

# In re Interest of Cayden R. et al

**Caselaw No.**

No. A-18-817

**Filed on**

Tuesday, May 14, 2019

**Summary:**

Gail R. appeals from an order from the Separate Juvenile Court of Lancaster County ordering her to pay \$50 per month in child support for her five children living in foster care. The Court here affirms.

Gail's children were removed in May of 2017. In July of 2017, the state filed an amended petition that asked for orders including child support for children placed out of the home. In February 2018, the court referred the case to a Child Support Referee, which was held in March of 2018. The state asked for a bare minimum order of \$50 per month to begin April 1, 2018, with one month retroactive.

At the hearing, Gail testified that she was unemployed and was on a waiting list to go into a short term residential treatment program for six weeks, but currently had twice a week visits with her children, treatment for two hours per week, and a domestic abuse class for 1 ½ hours per week. She was also looking for housing and had no assets. She said she was currently looking for work and has a high school diploma. She has no disabilities.

The Referee found that the Child Support Guidelines were applicable to this case and recommended that Gail's obligation be set at \$50 per month beginning April 1 and that this obligation would give her an ability to understand her duty to support her children. Gail filed an exception to this recommendation and asked for a hearing in front of a judge. The Juvenile Court agreed with the recommendation of the referee and set child support at \$50 per month.

Gail assigned error that the Court should not have applied the Child Support Guidelines to a foster care case and that she should not be ordered to pay \$50 per month.

The amount of child support is reviewed for an abuse of discretion. *In re Interest of Crystal T.*, 4 Neb. App. 503 (1996).

Nebraska Child Support Guidelines apply in juvenile cases. See *In re Interest of Tamika S. et al.*, 3 Neb. App. 624 (1995); see also Neb. Rev. Stat. § 43-290. Deviations are allowed for foster care cases. Neb. Ct. Rule § 4-203(4). In the Guidelines, the minimum recommended amount is \$50 per month or 10% of the person's income, whichever is higher.

Gail argued that she should have a deviation because of her stressful family situation, but the Court here found that because she only spends 3 ½ hours a week in treatment and has two visits per week with her children, she has time to work. Additionally, the Referee made specific findings about why Gail was ordered to pay child support, which the Juvenile Court considered. DHHS is paying \$267.68 per day to support her children in out of home care, so the \$50 per month obligation is reasonable to promote her parental responsibility.

The order is affirmed.

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