

1 future transfer motion under section 29-1816 or any future charge
2 or petition regarding such juvenile.

3 Sec. 42. Section 43-2,129, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 43-2,129 Sections 43-245 to 43-2,129 and sections 38 and
6 41 of this act shall be known and may be cited as the Nebraska
7 Juvenile Code.

8 Sec. 43. Section 43-512.15, Revised Statutes Supplement,
9 2007, is amended to read:

10 43-512.15 (1) The county attorney or authorized attorney,
11 upon referral from the Department of Health and Human Services,
12 shall file a complaint to modify a child support order unless the
13 attorney determines in the exercise of independent professional
14 judgment that:

15 (a) The variation from the Supreme Court child support
16 guidelines pursuant to section 42-364.16 is based on material
17 misrepresentation of fact concerning any financial information
18 submitted to the attorney;

19 (b) The variation from the guidelines is due to a
20 voluntary reduction in net monthly income. For purposes of this
21 section, a person who has been incarcerated for a period of one
22 year or more in a county or city jail or a federal or state
23 correctional facility shall be considered to have an involuntary
24 reduction of income unless (i) the incarceration is a result of
25 a conviction for criminal nonsupport pursuant to section 28-706

1 or a conviction for a violation of any federal law or law of
2 another state substantially similar to section 28-706 or (ii)
3 the incarcerated individual has a documented record of willfully
4 failing or neglecting to provide proper support which he or
5 she knew or reasonably should have known he or she was legally
6 obligated to provide when he or she had sufficient resources to
7 provide such support; or

8 (c) When the amount of the order is considered with all
9 the other undisputed facts in the case, no variation from the
10 criteria set forth in subdivisions (1) and (2) of section 43-512.12
11 exists.

12 (2) The department, a county attorney, or an authorized
13 attorney shall not in any case be responsible for reviewing or
14 filing an application to modify child support for individuals
15 incarcerated as described in subdivision (1) (b) of this section.

16 ~~(2)~~ (3) The proceedings to modify a child support order
17 shall comply with section 42-364, and the county attorney or
18 authorized attorney shall represent the state in the proceedings.

19 ~~(3)~~ (4) After a complaint to modify a child support order
20 is filed, any party may choose to be represented personally by
21 private counsel. Any party who retains private counsel shall so
22 notify the county attorney or authorized attorney in writing.

23 Sec. 44. Section 43-1311, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 43-1311 Except as otherwise provided in the Nebraska