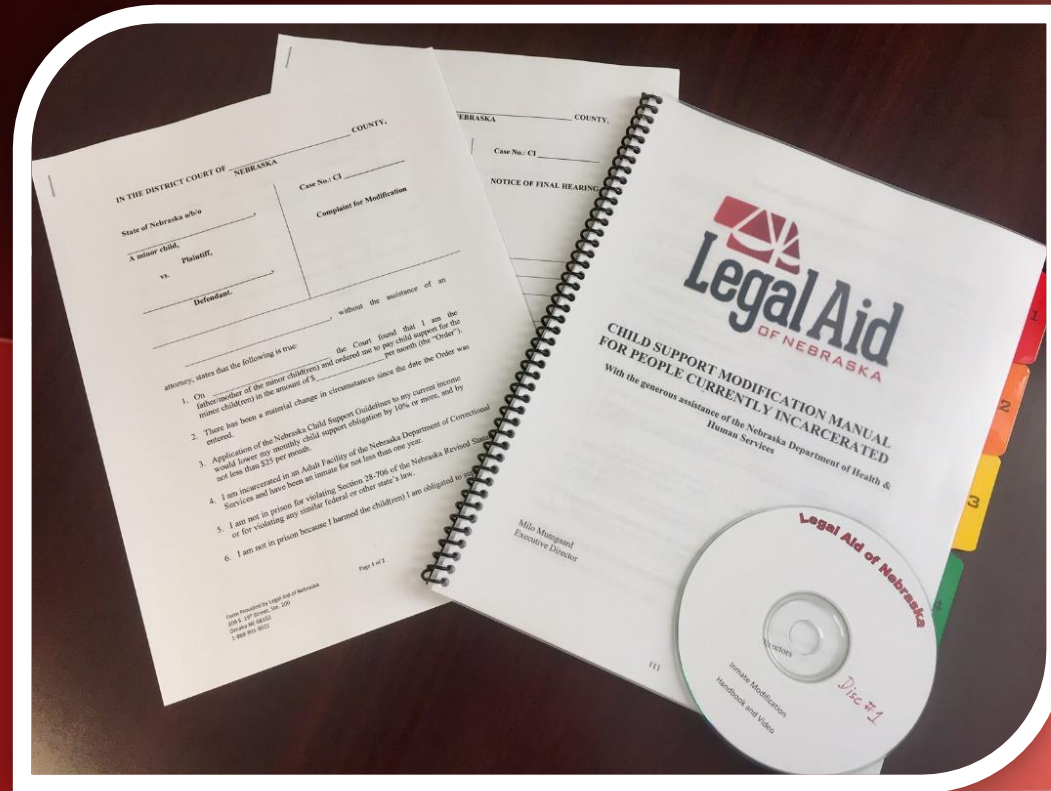


NEBRASKA INMATE MODIFICATION PROJECT



Presented by
Muirne Heaney and Mike Tatten

PRESENTERS:

Muirne Heaney, Legal Aid of Nebraska, Managing Attorney, Access to Justice (Omaha)



Mike Tatten, YoungWilliams/Child Support Services (Omaha), Project Manager/Attorney



WHY WAS THIS PROJECT NEEDED?

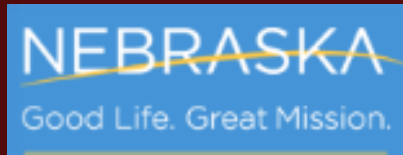
- NE law prohibited CSE assistance with inmate mods
- Legal Aid could not assist either
- NE support orders continued to run & accrue arrears
- Lack of good resources for inmates to modify order
- After inmate released, facing high arrears balances

EYE-OPENING STATISTICS*

- Approximately 1.53 million in federal and state prison
- More than 50% have one or more child under the age of 18
- 2.7 million children with a parent incarcerated
- 25% of inmates in prisons had a child support case
- Approximately 400,000 inmates have a child support case

* Source: National Conference of State Legislatures

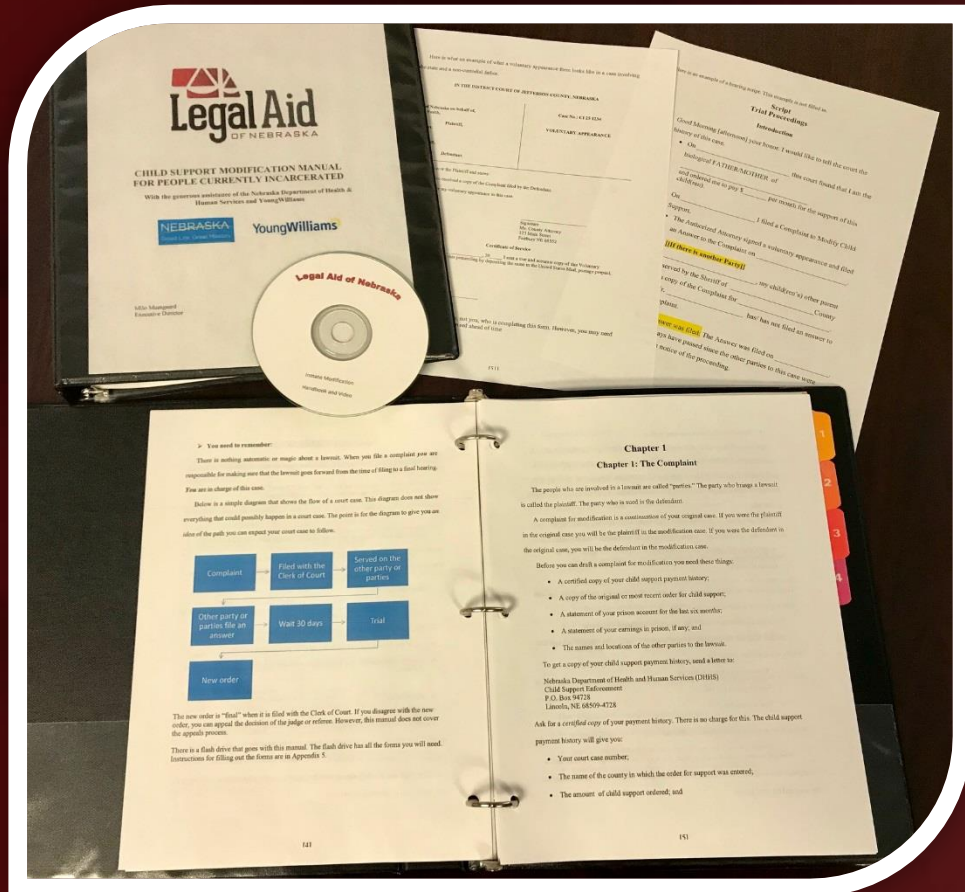
COLLABORATIVE EFFORT REQUIRED



- Legal Aid of Nebraska
- YoungWilliams/CSS
- NE DHHS/CSE *
- NE Dept. of Corrections

*Project funding provided by
NE DHHS

HANDBOOK CONTENTS



- Overview of legal process
- Step-by-step instructions
- Fill-in-the-blank legal forms
- CDC & CSE contact info.
- Sample scripts for hearing

IN THE DISTRICT COURT OF _____ COUNTY,
NEBRASKA

State of Nebraska o/b/o

A minor child,

Plaintiff,

vs.

Defendant.

Case No.: CI _____

Complaint for Modification

_____, without the assistance of an attorney, states that the following is true:

1. On _____ the Court found that I am the father/mother of the minor child(ren) and ordered me to pay child support for the minor child(ren) in the amount of \$ _____ per month (the "Order").
2. There has been a material change in circumstances since the date the Order was entered.
3. Application of the Nebraska Child Support Guidelines to my current income would lower my monthly child support obligation by 10% or more, and by not less than \$25 per month.
4. I am incarcerated in an Adult Facility of the Nebraska Department of Correctional Services and have been an inmate for not less than one year.
5. I am not in prison for violating Section 28-706 of the Nebraska Revised Statutes, or for violating any similar federal or other state's law.
6. I am not in prison because I harmed the child(ren) I am obligated to support.

Script
Trial Proceedings
(St. v. 1 defendant)
Introduction

Good Morning [afternoon] Your Honor. I would like to tell the court the history of this case.

- On _____ this court found that I am the biological FATHER/MOTHER of _____

and ordered me to pay \$ _____ per month for the support of this child(ren).

- On _____ I filed a Complaint to Modify Child Support.

The Authorized [County] Attorney signed a Voluntary Appearance and filed an Answer to the Complaint on _____.

- Over 30 days have passed since the Authorized [County] Attorney was served with notice of the proceeding.

I am ready to go forward with my case and ask that the Court swear me in as a

- Fill-in-the-blank legal forms created by attorneys
- Sample hearing scripts

Instructions for Completing the Complaint

From the Forms packet, select the Complaint with the caption that best matches your case. Here are the steps to completing the caption.

- At the top, put in the name of the county where the child support order was filed;
- On the left side of the caption, write in the parties – the plaintiff, defendant and third-party if there is one;
- On the right side of the caption, write in the case number.

For example:

State of Nebraska o/b/o Junior Smith A minor child, Plaintiff,	Case No.: CI 25 1234
vs. Senior Smith, Defendant.	Complaint for Modification

Now complete the body of the complaint.

- Put your name in the first sentence:
 - “**Your name**, without assistance of an attorney, states that the following is true:”
- In paragraph 1, provide the date of the original order and how much you were ordered to pay:
 - “On **date your child support order was entered** the Court found that I am the father/mother of the minor child(ren) and ordered me to pay child support for the

Instructions for the Proposed Final Order-State v. defendant v. 3rd party

There are 4 parts to the proposed final order:

- The caption;
- The introduction;
- The Findings of Fact; and
- The Order.

The caption

Complete the caption the same way you completed the caption of your complaint.

The Introduction

- In the first blank write in the date of the hearing.
- In the second blank write in your title. You are the Plaintiff or Defendant or Third Party.
- In the third blank write in “himself” or “herself.”
- In the fourth blank write in “himself” or “herself.” If you are the Defendant, circle “was” present.
- In the fifth blank write in “himself” or “herself.” If you are the 3rd Party, circle “was” present.

The Findings of Fact

1. In the first blank, write in your title. You are the Plaintiff or Defendant or Third Party. Then write in the date you filed the complaint for modification.

In the first blank, write in the date the Plaintiff entered the voluntary appearance and circle has or has not. In the second blank, write in other party’s title. It will be Defendant or Third Party. In the third blank, write in the date the other party was served. In the fourth blank write in the county where the other party was served. In the fifth blank, write in the other party’s title and circle has or has not.

- Detailed instructions on how to fill out pleadings

COMPANION VIDEO

Caption: State v. Father or Mother

EXAMPLE 1

↓ County where case is filed

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

State of Nebraska on behalf of
Junior Smith,
Minor child,
Plaintiff,

vs.

Father Smith,
Defendant.

Part. case are just the State and the parent who does not have the child

CT 12 1234

This is the year the case was filed

This is your case number

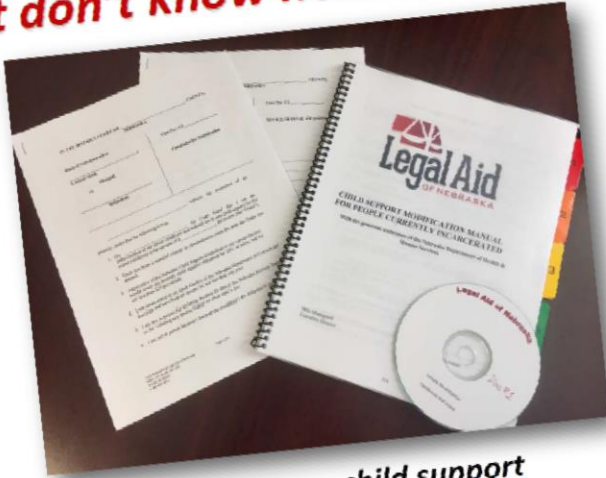
- Video mirrors handbook
- Voice over instructions
- Inmate can follow along while paging through handbook
- Video accessible on PC's in jail library

PILOT PROJECT



- Omaha Correctional Center
- 10 month pilot project
- Outreach/training required at jail
- Feedback from inmates & staff
- Revised handbook & process

**Need your CHILD SUPPORT order
LOWERED while you are in jail,
but don't know how to do it???**



**There is now a child support
modification "how-to" handbook & video created
for inmates available in the Library!!!
Contact the Legal Aides in the Library for more details**

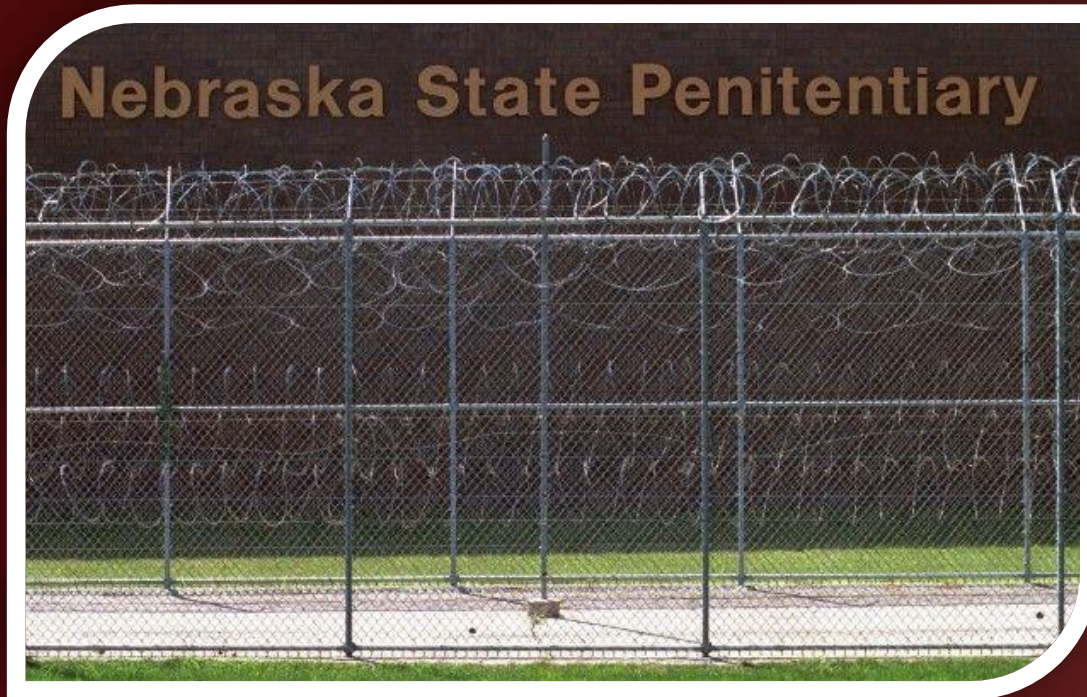


YoungWilliams®

These materials are being made available through a collaboration by Legal Aid of Nebraska,
the NE Department of Health & Human Services and Child Support Services (Douglas County)

- Flyer used at Omaha Correctional Center informing inmates about the handbook & video

IMPLEMENTATION STATEWIDE



- Omaha Correctional Center
- Nebraska State Penitentiary
- Tecumseh State Correctional Institution
- Diagnostic & Evaluation Center
- Lincoln Correctional Center

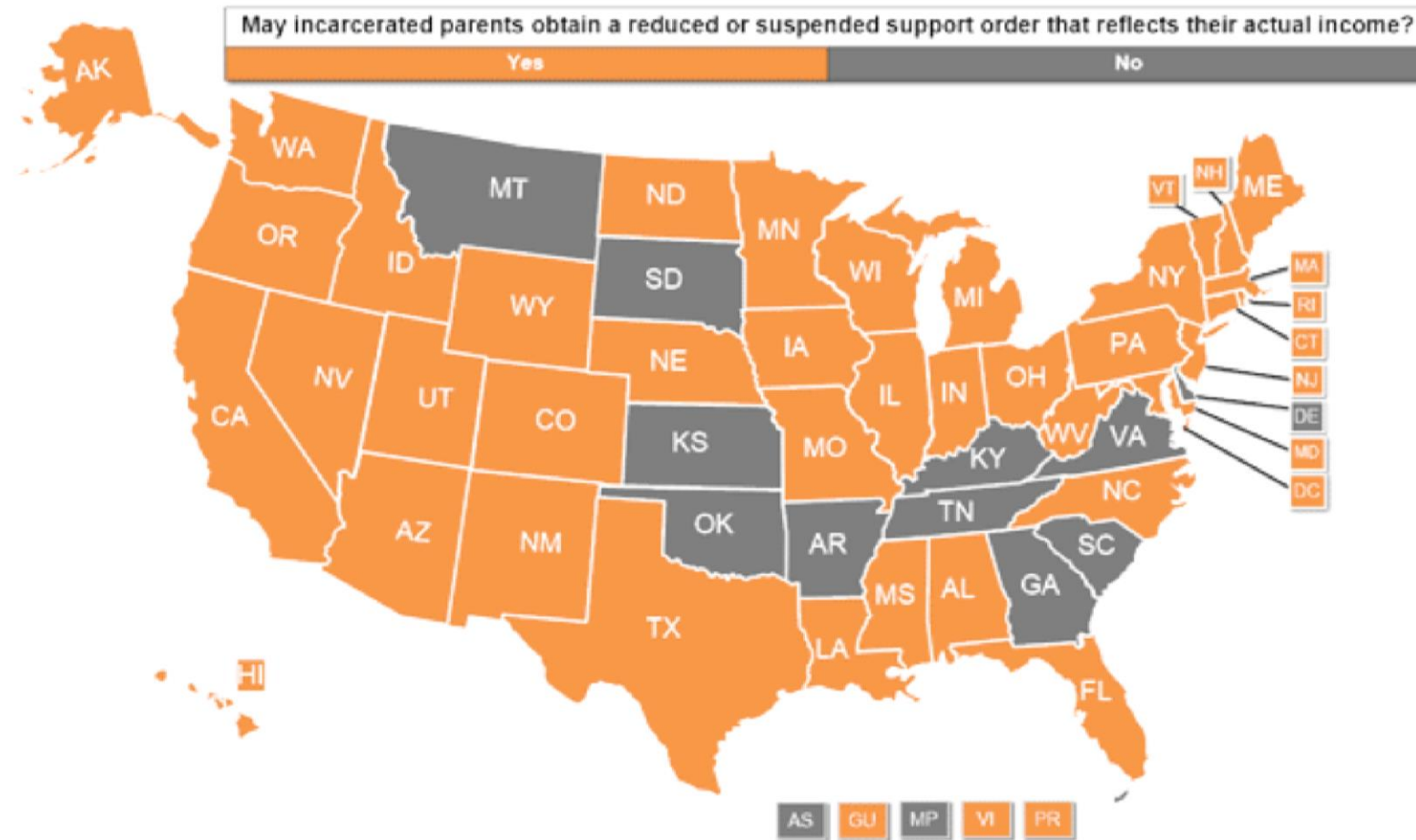
PROJECT RESULTS SO FAR?

- Starting to see more pro se inmate mods in Omaha
- Inmates are being successful in modifying and lowering their support orders significantly (\$5-\$10/month)
- Too early to determine state-wide impact

NEW NEBRASKA LAW (LB 702)

- Allows inmate to get order modified if in jail for 180 days or more
- Allows CSE office to file modification action
- New law went into effect **July 18, 2018**

Modification during Incarceration



Source: National Conference of State Legislatures

IMPORTANT LESSONS LEARNED

- Getting the word out about the handbook & video is critical
- Corrections staff need to be educated on child support process
- Even with these resources, still up to inmate to take initiative and follow through

Questions?

Comments?



Thank you for your time and attention!

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