

## Parenting Act/Child Support Order Changes

Dear NLTA Member,

Legislative Bill 554, the Parenting Act, introduced by Senator Mike Flood and signed into law by the Governor, makes important changes to Sec. 42-371 of the Nebraska Revised Statutes. A copy of the bill showing the relevant changes is posted to [NLTA's web site](#) on the home page. The Bill, relevant provisions of which will become effective on January 1, 2008, repeals an existing provision of Sec. 42-371, which provides for filing of release or subordination of a lien for child support or spousal support by the judgment creditor.

Effective January 1, 2008, as per paragraph (2)(a) of the act: If support order payments are current, in order to obtain a release or subordination, the following will be required: (1) a current certified copy of support order payment history from the Title IV-D Division explicitly reciting that all support order payments are current AND (2) a partial or total release of the judgment or subordination document in the county office where the lien is registered. Whereas in the past a simple, unsupported statement of the judgment creditor that payments were current may have been sufficient to release the judgment lien, as per the statutory language above, it appears that will no longer be the case.

As the language providing for a release or subordination by the judgment creditor has been eliminated, it is not entirely clear who, executes the release or subordination. If support orders are not current, the procedural requirements for filing of an application, service of notice on the judgment creditor and a court order releasing or subordinating the lien are set out in paragraph (2)(b). It will be up to a judge to decide if a release or subordination will be granted and if the posting of a bond may be required. It would appear that the deleted provisions under paragraph 5 of the old statute, allowing for a judgment debtor to make application to the court if a judgment creditor refused to release a lien, has been replaced by paragraph (2)(b) under the revised statute. Senator Flood has had several inquiries as to the purpose of the changes to the process to release child support liens. He has indicated a willingness to work on changes to the language next session to address concerns.

**Please note:** This message is distributed to members of the Nebraska Land Title Association for notification purposes only and is not intended to be, nor should it be relied upon, as a legal opinion or interpretation. Members are advised to consult their underwriters or their own attorneys as to the effects of the statute and what procedures or steps they should follow.