

Information for Families

Do my children need to continue going back and forth between parents pursuant to the Parenting Time Schedule?

There have been **no changes** to state Parenting Time laws. Legal Aid is telling our clients to follow court orders and any approved Parenting Plans. However, in this time of great risk, it is important to be flexible and reasonable. While it may be difficult to reach reasonable agreements with the other party, all parents should be especially motivated to do what is in the best interests of their children at this time. Violating court orders are not the best answer, but if an order is violated, remember that a party should not be held in contempt of court unless the violation was willful and “contumacious” (stubborn disobedience or rebellious defiance of authority).

If you can discuss the situation with the other parent, you should consider several issues. For example, will the children be in a safe household with people who are complying with the governmental restrictions in your area? Would an exchange expose one or more persons to an unnecessary risk? Are there steps that can be taken to decrease the risk at an exchange of custody? Is one parent working from home and able to better supervise the children? Are there very young children, unvaccinated children, or elderly adults in the home? All of these factors should be considered when deciding what is in the best interests of your children.

What if I cannot pay my child support?

In certain circumstances, it is possible to ask the court that ordered you to pay child support to reduce the amount of child support you need to pay. Some support obligations, such as child support and spousal support, can be changed (called a modification) if your financial situation changes. This could be because you lost your job or are earning less income for reasons that are not your fault. Under Nebraska law, child support obligations, child care obligations, or health care obligations, can be modified due to financial circumstances which have lasted 3 months and can reasonably be expected to last for an additional 6 months. Other obligations may not be able to be changed.

It is probably better to pay what you can rather than pay nothing at all. If a court later reviews your case to determine whether you are in contempt, it would be helpful if you could show that you made every reasonable effort to meet your obligation, and that you paid what you were reasonably capable of paying.

Where can I go for help to lower my child support order?

You can apply for assistance from Legal Aid by calling 1 (877) 250-2016 or online at <https://lawhelpne.legalaidofnebraska.org/>.

You can find information, including self-help forms, on the Nebraska Judicial Branch Website. Follow this [link](#) for more information.

You can ask the State of Nebraska’s Child Support Division to change (modify) your child support obligation. The State reviews your request, but there is no requirement that the State file

an action to change (modify) your child support obligation. Follow this [link](#) for more information.

What if I need to go to court for a hearing?

Certain courthouses have limited public access. Before attending any court hearing, you should call the Clerk of the District Court's office for the county where your hearing is being held. Here is a [link](#) to the contact information for every District Court Clerk's office.

Should I go to court if I am showing signs of illness, have to self-quarantine, have been diagnosed with COVID-19, or have travelled to a state or country at greater risk of exposure to COVID-19?

NO. If you have **any** symptoms of illness **or** if a medical provider or public official has ordered to you self-quarantine **or** if you have COVID-19 **or** have had contact with someone diagnosed with COVID-19 **or** have traveled to a high risk country as indicated by the CDC, you **must** call the court before attending your hearing or visiting the courthouse. For more guidance, you can use this [link](#) to view the Order of the Chief Justice of the Nebraska Supreme Court regarding COVID-19 symptoms and court attendance. The Nebraska Supreme Court has a [link](#) to every district court clerk's office in Nebraska, where you can find the telephone number to call before you attend any court hearing. If you have any COVID-19 symptoms or have potentially been exposed to COVID-19, you **must** call the district court clerk before going to the courthouse.

Can I file a motion to continue my court hearing due to the COVID-19 pandemic?

Yes. If you are concerned about you or a member of your household about potential exposure to COVID-19 or if you or a member of your household has been affected by COVID-19 or have symptoms of illness, you can request the court continue your hearing. There is a sample motion to continue, sample proposed order to continue, and instructions on how to file the motion available in the Housing: Tenants section of this webpage.

The court needs to decide whether your hearing will be continued. Unless you get an order or notice from the court that your hearing is continued, your court hearing will take place as scheduled.

What if I have lost my job?

If you have lost your job, have had to take time off from work because you are sick or need to care for a family member, have had to take an unpaid leave of absence, you may be able to apply for Unemployment Benefits. The Nebraska Department of Labor has uploaded an FAQ regarding employment and COVID-19, which you can find [here](#). For more information on how to apply for unemployment benefits, visit the [Department of Labor's Unemployment Insurance Benefits page](#). There is also information for employees prepared by Legal Aid available in the Employees section of this webpage.

Is there any assistance available to help me and my children?

If you are in need of other assistance, there may be resources available in your community to help. Call 211 to obtain information on possible community resources to help.

<https://www.unitedwaymidlands.org/2-1-1/>

Assistance may be available through the State of Nebraska's Department of Health and Human Services. You can apply for economic assistance programs, such as Aid to Dependent Children (ADC), Emergency Assistance and the Supplemental Nutrition Assistance Program (SNAP), disability related assistance, and Medicaid. You can learn more about state assistance programs, including how to apply, at this website <http://dhhs.ne.gov/Pages/default.aspx>, or you can apply by calling (800) 383-4278.

If you are having trouble paying your utility company (like water, electric, gas), contact your utility company. Some utility companies in Nebraska will not shut off utilities for a temporary period of time. <https://neo.ne.gov/info/utilities/utilities.html>