

LEGISLATIVE BILL 107

Approved by the Governor May 7, 2013

Introduced by Lathrop, 12.

FOR AN ACT relating to the Parenting Act; to amend section 43-2935, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to waiver of hearing; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 43-2935, Revised Statutes Cumulative Supplement, 2012, is amended to read:

43-2935 (1) After a hearing on the record, the court shall determine whether the submitted parenting plan meets all of the requirements of the Parenting Act and is in the best interests of the child. If the parenting plan lacks any of the elements required by the act or is not in the child's best interests, the court shall modify and approve the parenting plan as modified, reject the parenting plan and order the parties to develop a new parenting plan, or reject the parenting plan and create a parenting plan that meets all the required elements and is in the best interests of the child. The court may include in the parenting plan:

(a) A provision for resolution of disputes that arise under the parenting plan, including provisions for suspension of parenting time, visitation, and other access when new findings of child abuse or neglect, domestic intimate partner abuse, criminal activity affecting the best interests of a child, or the violation of a protection order, restraining order, or criminal no-contact order occur, until a modified custody order or parenting plan with provisions for safety or a transition plan, or both, is in place; and

(b) Consequences for failure to follow parenting plan provisions.

(2) A hearing is not required under this section:

(a) In a divorce action, if both parties have waived in writing the requirement for a hearing under section 42-361; or

(b) In an action for a legal separation, if both parties have waived in writing the requirement for a hearing under section 42-361.01; or-

(c) In any other action creating or modifying a parenting plan including an action to establish paternity, if (i) all parties have waived in writing the requirement of the hearing, (ii) the court has sufficient basis to make a finding that it has subject matter jurisdiction over the action and personal jurisdiction over all parties, (iii) all documents required by the court and by law have been filed, and (iv) the parties have entered into a written agreement, signed by the parties under oath, resolving all issues presented by the pleadings.

Sec. 2. Original section 43-2935, Revised Statutes Cumulative Supplement, 2012, is repealed.