investigations and to cause witnesses to appear and testify on matters pertinent to the welfare of the children. Following entry of any decree, the court having jurisdiction over the minor children of the parties may at any time appoint an attorney to initiate contempt proceedings for failure of any party to pay permanent child support. The clerks of the district courts shall maintain delinquency records in each case docketed in which child support is fixed by order of the court. Each month the clerk shall certify all delinquent cases of more than thirty days' duration to the judge presiding over domestic relations cases. In each case certified, if no action is pending for the collection of delinquent support payments, the court shall appoint an attorney to commence contempt of court proceedings. The contempt proceeding shall be instituted within ten days following appointment and the case shall be diligently prosecuted to completion. The court shall by order fix the fee, including disbursements, for such attorney, which amount shall be taxed as costs and paid by the parties as ordered or, when there has been an appointment for prosecution of contempt proceedings, by the party found to be in contempt, unless the court finds the party responsible is indigent and orders the county to pay.

Sec. 2. That original section 42-358, Revised Statutes Supplement, 1972, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.