

Judiciary Committee
LB 924
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Good afternoon Senator Seiler and members of the Judiciary Committee. My name is Doug Weinberg (D-O-U-G W-E-I-N-B-E-R-G). I'm the Director of the Division of Children and Family Services in the Department of Health and Human Services. I want to thank Senator Kolterman for introducing LB 924 on our behalf, and for exploring ways to make the process to support children more efficient.

The Department's Child Support Enforcement Program is responsible to enforce child support orders in Title IV-D cases in Nebraska. We use a variety of legal collection processes to collect court ordered child support. One of the most important is income withholding.

An income withholding order authorizes the Department to deduct income from the wages of the person obligated to make child support payments. Current Nebraska law mandates that the noncustodial parent's income shall be subject to income withholding and the court must require income withholding in its order of support. It's used for the majority of child support collected in Nebraska.

Although this process is tremendously effective and often the best tool to collect support, there are situations that call for greater flexibility; for example, if the noncustodial parent's employer is not consistent in making payments. Under such circumstances, if all parties and the Department agree, a voluntary auto-withdrawal from the noncustodial parent's bank account could be a better option.

Currently, unless this is done at the time the support order is entered, there is no option allowing the obligor to later make regular, voluntary auto-withdrawals. LB 924 would allow auto-withdrawal payments to occur after

the entry of the support order if problematic situations arise. This option promotes efficiency and regularity in the payment process and benefits children involved.

To be clear, this bill only applies to cases in which the Department provides Title IV-D services. It does not speak to an auto-withdrawal process when only private parties are involved, and we take no position on cases that don't involve Title IV-D services.

In summary, this bill would allow a noncustodial parent, who is not in arrears in support payments in an established court order, the option to use auto-withdrawal outside the currently mandated process in certain situations, provided the noncustodial parent, the custodial parent and the Department enter into a written, notarized agreement. The amount automatically withdrawn must be at least the amount of the Court ordered monthly support obligation and must occur on a consistent basis each month. Any partial payment or missed payment would subject the noncustodial parent to the mandatory income withholding process. Auto-withdrawal payments would be directed to the State Disbursement Unit as required by law.

I appreciate the opportunity to testify today regarding LB 924, which we believe will help DHHS continue our mission of helping people live better lives. I am happy to answer any questions you may have.