

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 60

Introduced by Lindstrom, 18; Friesen, 34; Groene, 42.

Read first time January 05, 2017

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Parenting Act; to amend section
- 2 43-2933, Reissue Revised Statutes of Nebraska; to change provisions
- 3 relating to limitation or denial of custody or access to a child;
- 4 and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-2933, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 43-2933 (1)(a) No person shall be granted custody of, or
4 unsupervised parenting time, visitation, or other access with, a child if
5 the person is required to be registered as a sex offender under the Sex
6 Offender Registration Act for an offense that would make it contrary to
7 the best interests of the child for such access or for an offense in
8 which the victim was a minor or if the person has been convicted under
9 section 28-311, 28-319.01, 28-320, 28-320.01, or 28-320.02, unless the
10 court finds that there is no significant risk to the child and states its
11 reasons in writing or on the record.

12 (b) No person shall be granted custody of, or unsupervised parenting
13 time, visitation, or other access with, a child if anyone residing in the
14 person's household is required to register as a sex offender under the
15 Sex Offender Registration Act as a result of a felony conviction in which
16 the victim was a minor or for an offense that would make it contrary to
17 the best interests of the child for such access unless the court finds by
18 a preponderance of the evidence that the person seeking such access has
19 overcome the presumption and burdens of production and persuasion in
20 subdivision (1)(c) of this section and that there is no significant risk
21 to the child and states its reasons in writing or on the record. Any
22 person who has been granted custody of, or unsupervised parenting time,
23 visitation, or other access with a child must provide written notice to
24 all other persons who have custody or access rights to the child before
25 such person allows any sex offender described in this subdivision to
26 reside in such person's household or to have unsupervised access to the
27 child.

28 (c) The fact that a child is permitted unsupervised contact with a
29 person who is required, as a result of a felony conviction in which the
30 victim was a minor, to be registered as a sex offender under the Sex
31 Offender Registration Act shall be prima facie evidence that the child is

1 at significant risk and such unsupervised contact shall be presumed to
2 not be in the child's best interests. The person who is seeking to allow
3 such unsupervised contact shall have the burden of production and the
4 burden of persuasion that such unsupervised contact is in the child's
5 best interests. When making a determination regarding significant risk to
6 the child, the prima facie evidence shall constitute a presumption
7 affecting the burden of producing evidence. However, this presumption
8 shall not apply if there are factors mitigating against its application,
9 including whether the other party seeking custody, parenting time,
10 visitation, or other access is also required, as the result of a felony
11 conviction in which the victim was a minor, to register as a sex offender
12 under the Sex Offender Registration Act.

13 (2) No person shall be granted custody, parenting time, visitation,
14 or other access with a child if the person has been convicted under
15 section 28-319 and the child was conceived as a result of that violation.

16 (3) A change in circumstances relating to subsection (1) or (2) of
17 this section is sufficient grounds for modification of a previous order.

18 Sec. 2. Original section 43-2933, Reissue Revised Statutes of
19 Nebraska, is repealed.