

IN THE DISTRICT COURT OF HOLT COUNTY, NEBRASKA

**DARLINE SUE HOFFART, now known
as DARLINE SUE WARNER,**

Petitioner,

vs.

KELLY WAYNE HOFFART,

Respondent.

Case No. 19483

ORDER MODIFYING DECREE

DATE OF HEARING: October 14, 1999.

DATE OF DECISION: October 14, 1999.

APPEARANCES:

For the petitioner: No appearance.

For the respondent: Thurman Gay with respondent.

SUBJECT OF HEARING: respondent's application for modification of decree.

FINDINGS: The court finds:

1. The stipulation of the parties is fair and reasonable, and is not unconscionable, and is hereby approved, and compliance therewith ordered. The following findings and orders are pursuant to the stipulation.

2. There has been a material change of circumstances since the decree was entered or last modified.

3. The custody should be changed accordingly.

4. The child support is limited to the Guideline R amount because the petitioner is not presently employed and has no present earning capacity in excess thereof.

ORDER: IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that:

1. The application is granted to the extent of the relief set forth below and is otherwise denied. The decree previously entered in this case (and as previously modified, if applicable) shall remain in full force and effect except as expressly modified by this order.

2. The custody of the minor children, Mikayla Rea Hoffart, born October 11, 1988, and Amber Lynn Hoffart, born February 5, 1991, is changed from the petitioner to the respondent, subject to the exercise of juvenile court jurisdiction by the County Court of Holt County, Nebraska, sitting as a juvenile court, in Cases Nos. J98-23 and J98-24.

3. The visitation of the petitioner shall be limited to that allowed by the juvenile court, until further order.

4. The child support obligation of the respondent is reduced to zero dollars (\$0.00) per month until further order.

5. The petitioner shall be required to pay child support to the court clerk for distribution to the respondent, effective as of the payment due on November 1, 1999, to:

- a. \$50.00 per month when there are two children to be supported; and,
- b. \$50.00 per month when there is only one child to be supported.

6. The support obligation for each child continues until such child reaches majority under Nebraska law (presently age 19), becomes emancipated, becomes self-supporting, marries, or dies, or until the further order of the court.

7. Delinquent support shall bear interest at the rate of 6.285% per annum from the time and in the manner provided by law.

8. Each party shall be required to furnish the clerk of this court, in writing, with such party's address (including specific street address or other physical location, in addition to mailing address), telephone number, and social security number, the name and address of such party's employer, whether or not such person has access to employer-related health insurance coverage and, if so, the health insurance policy information, and any other information that the Court shall deem relevant until the judgment is paid in full. Each party shall also be required to advise the Clerk of any changes in such information between the time of entry of this order and payment of the judgment in full. Failure to comply with the provisions of this section shall be punishable by contempt.

9. The income of the any party obligated to pay support hereunder shall be subject to income withholding, which shall be implemented pursuant to the Income Withholding for Child Support Act. Within thirty (30) days after the date of entry of this order, any such party shall accurately prepare and sign a Notice to Withhold Income (Form DC-005), and deliver

the notice to such party's current employer and provide a copy of such notice to the court clerk. Within thirty (30) days after any change of employment, a new Notice to Withhold Income shall be prepared, signed, and delivered, and a copy provided to the court clerk in the same manner. In the event that any such party obligated to pay support fails to pay any child, medical, or spousal support payments, as such failure is certified each month by the District Court Clerk in cases where court-ordered support is delinquent in an amount equal to the support due and payable for a one-month period of time, such party may be required to appear before this Court on a date to be determined by the Court and show cause why such payment was not made. In the event such party fails to pay and appear as so ordered, a warrant shall be issued for such party's arrest.

10. Judgment is hereby entered accordingly. Each party shall be required to pay their own respective costs and attorney fees.

ENTERED: October 14, 1999.

If checked, the Court Clerk shall:

- : Mail a copy of this order to all counsel of record and to any pro se parties.
Done on _____, 19____ by _____.
- : Enter judgment on the judgment record.
Done on _____, 19____ by _____.
- : Mail postcard/notice required by § 25-1301.01 within 3 days.
Done on _____, 19____ by _____.

9 (Trial docket entry dictated in open court).
Mailed to:

BY THE COURT:

William B. Cassel
District Judge