

Your Day in Court

Several different types of cases involving paternity and/or child support are handled by the Sarpy County Attorney's Child Support Services office. Often these cases will be scheduled for trial or other court hearing. Your attendance may be required at one of the hearings. This section is designed to provide parties and other court witnesses with basic information about appearing in court. Additional information may be provided to you by your attorney, if you have one, or a member of our office who is assigned to your case.

Notice of court hearings

If you are required or requested to appear at the Sarpy County Courthouse for trial or other court hearing you will typically receive notice of the hearing at least one or two weeks ahead of time. Occasionally you will be notified closer to the hearing date, if, for instance, the court has only given our office a short notice of the trial date. Paternity and child support cases are typically heard on only four days each month (typically Tuesdays and Wednesdays). Scheduling of your hearing is limited to the available dates given to us by our court.

Types of hearings

Over 80 percent of child support related court hearings fall into one of three categories:

- Paternity establishment;
- Orders to Show Cause, also known as "contempt" hearings; and
- Child support modifications

The court also hears requests to appoint counsel for indigent parties, as well as requests to suspend or reinstate child support. Other issues may be addressed by the court as needed.

Length of Hearings

Up to twenty court hearings are typically scheduled each day before the child support referee, who is the hearing officer appointed by the district judges to receive evidence and make final recommendations to the district judge. The length of hearings ranges from ten minutes to the better part of a day, in more complicated cases. Most hearings take less than one hour to complete. Occasionally hearings will be recessed or "continued" until another date, when the court's schedule or other factors dictate. Court hearings are scheduled between 9 am and 3 pm.

It is not a bad idea to bring a book or magazine with you, as sometimes court hearings run late, and you may have to wait for your hearing to be called. Every attempt is made to minimize the chances of this happening, but delays can happen due to unforeseen circumstances.

Do not bring children

Do not bring small children to court! Silence must be observed by all spectators when in court, and for this reason children are generally not permitted inside a courtroom. Our courthouse does not have child care facilities or anyone to watch your children. Please make other accommodations for the care of your children while you are in court.

Where to park

The courthouse has several parking lots. The main lot is located on the west side (front side) of the courthouse. Other lots are located around the annex buildings east of the main courthouse. All parking is free.

Security

All persons having business in the Hall of Justice must pass through security metal detectors. In order to speed up your trip to court please remove items from your personal effects that may trigger the detectors *before* entering the Hall of Justice.

We do not represent you

The Sarpy County Attorney's office is prohibited by law from representing any private citizen. Our attorneys and staff work on behalf of the "State of Nebraska". You may hire your own attorney to represent you in court if you wish, or you may choose to represent yourself. If you do hire an attorney, make sure to inform the child support services office as soon possible of this fact.

What to wear for Court

The saying goes "Life is a beach." Make that, "Life outside of court is a beach." Courtrooms are formal places, and you are expected to dress accordingly. *Please be neat and clean.* While no one expects you to purchase new clothes for court, be advised that T-shirts, halter tops, frayed shorts, flip-flops and similar attire are not considered respectable courtroom attire, and you may be sent home to change clothing, delaying your hearing. Men must remove hats/caps before entering the courtroom.

What to bring to Court

Please be on time for your court hearing. Otherwise other cases may "leap frog" ahead of your case.

In general, you should bring any witnesses or documents you believe are needed to prove your case.

If you are a custodial parent appearing for a paternity trial, you should bring proof of your income both at present as well as for any previous times where you are seeking "retroactive" child support. Any correspondence you have from the other parent, discussing your child or financial issues would be valuable to bring to court. You might want to discuss this in more detail with our office before coming to court.

If you owe child support, and are appearing to answer to an "order to show cause", you should consider bringing all documentation available to you in support of your position. If you claim a medical condition that prevents or interferes with your ability to work full time, for example, bring all related documents from your treating physician, the social security office, or the like. This type of information might also be useful for noncustodial parents in new paternity cases, as you will be asked to detail your earning capacity for the purpose of setting a child support award.

If you are applying for a court appointed attorney (only noncustodial parents and alleged fathers may apply for court appointed attorneys) you should consider bringing your most recent

federal tax return, a recent pay stub, and any other financial documentation to substantiate that you are unable to afford the services of a private attorney.

What happens in Court

The court always tries to resolve all issues presented to it in one hearing. Coming to court prepared minimizes the chance that you will have to come back at a later date to finish the hearing.

In a paternity case, the court will be asked to make a finding that the man named in the lawsuit as the biological father of the minor child(ren) is in fact the biological father. Additionally, the court will be asked to set an award of child support and health insurance. If the custodial parent requests it, the court will also address child care costs. The court is additionally asked to order the noncustodial parent to pay the court costs and fees of the case.

In orders to show cause the parent who is ordered to pay child support must produce evidence to try to satisfy the judge that he or she is doing the best that they can to pay the child support in full and on time each month. When child support is delinquent the court wants to know why one parent is disobeying the court order. If the court finds that the parent who is supposed to pay support isn't paying as ordered, and that the failure to pay is willful and contumacious (stubbornly disobedient), the court will impose sanctions to try to guarantee that support will be paid on time in the future, and that the child support arrears will also be paid off. Civil sanctions include the possibility of up to 180 days in jail.

In a modification hearing, the court will hear evidence from all sides to determine whether the current amount of child support is either too high or too low under the present circumstances of each parent. The parents will present evidence of their income or earning capacity and the court will decide the issue using Nebraska's child support guidelines, which were recently modified in July 2007.

Closed hearings

Unlike what you see on TV or in the movies, there are seldom casual spectators sitting in court. Most people you will see in the courtroom are either court personnel or people waiting their turn to have their case called. Cameras are not permitted in Nebraska trial courts.

Under Nebraska law all court hearings are open to the public....except for paternity establishment hearings. Paternity hearings are automatically closed to the public unless both parents waive that right. If you do not care whether the hearing is closed or not please advise the court of this at the beginning of your hearing. Otherwise the referee will shoo others out of court.

What happens if you do not show up for court

If you are subpoenaed for court it is important that you appear. A warrant for your arrest may follow if you do not.

If the child support services office asks you to appear, it is important to do so. If you must reschedule it is very important that you talk to the child support office as far in advance of your trial date as possible. A failure of a custodial parent to appear may result in dismissal of a paternity case against the other parent. A party who is asking to have child support modified in their favor (increased for custodial parents or decreased if you are a noncustodial parent) may see their modification efforts fail if they do not show up for court. The county attorney's deputy is not

able to testify in your place. Generally put, if you are requesting the court to provide you with any sort of benefit, you need to show up and plead your case to the court.

In some interstate cases it may be possible to arrange for telephonic testimony from a party who lives in another state. You will be advised of this possibility if you qualify for this type of testimony.

A special exception to these rules applies for active duty members of the U.S. Armed Services. Please advise our office if you are serving on active duty with the military.

The Court Order

In most cases you will receive a copy of your court order in the mail about 1-2 weeks following your hearing. In more complicated cases the referee may take the matter “under advisement” and issue her written recommendations to the district judge at a later date, after which you will receive your copy within a few days of the issuance of the order.

Appeals

Your order will take effect 14 days after it is signed by the court, unless you or one of the other parties “takes exception,” which is the technical term for an appeal. If an exception is taken the party unhappy with the terms of the order has the burden of showing that the order contains one or more significant errors. On appeal the party who takes exception must provide the district court with a written transcript from the hearing that lead to the order they are appealing. Appeals typically take several months to be heard and decided.