

E AND R AMENDMENTS TO LB 554

Introduced by Enrollment and Review Committee: McGill, 26,  
Chairperson

1           1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           Section 1. Sections 1 to 24 of this act shall be known  
4 and may be cited as the Parenting Act.

5           Sec. 2. The Legislature finds that it is in the best  
6 interests of a child that a parenting plan be developed in any  
7 proceeding under Chapter 42 involving custody, parenting time,  
8 visitation, or other access with a child and that the parenting  
9 plan establish specific individual responsibility for performing  
10 such parenting functions as are necessary and appropriate for  
11 the care and healthy development of each child affected by the  
12 parenting plan.

13           The Legislature further finds that it is in the best  
14 interests of a child to have a safe, stable, and nurturing  
15 environment. The best interests of each child shall be paramount  
16 and consideration shall be given to the desires and wishes of the  
17 child if of an age of comprehension regardless of chronological  
18 age, when such desires and wishes are based on sound reasoning.

19           In any proceeding involving a child, the best interests  
20 of the child shall be the standard by which the court adjudicates  
21 and establishes the individual responsibilities, including  
22 consideration in any custody, parenting time, visitation, or other  
23 access determinations as well as resolution of conflicts affecting

1 each child. The state presumes the critical importance of the  
2 parent-child relationship in the welfare and development of the  
3 child and that the relationship between the child and each parent  
4 should be equally considered unless it is contrary to the best  
5 interests of the child.

6 Given the potential profound effects on children from  
7 witnessing child abuse or neglect or domestic intimate partner  
8 abuse, as well as being directly abused, the courts shall recognize  
9 the duty and responsibility to keep the child or children safe when  
10 presented with a preponderance of the evidence of child abuse or  
11 neglect or domestic intimate partner abuse, including evidence of  
12 a child being used by the abuser to establish or maintain power  
13 and control over the victim. In domestic intimate partner abuse  
14 cases, the best interests of each child are often served by keeping  
15 the child and the victimized partner safe and not allowing the  
16 abuser to continue the abuse. When child abuse or neglect, domestic  
17 intimate partner abuse, or unresolved parental conflict prevents  
18 the best interests of the child from being served in the parenting  
19 arrangement, then the safety and welfare of the child is paramount  
20 in the resolution of those conflicts.

21 Sec. 3. For purposes of the Parenting Act:

22 (1) Appropriate means reflective of the developmental  
23 abilities of the child taking into account any cultural traditions  
24 that are within the boundaries of state and federal law;

25 (2) Approved mediation center means a mediation center  
26 approved by the Office of Dispute Resolution;

27 (3) Best interests of the child means the determination

1 made taking into account the requirements stated in section 4 of  
2 this act;

3 (4) Child means a minor under nineteen years of age;

4 (5) Child abuse or neglect has the same meaning as in  
5 section 28-710;

6 (6) Court conciliation program means a court-based  
7 conciliation program under the Conciliation Court Law;

8 (7) Custody includes legal custody and physical custody;

9 (8) Domestic intimate partner abuse means:

10 (a) An act of abuse, as defined in section 42-903, and  
11 the existence of a pattern or history of such an act without  
12 any recency or frequency requirement, including, but not limited  
13 to, one or more of the following: Physical assault or sexual  
14 assault, threats of physical assault or sexual assault, stalking,  
15 harassment, mental cruelty, emotional abuse, intimidation,  
16 isolation, economic abuse, or coercion against any current or  
17 past intimate partner or an abuser using a child to establish  
18 or maintain power and control over any current or past intimate  
19 partner. The following acts shall be included within the definition  
20 of domestic intimate partner abuse if the acts contributed to  
21 coercion or intimidation of the intimate partner:

22 (i) An act of child abuse or neglect or a threat of such  
23 act. A finding by a child protection agency shall not be considered  
24 res judicata or collateral estoppel regarding such issue and shall  
25 not be considered by the court unless each parent is afforded the  
26 opportunity to challenge any such determination;

27 (ii) Cruel mistreatment or cruel neglect of an animal, as

1 defined in section 28-1008, or a threat of such act; or

2 (iii) Other acts of abuse, assault, or harassment, or  
3 threats of such acts, against other family or household members; or

4 (b) One act of physical violence resulting in serious  
5 bodily injury against any current or past intimate partner,  
6 excluding any act of self-defense;

7 (9) Economic abuse means causing or attempting to cause  
8 an individual to be financially dependent by maintaining total  
9 control over the individual's financial resources, including, but  
10 not limited to, withholding access to money or credit cards,  
11 forbidding attendance at school or employment, stealing from or  
12 defrauding of money or assets, exploiting the victim's resources  
13 for personal gain of the abuser, or withholding physical resources  
14 such as food, clothing, necessary medications, or shelter;

15 (10) Emotional abuse means a pattern of acts, threats  
16 of acts, or coercive tactics, including, but not limited to,  
17 threatening or intimidating to gain compliance, destruction of  
18 the victim's personal property or threats to do so, violence to  
19 an animal or object in the presence of the victim as a way to  
20 instill fear, yelling, screaming, name-calling, shaming, mocking,  
21 or criticizing the victim, possessiveness, or isolation from  
22 friends and family. Emotional abuse can be verbal or nonverbal;

23 (11) Joint legal custody means mutual authority and  
24 responsibility of the parents for making mutual fundamental  
25 decisions regarding the child's welfare, including choices  
26 regarding education and health;

27 (12) Joint physical custody means mutual authority and

1 responsibility of the parents regarding the child's place of  
2 residence and the exertion of continuous blocks of parenting time  
3 by both parents over the child for significant periods of time;

4 (13) Legal custody means the authority and responsibility  
5 for making fundamental decisions regarding the child's welfare,  
6 including choices regarding education and health;

7 (14) Mediation means a method of nonjudicial intervention  
8 in which a trained, neutral third-party mediator, who has no  
9 decision-making authority, provides a structured process in which  
10 individuals and families in conflict work through parenting and  
11 other related family issues with the goal of achieving a voluntary,  
12 mutually agreeable parenting plan or related resolution;

13 (15) Office of Dispute Resolution means the office  
14 established under section 25-2904;

15 (16) Parenting functions means those aspects of the  
16 relationship in which a parent or person in the parenting role  
17 makes fundamental decisions and performs fundamental functions  
18 necessary for the care and development of a child. Parenting  
19 functions include, but are not limited to:

20 (a) Maintaining a safe, stable, consistent, and nurturing  
21 relationship with the child;

22 (b) Attending to the ongoing developmental needs of the  
23 child, including feeding, clothing, physical care and grooming,  
24 health and medical needs, emotional stability, supervision, and  
25 appropriate conflict resolution skills and engaging in other  
26 activities appropriate to the healthy development of the child  
27 within the social and economic circumstances of the family;

1           (c) Attending to adequate education for the child,  
2 including remedial or other special education essential to the  
3 best interests of the child;

4           (d) Assisting the child in maintaining a safe, positive,  
5 and appropriate relationship with each parent and other family  
6 members, including establishing and maintaining the authority and  
7 responsibilities of each party with respect to the child and  
8 honoring the parenting plan duties and responsibilities;

9           (e) Minimizing the child's exposure to harmful parental  
10 conflict;

11           (f) Assisting the child in developing skills to maintain  
12 safe, positive, and appropriate interpersonal relationships; and

13           (g) Exercising appropriate support for social, academic,  
14 athletic, or other special interests and abilities of the child  
15 within the social and economic circumstances of the family;

16           (17) Parenting plan means a plan for parenting the child  
17 in consideration of the parenting functions;

18           (18) Parenting time, visitation, or other access means  
19 communication or time spent between the child and parent, the child  
20 and a court-appointed guardian, or the child and another family  
21 member or members;

22           (19) Physical custody means authority and responsibility  
23 regarding the child's place of residence and the exertion of  
24 continuous parenting time for significant periods of time;

25           (20) Provisions for safety means a plan developed to  
26 reduce risks of harm to children and adults who are victims  
27 of child abuse or neglect, domestic intimate partner abuse, or

1 unresolved parental conflict;

2 (21) Remediation process means the method established in  
3 the parenting plan which maintains the best interests of the child  
4 and provides a means to identify, discuss, and attempt to resolve  
5 future circumstantial changes or conflicts regarding the parenting  
6 functions and which minimizes repeated litigation and utilizes  
7 judicial intervention as a last resort;

8 (22) Specialized alternative dispute resolution means a  
9 method of nonjudicial intervention in high conflict or domestic  
10 intimate partner abuse cases in which an approved specialized  
11 mediator facilitates voluntary mutual development of and agreement  
12 to a structured parenting plan, provisions for safety, transition  
13 plan, or other related resolution between the parties;

14 (23) Transition plan means a plan developed to reduce  
15 exposure of the child and the adult to ongoing unresolved conflict  
16 during parenting time, visitation, or other access for the exercise  
17 of parental functions; and

18 (24) Unresolved parental conflict means persistent  
19 conflict in which parents are unable to resolve disputes about  
20 parenting functions which has a potentially harmful impact on a  
21 child.

22 Sec. 4. (1) The best interests of the child require:

23 (a) A parenting arrangement and parenting plan or other  
24 court-ordered arrangement which provides for a child's safety,  
25 emotional growth, health, stability, and physical care;

26 (b) When a preponderance of the evidence indicates  
27 domestic intimate partner abuse, a parenting and visitation

1 arrangement that provides for the safety of a victim parent;

2 (c) That the child's families and those serving in  
3 parenting roles remain appropriately active and involved in  
4 parenting with safe, appropriate, continuing quality contact  
5 between parents and their families when they have shown the ability  
6 to act in the best interests of the child and have shared in the  
7 responsibilities of raising the child;

8 (d) That even when parents have voluntarily negotiated  
9 or mutually mediated and agreed upon a parenting plan, the court  
10 shall determine whether it is in the best interests of the child  
11 for parents to maintain continued communications with each other  
12 and to make joint decisions in performing parenting functions as  
13 are necessary for the care and healthy development of the child. If  
14 the court rejects a parenting plan, the court shall provide written  
15 findings as to why the parenting plan is not in the best interests  
16 of the child; and

17 (e) That certain principles provide a basis upon which  
18 education of parents is delivered and upon which negotiation and  
19 mediation of parenting plans are conducted. Such principles shall  
20 include: To minimize the potentially negative impact of parental  
21 conflict on children; to provide parents the tools they need to  
22 reach parenting decisions that are in the best interests of a  
23 child; to provide alternative dispute resolution or specialized  
24 alternative dispute resolution options that are less adversarial  
25 for the child and the family; to ensure that the child's voice  
26 is heard and considered in parenting decisions; to maximize the  
27 safety of family members through the justice process; and, in



1 cases of domestic intimate partner abuse or child abuse or neglect,  
2 to incorporate the principles of victim safety and sensitivity,  
3 offender accountability, and community safety in parenting plan  
4 decisions.

5 (2) (a) If a party is absent or relocates from the family  
6 residence, the court shall not consider the absence or relocation  
7 as a factor in determining the best interests of the child if:

8 (i) The absence or relocation is of short duration or  
9 by agreement of the parties and the court finds that, during the  
10 period of absence or relocation, the party has demonstrated an  
11 interest in maintaining custody, parenting time, visitation, or  
12 other access, the party maintains, or makes reasonable efforts to  
13 maintain, regular contact with the child, and the party's behavior  
14 demonstrates no intent to abandon the child;

15 (ii) The party is absent or relocates because of an act  
16 or acts of actual or threatened abuse by the other party; or

17 (iii) The party is absent or relocates because there is  
18 a protection order, restraining order, or criminal no-contact order  
19 issued that excludes the party from the dwelling of the other  
20 party or the child or otherwise enjoins the party from assault or  
21 harassment against the other party or the child.

22 (b) This subsection does not apply to a party who  
23 abandons a child as provided in section 28-705.

24 (3) A party's absence, relocation, or failure to comply  
25 with custody, parenting time, visitation, or other access orders  
26 shall not, by itself, be sufficient to justify a modification of  
27 an order if the reason for the absence, relocation, or failure to

1 comply is the party's activation to military service and deployment  
2 out of state.

3           Sec. 5. (1) The Parenting Act shall apply to proceedings  
4 or modifications in which parenting functions for a child are  
5 at issue under Chapter 42, including, but not limited to,  
6 proceedings or modification of orders for dissolution of marriage  
7 and child custody. The Parenting Act may apply to proceedings or  
8 modifications in which parenting functions for a child are at issue  
9 under Chapter 30 or 43.

10           (2) The Parenting Act does not apply in any action  
11 filed by a county attorney or authorized attorney pursuant to  
12 his or her duties under section 42-358, 43-512 to 43-512.18, or  
13 43-1401 to 43-1418, the Income Withholding for Child Support Act,  
14 the Revised Uniform Reciprocal Enforcement of Support Act before  
15 January 1, 1994, or the Uniform Interstate Family Support Act for  
16 purposes of the establishment of paternity and the establishment  
17 and enforcement of child and medical support. A county attorney  
18 or authorized attorney shall not participate in the development of  
19 or court review of a parenting plan under the Parenting Act. If  
20 both parents are parties to a paternity or support action filed by  
21 a county attorney or authorized attorney, the parents may proceed  
22 with a parenting plan.

23           Sec. 6. (1) In any proceeding under Chapter 30 or 43  
24 in which the parenting functions for a child are at issue, except  
25 any proceeding under the Revised Uniform Reciprocal Enforcement  
26 of Support Act or the Uniform Interstate Family Support Act,  
27 subsequent to the initial filing or upon filing of an application

1 for modification of a decree, the parties shall receive from  
2 the clerk of the court information regarding the parenting plan,  
3 the mediation process, and resource materials, as well as the  
4 availability of mediation through court conciliation programs or  
5 approved mediation centers.

6 (2) In any proceeding under Chapter 42 and the Parenting  
7 Act in which the parenting functions for a child are at issue,  
8 subsequent to the filing of such proceeding all parties shall  
9 receive from the clerk of the court information regarding:

10 (a) The litigation process;

11 (b) A dissolution or separation process timeline;

12 (c) Healthy parenting approaches during and after the  
13 proceeding;

14 (d) The parenting plan;

15 (e) Information on child abuse or neglect, domestic  
16 intimate partner abuse, and unresolved parental conflict;

17 (f) Mediation, specialized alternative dispute  
18 resolution, and other alternative dispute resolution processes  
19 available through court conciliation programs and approved  
20 mediation centers;

21 (g) Resource materials identifying the availability of  
22 services for victims of child abuse or neglect and domestic  
23 intimate partner abuse; and

24 (h) Intervention programs for batterers or abusers.

25 (3) The clerk of the court and counsel for represented  
26 parties shall file documentation of compliance with this section.

27 Development of these informational materials and the implementation

1 of this section shall be accomplished through the State Court  
2 Administrator.

3           Sec. 7. The State Court Administrator shall create an  
4 information sheet for parties in a proceeding in which parenting  
5 functions for a child are at issue under the Parenting Act  
6 that includes information regarding child custody, parenting time,  
7 visitation, and other access and that informs the parties that they  
8 are required to attend a basic level parenting education course.  
9 The information sheet shall also state (1) that the parties have  
10 the right to agree to a parenting plan arrangement, (2) that before  
11 July 1, 2010, if they do not agree, they may be required, and  
12 on and after July 1, 2010, if they do not agree, they shall be  
13 required to participate in parenting plan mediation, and (3) that  
14 if mediation does not result in an agreement, the court will be  
15 required to create a parenting plan. The information sheet shall  
16 also provide information on how to obtain assistance in resolving  
17 a custody case, including, but not limited to, information on  
18 finding an attorney, information on accessing court-based self-help  
19 services if they are available, information about domestic violence  
20 service agencies, information about mediation, and information  
21 regarding other sources of assistance in developing a parenting  
22 plan. The State Court Administrator shall adopt this information  
23 sheet as a statewide form and take reasonable steps to ensure  
24 that it is distributed statewide and made available to parties in  
25 parenting function matters.

26           Sec. 8. (1) Judges, attorneys, court-appointed attorneys,  
27 court-appointed guardians, and mediators involved in proceedings

1 under the Parenting Act shall participate in training approved by  
2 the State Court Administrator to recognize child abuse or neglect,  
3 domestic intimate partner abuse, and unresolved parental conflict  
4 and its potential impact upon children and families.

5 (2) Screening guidelines and safety procedures for cases  
6 involving child abuse or neglect or domestic intimate partner  
7 abuse shall be devised by the State Court Administrator. Such  
8 screening shall be conducted by mediators by using State Court  
9 Administrator-approved screening tools, and, when accessible,  
10 public records such as current or expired protection orders,  
11 criminal domestic violence cases, and child abuse or neglect  
12 proceedings may be considered in screening and to determine  
13 appropriate dispute resolution methods.

14 (3) Such screening shall be conducted as a part of the  
15 individual initial screening session for each case referred to  
16 mediation under the Parenting Act prior to setting the case for  
17 mediation to determine whether or not it is appropriate to proceed  
18 in mediation or to proceed in a form of specialized alternative  
19 dispute resolution.

20 (4) Screening for domestic intimate partner abuse shall  
21 be conducted by each attorney representing a party or child  
22 in any proceeding under the act to determine the existence  
23 of domestic intimate partner abuse or other issues in regard  
24 to coercion, intimidation, and barriers to safety and full and  
25 informed decisionmaking.

26 (5) The State Court Administrator's office, in  
27 collaboration with professionals in the fields of domestic abuse

1 services, child and family services, mediation, and law, shall  
2 develop and approve curricula for the training required under  
3 subsection (1) of this section, as well as develop and approve  
4 rules, procedures, and forms for training and screening for child  
5 abuse or neglect, domestic intimate partner abuse, and unresolved  
6 parental conflict.

7           Sec. 9. (1) The court shall order all parties to a  
8 proceeding under the Parenting Act to attend a basic level  
9 parenting education course. Participation in the course may be  
10 delayed or waived by the court for good cause shown. Failure or  
11 refusal by any party to participate in such a course as ordered by  
12 the court shall not delay the entry of a final judgment or an order  
13 modifying a final judgment in such action by more than six months  
14 and shall in no case be punished by incarceration.

15           (2) The court may order parties under the act to attend  
16 a second-level parenting education course subsequent to completion  
17 of the basic level course when screening or a factual determination  
18 of child abuse or neglect, domestic intimate partner abuse, or  
19 unresolved parental conflict has been identified.

20           (3) The court may order a child of parties to a  
21 proceeding under the act to attend a child of divorce education  
22 course which may include, but is not limited to, information about  
23 adjustment of a child to parental separation, family and emotional  
24 well-being, conflict management, problem solving, and resiliency  
25 skills.

26           (4) The State Court Administrator shall approve all  
27 parenting and child of divorce education courses under the act.

1           (5) The basic level parenting education course pursuant  
2 to this section shall be designed to educate the parties about the  
3 impact of the pending court action upon the child and appropriate  
4 application of parenting functions. The course shall include,  
5 but not be limited to, information on the developmental stages  
6 of children, adjustment of a child to parental separation, the  
7 litigation and court process, alternative dispute resolution,  
8 conflict management, stress reduction, guidelines for parenting  
9 time, visitation, or other access, provisions for safety and  
10 transition plans, and information about parents and children  
11 affected by child abuse or neglect, domestic intimate partner  
12 abuse, and unresolved parental conflict.

13           (6) The second-level parenting education course pursuant  
14 to this section shall include, but not be limited to, information  
15 about development of provisions for safety and transition plans,  
16 the potentially harmful impact of domestic intimate partner  
17 abuse and unresolved parental conflict on the child, use of  
18 effective communication techniques and protocols, resource and  
19 referral information for victim and perpetrator services, batterer  
20 intervention programs, and referrals for mental health services,  
21 substance abuse services, and other community resources.

22           (7) Each party shall be responsible for the costs, if  
23 any, of attending any court-ordered parenting or child of divorce  
24 education course. The court may waive or specifically allocate  
25 costs between the parties for their required participation in the  
26 course. At the request of any party, or based upon screening or  
27 recommendation of a mediator, the parties shall be allowed to

1 attend separate courses or to attend the same course at different  
2 times, particularly if child abuse or neglect, domestic intimate  
3 partner abuse, or unresolved parental conflict is or has been  
4 present in the relationship or one party has threatened the other  
5 party.

6           Sec. 10. (1) In any proceeding in which parenting  
7 functions for a child are at issue under Chapter 42, a parenting  
8 plan shall be developed and shall be approved by the court. Court  
9 rule may provide for the parenting plan to be developed by the  
10 parties or their counsel, a court conciliation program, an approved  
11 mediation center, or a private mediator. When a parenting plan has  
12 not been developed and submitted to the court, the court shall  
13 create the parenting plan in accordance with the Parenting Act. A  
14 parenting plan shall serve the best interests of the child pursuant  
15 to section 42-364 and section 4 of this act and shall:

16           (a) Assist in developing a restructured family that  
17 serves the best interests of the child by accomplishing the  
18 parenting functions; and

19           (b) Include, but not be limited to, determinations of the  
20 following:

21           (i) Legal custody and physical custody of each child;

22           (ii) Apportionment of parenting time, visitation, or  
23 other access for each child, including, but not limited to,  
24 specified religious and secular holidays, birthdays, Mother's Day,  
25 Father's Day, school and family vacations, and other special  
26 occasions, specifying dates and times for the same, or a formula  
27 or method for determining such a schedule in sufficient detail



1 that, if necessary, the schedule can be enforced in subsequent  
2 proceedings by the court, and set out appropriate times and numbers  
3 for telephone access;

4 (iii) Location of the child during the week, weekend, and  
5 given days during the year;

6 (iv) A transition plan, including the time and places for  
7 transfer of the child, method of communication or amount and type  
8 of contact between the parties during transfers, and duties related  
9 to transportation of the child during transfers;

10 (v) Procedures for making decisions regarding the  
11 day-to-day care and control of the child consistent with the major  
12 decisions made by the person or persons who have legal custody and  
13 responsibility for parenting functions;

14 (vi) Provisions for a remediation process regarding  
15 future modifications to such plan;

16 (vii) Provisions to maximize the safety of all parties  
17 and the child; and

18 (viii) Provisions for safety when a preponderance of  
19 the evidence establishes child abuse or neglect, domestic intimate  
20 partner abuse, unresolved parental conflict, or criminal activity  
21 which is directly harmful to a child.

22 (2) A parenting plan shall require that a party provide  
23 notification if the party plans to change the residence of the  
24 child for more than thirty days and the change would affect  
25 any other party's custody, parenting time, visitation, or other  
26 access. The notice shall be given before the contemplated move, by  
27 mail, return receipt requested, postage prepaid, to the last-known

1 address of the party to be notified; except that the address or  
2 return address shall only include the county and state for a party  
3 who is living or moving to an undisclosed location because of  
4 safety concerns. A copy of the notice shall also be sent to the  
5 affected party's counsel of record. To the extent feasible, the  
6 notice shall be provided within a minimum of forty-five days before  
7 the proposed change of residence so as to allow time for mediation  
8 of a new agreement concerning custody, parenting time, visitation,  
9 or other access.

10 (3) When safe and appropriate for the best interests of  
11 the child, the parenting plan may encourage mutual discussion of  
12 major decisions regarding parenting functions including the child's  
13 education, health care, and spiritual or religious upbringing.  
14 However, when a prior factual determination of child abuse or  
15 neglect, domestic intimate partner abuse, or unresolved parental  
16 conflict has been made, then consideration shall be given to  
17 inclusion of provisions for safety and a transition plan that  
18 restrict communication or the amount and type of contact between  
19 the parties during transfers.

20 (4) Regardless of the custody determinations in the  
21 parenting plan, unless parental rights are terminated, both parents  
22 shall continue to have the rights stated in section 42-381.

23 (5) The parenting plan shall be accompanied by  
24 a financial plan which shall provide for apportionment of  
25 the expenses for medical support, including provisions for  
26 medical, dental, and eye care, medical reimbursements, day care,  
27 extracurricular activity, education, and other extraordinary

1 expenses of the child and calculation of child support obligations.

2 (6) In the development of a parenting plan, consideration  
3 shall be given to the child's age, the child's developmental needs,  
4 and the child's perspective, as well as consideration of enhancing  
5 healthy relationships between the child and each party.

6 Sec. 11. (1) Every party seeking a temporary order  
7 relating to parenting functions or custody, parenting time,  
8 visitation, or other access shall file and serve an affidavit of  
9 a proposed temporary parenting plan. Every party contesting the  
10 proposed temporary parenting plan shall file and serve an affidavit  
11 of response to the proposed parenting plan. Any party may move  
12 to have a proposed temporary parenting plan entered as part of a  
13 temporary order. The parties may move jointly to have an agreed  
14 temporary parenting plan developed through informal or formal  
15 negotiation or mediation entered at any time as part of a temporary  
16 order. The proposed temporary parenting plan shall be verified to  
17 the extent known or reasonably discoverable by the filing party or  
18 parties and shall state, at a minimum, the following:

19 (a) The name, address, and length of residence with any  
20 adults with whom each child has lived for the preceding twelve  
21 months; except that the address shall only include the county and  
22 state for a parent who is living in an undisclosed location because  
23 of safety concerns;

24 (b) The performance by each parent or person acting as  
25 parent for the preceding twelve months of the parenting functions  
26 relating to the daily needs of the child;

27 (c) A description of the work and child care schedules

1 for the preceding twelve months of any person seeking custody,  
2 parenting time, visitation, or other access and any expected  
3 changes to these schedules in the near future;

4 (d) A description of the current proposed work and child  
5 care schedules in light of the proposed temporary parenting plan;

6 (e) A description of the child's school and  
7 extracurricular activities, including who is responsible for  
8 transportation of the child; and

9 (f) Any circumstances of child abuse or neglect, domestic  
10 intimate partner abuse, or unresolved parental conflict that are  
11 likely to pose a risk to the child and that warrant limitation  
12 on the award of temporary custody, parenting time, visitation, or  
13 other access to the child pending entry of a permanent parenting  
14 plan, including any restraining orders, protection orders, or  
15 criminal no-contact orders against either parent or a person acting  
16 as a parent by case number and jurisdiction.

17 (2) After a hearing, the court shall enter a temporary  
18 parenting order incorporating a temporary parenting plan that  
19 includes:

20 (a) Provision for temporary legal custody to the parents,  
21 if appropriate, or to another;

22 (b) Provisions for temporary physical custody, which  
23 shall include either:

24 (i) A parenting time, visitation, or other access  
25 schedule that designates in which home each child will reside on  
26 given days of the year; or

27 (ii) A formula or method for determining such a schedule

1 in sufficient detail that, if necessary, the schedule can be  
2 enforced in subsequent proceedings by the court;

3 (c) Designation of a temporary residence for the child;  
4 and

5 (d) Reference to any existing restraining orders,  
6 protection orders, or criminal no-contact orders as well as  
7 provisions for safety and a transition plan, consistent with any  
8 court's finding of child abuse or neglect, domestic intimate  
9 partner abuse, or unresolved parental conflict in order to provide  
10 for the safety of a child and custodial parent necessary for the  
11 best interests of the child.

12 (3) A party may move for an order to show cause, and the  
13 court may enter a modified temporary order, including a modified  
14 temporary parenting plan.

15 (4) The State Court Administrator's office shall create  
16 a form to provide to parties filing for a proposed temporary  
17 parenting plan, setting forth the elements identified in this  
18 section.

19 (5) Provisions for temporary support for the child and  
20 other financial matters may be proposed in the temporary parenting  
21 plan.

22 Sec. 12. Every party seeking a judicial allocation of  
23 parenting functions, including custody, parenting time, visitation,  
24 or other access under the Parenting Act, shall file and serve a  
25 child information affidavit with the court. The child information  
26 affidavit shall be verified and, to the extent known or reasonably  
27 discoverable by the filing party or parties, shall state at a

1 minimum the following:

2 (1) The name, address, and length of residence of any  
3 adults with whom any child has lived for one year or more, or  
4 in the case of a child less than one year old, any adults with  
5 whom the child has lived since the child's birth; except that the  
6 address shall include only the county and state for an adult who is  
7 living in an undisclosed location because of safety concerns;

8 (2) The name and address of each of the child's parents  
9 and any other individuals with standing to participate in the  
10 proceeding; except that the address shall only include the county  
11 and state for a parent who is living in an undisclosed location  
12 because of safety concerns;

13 (3) A description of the allocation of parenting  
14 functions relating to the daily needs of the child performed by  
15 each person named in subdivisions (1) and (2) of this section  
16 during the twenty-four months preceding the filing of the action;

17 (4) A description of the work and child-care schedules of  
18 any person seeking custody, parenting time, visitation, or other  
19 access and any expected changes to these schedules in the near  
20 future;

21 (5) A description of the child's school and  
22 extracurricular activities, including who is responsible for  
23 transportation of the child;

24 (6) Any circumstances of child abuse or neglect, domestic  
25 intimate partner abuse, or unresolved parental conflict that are  
26 likely to pose a risk to the child and that warrant limitation  
27 on the award to any person seeking custody, parenting time,

1 visitation, or other access, including any restraining orders,  
2 protection orders, or criminal no-contact orders against either  
3 parent or person acting as parent by case number and jurisdiction;  
4 and

5 (7) A description of the known areas of agreement and  
6 disagreement regarding custody, parenting time, visitation, or  
7 other access.

8 Sec. 13. (1) In developing a parenting plan:

9 (a) If any party requests, or if a preponderance of  
10 the evidence demonstrates, the court shall determine whether a  
11 parent who would otherwise be allocated custody, parenting time,  
12 visitation, or other access to the child under a parenting plan:

13 (i) Has committed child abuse or neglect;

14 (ii) Has committed child abandonment under section  
15 28-705;

16 (iii) Has committed domestic intimate partner abuse; or

17 (iv) Has interfered persistently with the other parent's  
18 access to the child, except in the case of actions taken for the  
19 purpose of protecting the safety of the child or the interfering  
20 parent or another family member, pending adjudication of the facts  
21 underlying that belief; and

22 (b) If a parent is found to have engaged in any activity  
23 specified by subdivision (1)(a) of this section, limits shall be  
24 imposed that are reasonably calculated to protect the child or  
25 child's parent from harm. The limitations may include, but are not  
26 limited to:

27 (i) An adjustment of the custody of the child, including

1 the allocation of sole legal custody or physical custody to one  
2 parent;

3 (ii) Supervision of the parenting time, visitation, or  
4 other access between a parent and the child;

5 (iii) Exchange of the child between parents through an  
6 intermediary or in a protected setting;

7 (iv) Restraints on the parent from communication with or  
8 proximity to the other parent or the child;

9 (v) A requirement that the parent abstain from possession  
10 or consumption of alcohol or nonprescribed drugs while exercising  
11 custodial responsibility and in a prescribed period immediately  
12 preceding such exercise;

13 (vi) Denial of overnight physical custodial  
14 responsibility;

15 (vii) Restrictions on the presence of specific persons  
16 while the parent is with the child;

17 (viii) A requirement that the parent post a bond to  
18 secure return of the child following a period in which the parent  
19 is exercising physical custodial responsibility or to secure other  
20 performance required by the court;

21 (ix) A requirement that the parent complete a program of  
22 intervention for perpetrators of domestic violence, a program for  
23 drug or alcohol abuse, or a program designed to correct another  
24 factor; or

25 (x) Any other constraints or conditions deemed necessary  
26 to provide for the safety of the child, a child's parent, or any  
27 person whose safety immediately affects the child's welfare.



1           (2) A court determination under this section shall not  
2 be considered a report for purposes of inclusion in the central  
3 register of child protection cases pursuant to the Child Protection  
4 Act.

5           (3) If a parent is found to have engaged in any activity  
6 specified in subsection (1) of this section, the court shall not  
7 order legal or physical custody to be given to that parent without  
8 making special written findings that the child and other parent  
9 can be adequately protected from harm by such limits as it may  
10 impose under such subsection. The parent found to have engaged in  
11 the behavior specified in subsection (1) of this section has the  
12 burden of proving that legal or physical custody, parenting time,  
13 visitation, or other access to that parent will not endanger the  
14 child or the other parent.

15           Sec. 14. (1) (a) No person shall be granted custody of,  
16 or unsupervised parenting time, visitation, or other access with, a  
17 child if the person is required to be registered as a sex offender  
18 under the Sex Offender Registration Act for an offense that would  
19 make it contrary to the best interests of the child for such access  
20 or for an offense in which the victim was a minor or if the  
21 person has been convicted under section 28-311, 28-319.01, 28-320,  
22 28-320.01, or 28-320.02, unless the court finds that there is no  
23 significant risk to the child and states its reasons in writing or  
24 on the record.

25           (b) No person shall be granted custody of, or  
26 unsupervised parenting time, visitation, or other access with, a  
27 child if anyone residing in the person's household is required to

1 register as a sex offender under the Sex Offender Registration Act  
2 as a result of a felony conviction in which the victim was a minor  
3 or for an offense that would make it contrary to the best interests  
4 of the child for such access unless the court finds that there is  
5 no significant risk to the child and states its reasons in writing  
6 or on the record.

7 (c) The fact that a child is permitted unsupervised  
8 contact with a person who is required, as a result of a felony  
9 conviction in which the victim was a minor, to be registered as  
10 a sex offender under the Sex Offender Registration Act shall be  
11 prima facie evidence that the child is at significant risk. When  
12 making a determination regarding significant risk to the child,  
13 the prima facie evidence shall constitute a presumption affecting  
14 the burden of producing evidence. However, this presumption shall  
15 not apply if there are factors mitigating against its application,  
16 including whether the other party seeking custody, parenting time,  
17 visitation, or other access is also required, as the result of a  
18 felony conviction in which the victim was a minor, to register as a  
19 sex offender under the Sex Offender Registration Act.

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

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

27 Sec. 15. (1) The court shall not make a custody,

1 parenting time, visitation, or other access order and the parenting  
2 plan shall not require anything that is inconsistent with any  
3 restraining order, protection order, or criminal no-contact order  
4 regarding any party to the proceeding, unless the court finds that:

5 (a) The custody, parenting time, visitation, or other  
6 access order cannot be made consistent with the restraining order,  
7 protection order, or criminal no-contact order; and

8 (b) The custody, parenting time, visitation, or other  
9 access order is in the best interests of the minor.

10 (2) Whenever custody, parenting time, visitation, or  
11 other access is granted to a parent in a case in which domestic  
12 intimate partner abuse is alleged and a restraining order,  
13 protection order, or criminal no-contact order has been issued,  
14 the custody, parenting time, visitation, or other access order or  
15 parenting plan shall specify the time, day, place, and manner of  
16 transfer of the child for custody, parenting time, visitation, or  
17 other access to limit the child's exposure to potential domestic  
18 conflict or violence and to ensure the safety of all family  
19 members. If the court finds that a party is staying in a place  
20 designated as a shelter for victims of domestic abuse or other  
21 confidential location, the time, day, place, and manner of transfer  
22 of the child for custody, parenting time, visitation, or other  
23 access shall be designed to prevent disclosure of the location of  
24 the shelter or other confidential location.

25 (3) When making an order or parenting plan for custody,  
26 parenting time, visitation, or other access in a case in which  
27 domestic abuse is alleged and a restraining order, protection

1 order, or criminal no-contact order has been issued, the court  
2 shall consider whether the best interests of the child, based  
3 upon the circumstances of the case, require that any custody,  
4 parenting time, visitation, or other access arrangement be limited  
5 to situations in which a third person, specified by the court, is  
6 present, or whether custody, parenting time, visitation, or other  
7 access should be suspended or denied.

8           Sec. 16. After a hearing on the record, the court shall  
9 determine whether the submitted parenting plan meets all of the  
10 requirements of the Parenting Act and is in the best interests of  
11 the child. If the parenting plan lacks any of the elements required  
12 by the act or is not in the child's best interests, the court  
13 shall modify and approve the parenting plan as modified, reject the  
14 parenting plan and order the parties to develop a new parenting  
15 plan, or reject the parenting plan and create a parenting plan that  
16 meets all the required elements and is in the best interests of the  
17 child. The court may include in the parenting plan:

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

27           (2) Consequences for failure to follow parenting plan

1 provisions.

2           Sec. 17. An individual party, a party's attorney, a  
3 guardian ad litem, a social service agency, a court, a domestic  
4 violence serving entity, or another interested entity may refer  
5 a custody, parenting time, visitation, other access, or related  
6 matter to mediation, specialized alternative dispute resolution,  
7 or other alternative dispute resolution process at any time prior  
8 to the filing or after the filing of an action with a court.  
9 Upon receipt of such referral, each mediator, court conciliation  
10 program, or approved mediation center shall provide information  
11 about mediation and specialized alternative dispute resolution to  
12 each party.

13           Sec. 18. (1) At any time in the proceedings, a court  
14 may refer a case to mediation or specialized alternative dispute  
15 resolution in order to attempt resolution of any relevant matter.  
16 The court may state a date for the case to return to court, and the  
17 court shall not grant an extension of such date except for cause.  
18 If the court refers a case to mediation or specialized alternative  
19 dispute resolution, the court may, if appropriate, order temporary  
20 relief, including necessary support and provision for payment of  
21 mediation costs. Court referral may be to an approved mediation  
22 center or a court conciliation program.

23           (2) Prior to July 1, 2010, if there are allegations of  
24 domestic intimate partner abuse or unresolved parental conflict  
25 between the parties in any proceeding, mediation shall not be  
26 required pursuant to the Parenting Act or by local court rule,  
27 unless the court has established a specialized alternative dispute

1 resolution rule approved by the State Court Administrator. The  
2 specialized alternative dispute resolution process shall include  
3 a method for court consideration of precluding or disqualifying  
4 parties from participating; provide an opportunity to educate both  
5 parties about the process; require informed consent from both  
6 parties in order to proceed; provide safety protocols, including  
7 separate individual sessions for each participant, informing each  
8 party about the process, and obtaining informed consent from  
9 each party to continue the process; allow support persons to  
10 attend sessions; and establish opt-out-for-cause provisions. On and  
11 after July 1, 2010, all trial courts shall have a mediation and  
12 specialized alternative dispute resolution rule in accordance with  
13 the act.

14 (3) On and after July 1, 2010, all parties who have not  
15 submitted a parenting plan to the court within the time specified  
16 by the court shall be ordered to participate in mediation or  
17 specialized alternative dispute resolution at a court conciliation  
18 program or an approved mediation center as provided in section 20  
19 of this act.

20 Sec. 19. (1) A mediator under the Parenting Act may be a  
21 court conciliation program counselor, a court conciliation program  
22 mediator, an approved mediation center affiliated mediator, or a  
23 mediator in private practice.

24 (2) To qualify as a Parenting Act mediator, a person  
25 shall have basic mediation training and family mediation training,  
26 approved by the Office of Dispute Resolution, and shall have served  
27 as an apprentice to a mediator as defined in section 25-2903. The

1 training shall include, but not be limited to:

2 (a) Knowledge of the court system and procedures used in  
3 contested family matters;

4 (b) General knowledge of family law, especially regarding  
5 custody, parenting time, visitation, and other access, and support,  
6 including calculation of child support using the child support  
7 guidelines pursuant to section 42-364.16;

8 (c) Knowledge of other resources in the state to which  
9 parties and children can be referred for assistance;

10 (d) General knowledge of child development, the potential  
11 effects of dissolution or parental separation upon children,  
12 parents, and extended families, and the psychology of families;

13 (e) Knowledge of child abuse or neglect and domestic  
14 intimate partner abuse and their potential impact upon the  
15 safety of family members, including knowledge of provisions for  
16 safety, transition plans, domestic intimate partner abuse screening  
17 protocols, and mediation safety measures; and

18 (f) Knowledge in regard to the potential effects of  
19 domestic violence on a child; the nature and extent of domestic  
20 intimate partner abuse; the social and family dynamics of domestic  
21 intimate partner abuse; techniques for identifying and assisting  
22 families affected by domestic intimate partner abuse; interviewing,  
23 documentation of, and appropriate recommendations for families  
24 affected by domestic intimate partner abuse; and availability of  
25 community and legal domestic violence resources.

26 (3) To qualify as an approved specialized mediator for  
27 parents involved in high conflict and situations in which abuse is

1 present, the mediator shall apply to an approved mediation center  
2 or court conciliation program for consideration to be listed as  
3 an approved specialized mediator. The approved mediation center  
4 or court conciliation program shall submit its list of approved  
5 specialized mediators to the Office of Dispute Resolution on an  
6 annual basis. Minimum requirements to be listed as an approved  
7 specialized mediator include:

8 (a) Affiliation with a court conciliation program or an  
9 approved mediation center;

10 (b) Meeting the minimum standards for a Parenting Act  
11 mediator under this section;

12 (c) Meeting additional relevant standards and  
13 qualifications as determined by the State Court Administrator; and

14 (d) Satisfactorily completing an additional minimum  
15 twenty-four-hour specialized alternative dispute resolution  
16 domestic mediation training course developed by entities providing  
17 domestic abuse services and mediation services for children and  
18 families and approved by the State Court Administrator. This  
19 course shall include advanced education in regard to the potential  
20 effects of domestic violence on the child; the nature and extent  
21 of domestic intimate partner abuse; the social and family dynamics  
22 of domestic intimate partner abuse; techniques for identifying and  
23 assisting families affected by domestic intimate partner abuse;  
24 and appropriate and safe mediation strategies to assist parties  
25 in developing a parenting plan, provisions for safety, and a  
26 transition plan, as necessary and relevant.

27 Sec. 20. (1) A Parenting Act mediator, prior to meeting



1 with the parties in an initial mediation session, shall provide an  
2 individual initial screening session with each party to assess the  
3 presence of unresolved parental conflict, domestic intimate partner  
4 abuse, other forms of intimidation or coercion, or a party's  
5 inability to negotiate freely and make informed decisions. If any  
6 of these conditions exist, the mediator shall not proceed with the  
7 mediation session but shall proceed with a specialized alternative  
8 dispute resolution process that addresses safety measures for the  
9 parties, if the mediator is on the approved specialized list of an  
10 approved mediation center or court conciliation program, or shall  
11 refer the parties to a mediator who is so qualified. The mediator  
12 has the duty to determine whether to proceed in joint session,  
13 individual sessions, or caucus meetings with the parties in order  
14 to address safety and freedom to negotiate. In any mediation or  
15 specialized alternative dispute resolution, a mediator has the  
16 ongoing duty to assess appropriateness of the process and safety of  
17 the process upon the parties.

18 (2) No mediator who represents or has represented one  
19 or both of the parties or has had either of the parties as a  
20 client as an attorney or a counselor shall mediate the case, unless  
21 such services have been provided to both participants and mediation  
22 shall not proceed in such cases unless the prior relationship has  
23 been disclosed, the role of the mediator has been made distinct  
24 from the earlier relationship, and the participants have been given  
25 the opportunity to fully choose to proceed. All other potential  
26 conflicts of interest shall be disclosed and discussed before the  
27 parties decide whether to proceed with that mediator.

1           (3) No mediator who is also a licensed attorney may,  
2 after completion of the mediation process, represent either party  
3 in the role of attorney in the same matter through subsequent legal  
4 proceedings.

5           (4) The mediator shall facilitate the mediation process.  
6 The mediator shall have access to court files for purposes of  
7 mediation under the Parenting Act. The mediator shall be impartial  
8 and shall use his or her best efforts to effect an agreement  
9 or parenting plan as required under the act. The mediator may  
10 interview the child if, in the mediator's opinion, such an  
11 interview is necessary or appropriate. The parties shall not  
12 bring the child to any sessions with the mediator unless specific  
13 arrangements have been made with the mediator in advance of  
14 the session. The mediator shall assist the parties in assessing  
15 their needs and the best interests of the child involved in the  
16 proceeding and may include other persons in the mediation process  
17 as necessary or appropriate. The mediator shall advise the parties  
18 that they should consult with an attorney.

19           (5) The mediator may terminate mediation if one or more  
20 of the following conditions exist:

21           (a) There is no reasonable possibility that mediation  
22 will promote the development of an effective parenting plan;

23           (b) Allegations are made of direct physical or  
24 significant emotional harm to a party or to a child that have not  
25 been heard and ruled upon by the court. Prior to the commencement  
26 of mediation, the parties to mediation shall be notified by the  
27 mediator that evidence of child abuse or neglect shall be reported

1 to the authorized child neglect and abuse reporting agency; or

2 (c) Mediation will otherwise fail to serve the best  
3 interests of the child.

4 (6) Until July 1, 2010, either party may terminate  
5 mediation at any point in the process. On and after July 1, 2010,  
6 a party may not terminate mediation until after an individual  
7 initial screening session and one mediation or specialized  
8 alternative dispute resolution session are held. The session after  
9 the individual initial screening session shall be an individual  
10 specialized alternative dispute resolution session if the screening  
11 indicated the existence of any condition specified in subsection  
12 (1) of this section.

13 Sec. 21. (1) Mediation of cases under the Parenting Act  
14 shall be governed by uniform standards of practice adopted by the  
15 State Court Administrator. In adopting the standards of practice,  
16 the State Court Administrator shall consider standards developed  
17 by recognized associations of mediators and attorneys and other  
18 relevant standards governing mediation and other dispute resolution  
19 processes of proceedings for the determination of parenting plans  
20 or dissolution of marriage. The standards of practice shall  
21 include, but not be limited to, all of the following:

22 (a) Provision for the best interests of the child and the  
23 safeguarding of the rights of the child in regard to each parent,  
24 consistent with the act;

25 (b) Facilitation of the transition of the family by  
26 detailing factors to be considered in decisions concerning the  
27 child's future;

1           (c) The conducting of negotiations in such a way as to  
2 address the relationships between the parties, considering safety  
3 and the ability to freely negotiate and make decisions; and

4           (d) Provision for a specialized alternative dispute  
5 resolution process in cases where any of the conditions specified  
6 in subsection (1) of section 20 of this act exist.

7           (2) Mediation under the Parenting Act shall be conducted  
8 in private.

9           Sec. 22. Mediation of a parenting plan shall be subject  
10 to the Uniform Mediation Act and the Dispute Resolution Act,  
11 to the extent such acts are not in conflict with the Parenting  
12 Act. Unsigned mediated agreements under the Parenting Act are not  
13 subject to a claim of privilege under subdivision (a) (1) of section  
14 25-2935. In addition to disclosures permitted in section 25-2936,  
15 a mediator under the Parenting Act may also disclose a party's  
16 failure to schedule an individual initial screening session or a  
17 mediation session.

18           Sec. 23. The costs of the mediation process shall be paid  
19 by the parties. If the court orders the parties to mediation, the  
20 costs to the parties shall be charged according to a sliding fee  
21 scale as established by the State Court Administrator.

22           Sec. 24. (1) The State Court Administrator shall develop  
23 rules to implement the Parenting Act.

24           (2) The Parenting Act Fund is created. The State Court  
25 Administrator, through the Office of Dispute Resolution, approved  
26 mediation centers, and court conciliation programs, shall use the  
27 fund to carry out the Parenting Act. Any money in the fund

1 available for investment shall be invested by the state investment  
2 officer pursuant to the Nebraska Capital Expansion Act and the  
3 Nebraska State Funds Investment Act.

4           Sec. 25. Section 25-2911, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6           25-2911 (1) The following types of cases may be accepted  
7 for dispute resolution at an approved center:

8           (a) Civil claims and disputes, including, but not limited  
9 to, consumer and commercial complaints, disputes between neighbors,  
10 disputes between business associates, disputes between landlords  
11 and tenants, and disputes within communities;

12           (b) Disputes concerning child custody, parenting time,  
13 visitation, or other access and visitation rights and other areas  
14 of domestic relations; and

15           (c) Juvenile offenses and disputes involving juveniles.

16           (2) An approved center may accept cases referred by a  
17 court, an attorney, a law enforcement officer, a social service  
18 agency, a school, or any other interested person or agency or  
19 upon the request of the parties involved. A case may be referred  
20 prior to the commencement of formal judicial proceedings or may be  
21 referred as a pending court case. In order for a referral to be  
22 effective, all parties involved must consent to such referral. If a  
23 court refers a case to an approved center, the center shall provide  
24 information to the court as to whether an agreement was reached.  
25 If the court requests a copy of the agreement, the center shall  
26 provide it.

27           Sec. 26. Section 33-106.03, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           33-106.03 In addition to the fees provided for in  
3 sections 33-106 and 33-123, the clerk of the court shall collect  
4 an additional ~~twenty-five~~ seventy-five dollars in docket fees for  
5 dissolution of marriages. The ~~twenty-five dollar~~ fee shall be  
6 remitted to the State Treasurer ~~for~~ who shall credit twenty-five  
7 dollars to the Nebraska Child Abuse Prevention Fund and fifty  
8 dollars to the Parenting Act Fund.

9           Sec. 27. Section 33-107.02, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11           33-107.02 (1) A docket fee of ~~fifteen~~ sixty-five dollars  
12 shall be collected by the clerk of the county court or the clerk  
13 of the district court for each proceeding to modify a decree of  
14 dissolution or annulment of marriage, a modification of an award of  
15 child support, or a modification of child custody, parenting time,  
16 visitation, or other access as defined in section 3 of this act. ~~or~~  
17 ~~visitation.~~ Such fees shall be remitted to the State Treasurer on  
18 forms prescribed by the State Treasurer within ten days after the  
19 close of each month. ~~for credit~~ Fifteen dollars shall be credited  
20 to the Legal Aid and Services Fund, and fifty dollars shall be  
21 credited to the Parenting Act Fund.

22           (2) Any proceeding filed by a county attorney or an  
23 authorized attorney, as defined in section 43-1704, in a case in  
24 which services are being provided under Title IV-D of the federal  
25 Social Security Act, as amended, shall not be subject to the  
26 provisions of this section.

27           Sec. 28. Section 42-347, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 42-347 For purposes of sections 42-347 to 42-381, unless  
3 the context otherwise requires:

4 (1) Authorized attorney ~~shall mean~~ means an attorney (a)  
5 employed by the county subject to the approval of the county board,  
6 (b) employed by the Department of Health and Human Services, or  
7 (c) appointed by the court, who is authorized to investigate and  
8 prosecute child and spousal support cases. An authorized attorney  
9 shall represent the state as provided in section 43-512.03;

10 (2) Custody includes both legal custody and physical  
11 custody;

12 ~~(2)~~ (3) Dissolution of marriage shall mean means the  
13 termination of a marriage by decree of a court of competent  
14 jurisdiction upon a finding that the marriage is irretrievably  
15 broken. The term dissolution of marriage shall be considered  
16 synonymous with divorce, and whenever the term divorce appears in  
17 the statutes it ~~shall mean~~ means dissolution of marriage pursuant  
18 to sections 42-347 to 42-381;

19 (4) Joint legal custody has the same meaning as in  
20 section 3 of this act;

21 (5) Joint physical custody has the same meaning as in  
22 section 3 of this act;

23 (6) Legal custody has the same meaning as in section 3 of  
24 this act;

25 ~~(3)~~ (7) Legal separation shall mean means a decree of a  
26 court of competent jurisdiction providing that two persons who have  
27 been legally married shall thereafter live separate and apart and

1 providing for any necessary adjustment of property, support, and  
2 custody rights between the parties but not dissolving the marriage;

3 (8) Physical custody has the same meaning as in section  
4 3 of this act;

5 ~~(4)~~ (9) Spousal support, when used in the context of  
6 income withholding or any provisions of law which might lead to  
7 income withholding, ~~shall mean~~ means alimony or maintenance support  
8 for a spouse or former spouse when ordered as a part of an order,  
9 decree, or judgment which provides for child support and the child  
10 and spouse or former spouse are living in the same household;

11 ~~(5)~~ (10) State Disbursement Unit has the same meaning as  
12 in section 43-3341; ~~and~~

13 ~~(6)~~ (11) Support order has the same meaning as in section  
14 43-1717; ~~and~~ -

15 (12) Title IV-D Division has the same meaning as in  
16 section 43-3341.

17 Sec. 29. Section 42-351, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 42-351 (1) In proceedings under sections 42-347 to  
20 42-381, the court shall have jurisdiction to inquire into such  
21 matters, make such investigations, and render such judgments and  
22 make such orders, both temporary and final, as are appropriate  
23 concerning the status of the marriage, the custody and support  
24 of minor children, the support of either party, the settlement of  
25 the property rights of the parties, and the award of costs and  
26 attorney's fees. The court shall determine jurisdiction for child  
27 custody proceedings under the Uniform Child Custody Jurisdiction



1 and Enforcement Act.

2 (2) When final orders relating to proceedings governed by  
3 sections 42-347 to 42-381 are on appeal and such appeal is pending,  
4 the court that issued such orders shall retain jurisdiction to  
5 provide for such orders regarding support, custody, parenting time,  
6 visitation, or other access, ~~visitation, or support,~~ orders shown  
7 to be necessary to allow the use of property or to prevent the  
8 irreparable harm to or loss of property during the pendency of  
9 such appeal, or other appropriate orders in aid of the appeal  
10 process. Such orders shall not be construed to prejudice any party  
11 on appeal.

12 Sec. 30. Section 42-353, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 42-353 The pleadings required by sections 42-347 to  
15 42-381 shall be governed by the rules of pleading in civil actions  
16 promulgated under section 25-801.01. The complaint shall include  
17 the following:

18 (1) The name and address of the plaintiff and his or  
19 her attorney, except that for a plaintiff who is living in an  
20 undisclosed location because of safety concerns, only the county  
21 and state of the address are required;

22 (2) The name and address, if known, of the defendant;

23 (3) The date and place of marriage;

24 (4) The name and date of birth of each child whose  
25 custody or welfare may be affected by the proceedings and whether  
26 (a) a parenting plan as provided in the Parenting Act has been  
27 developed and (b) child custody, parenting time, visitation, or

1 other access or child support is a contested issue;

2 (5) If the plaintiff is a party to any other pending  
3 action for divorce, separation, or dissolution of marriage, a  
4 statement as to where such action is pending;

5 (6) Reference to any existing restraining orders,  
6 protection orders, or criminal no-contact orders regarding any  
7 party to the proceedings;

8 (7) Financial statements if required by section 42-359;

9 ~~(6)~~ (8) A statement of the relief sought by the  
10 plaintiff, including adjustment of custody, property, and support  
11 rights; and

12 ~~(7)~~ (9) An allegation that the marriage is irretrievably  
13 broken.

14 Sec. 31. Section 42-359, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 42-359 Applications ~~for support~~ and complaints regarding  
17 spousal support, child support, or alimony shall be accompanied by  
18 a statement of the applicant's or complainant's financial condition  
19 and, to the best of the applicant's his or her knowledge, a  
20 statement of the other party's financial condition. Such other  
21 party may file his or her statement, if he or she so desires,  
22 and shall do so if ordered by the court. Statements shall be  
23 under oath and shall show income from salary or other sources,  
24 assets, debts and payments thereon, living expenses, and other  
25 relevant information. Required forms for financial statements may  
26 be furnished by the court.

27 Sec. 32. Section 42-364, Revised Statutes Cumulative

1 Supplement, 2006, is amended to read:

2           42-364 (1) In an action involving child support, child  
3 custody, parenting time, visitation, or other access, the parties  
4 and their counsel, if represented, shall develop a parenting plan  
5 as provided in the Parenting Act. If the parties and counsel do  
6 not develop a parenting plan, the complaint shall so indicate as  
7 provided in section 42-353 and before July 1, 2010, the case may be  
8 referred to mediation, specialized alternative dispute resolution,  
9 or other alternative dispute resolution process and on or after  
10 such date the case shall be referred to mediation or specialized  
11 alternative dispute resolution as provided in the Parenting Act.  
12 The decree in an action involving the custody of a minor child  
13 shall include the determination of legal custody and physical  
14 custody based upon the best interests of the child, as defined  
15 in the Parenting Act, and child support. Such determinations shall  
16 be made by incorporation into the decree of (a) a parenting plan  
17 developed by the parties, if approved by the court, or (b) a  
18 parenting plan developed by the court based upon evidence produced  
19 after a hearing in open court if no parenting plan is developed by  
20 the parties or the plan developed by the parties is not approved  
21 by the court. The decree shall conform to the Parenting Act. The  
22 social security number of each parent and the minor child shall  
23 be furnished to the clerk of the district court but shall not  
24 be disclosed or considered a public record. ~~When dissolution of a~~  
25 ~~marriage or legal separation is decreed,~~ the court may include a  
26 ~~parenting plan developed under the Parenting Act,~~ if a parenting  
27 ~~plan has been so developed,~~ and such orders in relation to any

1 minor child and the child's maintenance as are justified, including  
2 placing the minor child in the custody of the court or third  
3 parties or terminating parental rights pursuant to this section if  
4 the best interests of the minor child require such orders. Custody  
5 and time spent with each parent shall be determined on the basis  
6 of the best interests of the minor child with the objective of  
7 maintaining the ongoing involvement of both parents in the minor  
8 child's life. The social security number of each parent and the  
9 minor child shall be furnished to the clerk of the district court.

10           (2) In determining custody arrangements and the time to  
11 be spent with each parent, the court shall consider the best  
12 interests of the minor child which shall include, but not be  
13 limited to:

14           (a) The relationship of the minor child to each parent  
15 prior to the commencement of the action or any subsequent hearing;

16           (b) The desires and wishes of the minor child if of an  
17 age of comprehension regardless of chronological age, when such  
18 desires and wishes are based on sound reasoning;

19           (c) The general health, welfare, and social behavior of  
20 the minor child; and

21           (d) Credible evidence of abuse inflicted on any family  
22 or household member. For purposes of this subdivision, abuse and  
23 family or household member shall have the meanings prescribed in  
24 section 42-903.

25           (3) (2) In determining custody arrangements legal custody  
26 or physical custody, and the time to be spent with each parent, the  
27 court shall not give preference to either parent based on the sex

1 of the parent and, except as provided in section 14 of this act, no  
2 presumption shall exist that either parent is more fit or suitable  
3 than the other. Custody shall be determined on the basis of the  
4 best interests of the child, as defined in the Parenting Act.  
5 Unless parental rights are terminated, both parents shall continue  
6 to have the rights stated in section 42-381.

7 ~~(4) Regardless of the custody determination of the court,~~  
8 ~~(a) each parent shall continue to have full and equal access to the~~  
9 ~~education and medical records of his or her child unless the court~~  
10 ~~orders to the contrary and (b) either parent may make emergency~~  
11 ~~decisions affecting the health or safety of his or her child while~~  
12 ~~the child is in the physical custody of such parent pursuant to a~~  
13 ~~visitation order entered by the court.~~

14 ~~(5) After a hearing in open court, the court may place~~  
15 ~~the eustody (3) Custody of a minor child may be placed with both~~  
16 ~~parents on a shared or joint eustody basis joint legal custody or~~  
17 ~~joint physical custody basis, or both, (a) when both parents agree~~  
18 ~~to such an arrangement. In that event, each parent shall have equal~~  
19 ~~rights to make decisions in the best interests of the minor child~~  
20 ~~in his or her eustody. The court may place a minor child in joint~~  
21 ~~eustody after conducting a hearing in open court and specifically~~  
22 ~~finding in the parenting plan and the court determines that such~~  
23 ~~an arrangement is in the best interests of the child or (b) if~~  
24 ~~the court specifically finds, after a hearing in open court, that~~  
25 ~~joint eustody physical custody or joint legal custody, or both, is~~  
26 ~~in the best interests of the minor child regardless of any parental~~  
27 ~~agreement or consent.~~

1           ~~(6)~~ (4) In determining the amount of child support to  
2 be paid by a parent, the court shall consider the child support  
3 calculations included in the separate financial plan submitted  
4 with the parenting plan, the earning capacity of each parent, and  
5 the guidelines provided by the Supreme Court pursuant to section  
6 42-364.16 for the establishment of child support obligations. Upon  
7 application, hearing, and presentation of evidence of an abusive  
8 disregard of the use of child support money paid by one party  
9 to the other, the court may require the party receiving such  
10 payment to file a verified report with the court, as often as  
11 the court requires, stating the manner in which such money is  
12 used. Child support paid to the party having custody of the minor  
13 child shall be the property of such party except as provided in  
14 section 43-512.07. The clerk of the district court shall maintain  
15 a record, separate from all other judgment dockets, of all decrees  
16 and orders in which the payment of child support or spousal  
17 support has been ordered, whether ordered by a district court,  
18 county court, separate juvenile court, or county court sitting as a  
19 juvenile court. Orders for child support in cases in which a party  
20 has applied for services under Title IV-D of the federal Social  
21 Security Act, as amended, shall be reviewed as provided in sections  
22 43-512.12 to 43-512.18.

23           ~~(7)~~ (5) Whenever termination of parental rights is placed  
24 in issue: by the pleadings or evidence, the

25           (a) The court shall transfer jurisdiction to a juvenile  
26 court established pursuant to the Nebraska Juvenile Code unless  
27 a showing is made that the county court or district court

1 is a more appropriate forum. In making such determination, the  
2 court may consider such factors as cost to the parties, undue  
3 delay, congestion of dockets, and relative resources available for  
4 investigative and supervisory assistance. A determination that the  
5 county court or district court is a more appropriate forum shall  
6 not be a final order for the purpose of enabling an appeal. If  
7 no such transfer is made, the court shall appoint an attorney as  
8 guardian ad litem to protect the interests of any minor child.  
9 The court may terminate the parental rights of one or both parents  
10 after notice and hearing when the court finds such action to  
11 be in the best interests of the minor child, as defined in the  
12 Parenting Act, and it appears by the evidence that one or more of  
13 the following conditions exist: grounds for termination of parental  
14 rights stated in section 43-292 exist; and

15           (a) The minor child has been abandoned by one or both  
16 parents;

17           (b) One parent has or both parents have substantially and  
18 continuously or repeatedly neglected the minor child and refused to  
19 give such minor child necessary parental care and protection;

20           (c) One parent is or both parents are unfit by reason of  
21 debauchery, habitual use of intoxicating liquor or narcotic drugs,  
22 illegal possession or sale of illegal substances, or repeated lewd  
23 and lascivious behavior, which conduct is found by the court to be  
24 seriously detrimental to the health, morals, or well-being of the  
25 minor child; or

26           (d) One parent is or both parents are unable to discharge  
27 parental responsibilities because of mental illness or mental

1 deficiency and there are reasonable grounds to believe that such  
2 condition will continue for a prolonged indeterminate period.

3 ~~(8)~~ Whenever termination of parental rights is placed  
4 in issue, the (b) The court shall inform a parent who does not  
5 have legal counsel of the parent's right to retain counsel and  
6 of the parent's right to retain legal counsel at county expense  
7 if such parent is unable to afford legal counsel. If such parent  
8 is unable to afford legal counsel and requests the court to  
9 appoint legal counsel, the court shall immediately appoint an  
10 attorney to represent the parent in the termination proceedings.  
11 The court shall order the county to pay the attorney's fees and  
12 all reasonable expenses incurred by the attorney in protecting the  
13 rights of the parent. At such hearing, the guardian ad litem shall  
14 take all action necessary to protect the interests of the minor  
15 child. The court shall fix the fees and expenses of the guardian ad  
16 litem and tax the same as costs but may order the county to pay on  
17 finding the responsible party indigent and unable to pay.

18 ~~(9)~~ (6) Modification proceedings relating to support,  
19 custody, ~~visitation,~~ parenting time, visitation, other access, or  
20 removal of children from the jurisdiction of the court shall  
21 be commenced by filing a complaint to modify. Modification of  
22 a parenting plan is governed by the Parenting Act. Proceedings  
23 to modify a parenting plan shall be commenced by filing a  
24 complaint to modify. Such actions may be referred to mediation,  
25 specialized alternative dispute resolution, or other alternative  
26 dispute resolution process before July 1, 2010, and on and after  
27 such date shall be referred to mediation or specialized alternative



1 dispute resolution as provided in the Parenting Act. Service of  
2 process and other procedure shall comply with the requirements for  
3 a dissolution action.

4 Sec. 33. Section 42-364.14, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 42-364.14 Nothing in the Income Withholding for Child  
7 Support Act or sections 42-364.01 to 42-364.13 shall be construed  
8 as prohibiting a parent-employee from consenting to an order to  
9 withhold and transmit earnings as part of a property settlement  
10 agreement incorporated into a decree dissolving a marriage or by  
11 agreement in a proceeding in the district court, county court, or  
12 separate juvenile court in which the payment of child support is  
13 an issue. If the parent-employee has consented to such an order,  
14 the court shall not be required to hold a separate hearing or make  
15 findings as provided in ~~sections 42-364.01 to 42-364.12.~~ the act or  
16 such sections. The clerk of the court shall notify the employer, if  
17 any, of the parent-employee of any such order by first-class mail  
18 and file a record of such mailing in the court.

19 Sec. 34. Section 42-364.15, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 42-364.15 In any proceeding when a court has ordered  
22 a parent to pay, temporarily or permanently, any amount for the  
23 support of a minor child and in the same proceeding has ordered  
24 ~~visitation~~ parenting time, visitation, or other access with any  
25 minor child on behalf of such parent, the court shall enforce its  
26 ~~visitation~~ orders as follows:

27 (1) Upon the filing of a motion which is accompanied by

1 an affidavit stating that either parent has unreasonably withheld  
2 or interfered with the exercise of the court order after notice to  
3 the parent and hearing, the court shall enter such orders as are  
4 reasonably necessary to enforce rights of either parent including  
5 the modification of previous court orders relating to ~~visitation.~~  
6 parenting time, visitation, or other access. The court may use  
7 contempt powers to enforce its court orders relating to ~~visitation.~~  
8 parenting time, visitation, or other access. The court may require  
9 either parent to file a bond or otherwise give security to insure  
10 his or her compliance with court order provisions; and -

11 (2) Costs, including reasonable attorney's fees, may be  
12 taxed against a party found to be in contempt pursuant to this  
13 section.

14 Sec. 35. Section 42-369, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 42-369 (1) All support orders, decrees, or judgments for  
17 temporary or permanent support payments, including child, spousal,  
18 or medical support, and all orders, decrees, or judgments for  
19 alimony, or modification of support payments or alimony shall  
20 direct the payment of such sums to be made commencing on the first  
21 day of each month for the use of the persons for whom the support  
22 payments or alimony have been awarded. Such payments shall be made  
23 to the clerk of the district court (a) when the order, decree, or  
24 judgment is for spousal support, alimony, or maintenance support  
25 and the order, decree, or judgment does not also provide for  
26 child support, and (b) when the payment constitutes child care or  
27 day care expenses, unless payments under ~~subdivisions~~ subdivision

1 (1) (a) or (1) (b) of this section are ordered to be made directly  
2 to the obligee. All other support order payments shall be made  
3 to the State Disbursement Unit. ~~except payments made pursuant~~  
4 ~~to subdivisions (1)(a) and (1)(b) of this section.~~ In all cases  
5 in which income withholding has been implemented pursuant to the  
6 Income Withholding for Child Support Act or sections 42-364.01  
7 to 42-364.14, support order payments shall be made to the State  
8 Disbursement Unit. The court may order such payment to be in cash  
9 or guaranteed funds.

10 (2) If the person against whom an ~~order, decree, or~~  
11 ~~judgment~~ a support order for child support is entered or the  
12 custodial parent or guardian has health insurance available to  
13 him or her through an employer or organization which may extend  
14 to cover any children affected by the support order, ~~decree, or~~  
15 ~~judgment~~ the court shall require the option to be exercised or  
16 comparable coverage be obtained by either party for additional  
17 coverage which favors the best interests of the child or children  
18 affected unless the parties have otherwise stipulated in writing or  
19 to the court.

20 (3) ~~Such an order, decree, or judgment for support~~ A  
21 support order may include the providing of necessary shelter,  
22 food, clothing, care, medical support as defined in section 43-512,  
23 medical attention, expenses of confinement, education expenses,  
24 funeral expenses, and any other expense the court may deem  
25 reasonable and necessary.

26 (4) ~~Orders, decrees, and judgments for temporary~~  
27 Temporary or permanent support orders or orders, decrees, and

1 judgments for alimony shall be filed with the clerk of the district  
2 court and have the force and effect of judgments when entered. The  
3 clerk and the State Disbursement Unit shall disburse all payments  
4 received as directed by the court and as provided in sections  
5 42-358.02 and 43-512.07. Records shall be kept of all funds  
6 received and disbursed by the clerk and the unit and shall be open  
7 to inspection by the parties and their attorneys.

8 (5) Unless otherwise specified by the court, an equal and  
9 proportionate share of any child support awarded shall be presumed  
10 to be payable on behalf of each child subject to the order, decree,  
11 or judgment for purposes of an assignment under section 43-512.07.

12 Sec. 36. Section 42-371, Revised Statutes Cumulative  
13 Supplement, 2006, is amended to read:

14 42-371 Under the Uniform Interstate Family Support Act  
15 and sections 42-347 to 42-381, 43-290, 43-512 to 43-512.10, and  
16 43-1401 to 43-1418:

17 (1) All judgments and orders for payment of money shall  
18 be liens, as in other actions, upon real property and any personal  
19 property registered with any county office and may be enforced or  
20 collected by execution and the means authorized for collection of  
21 money judgments; ~~The judgment creditor may execute (a) a partial~~  
22 ~~or total release of the judgment or (b) a document subordinating~~  
23 ~~the lien of the judgment to any other lien, generally or on~~  
24 ~~specific real or personal property. Release of a judgment for child~~  
25 ~~support or spousal support or subordination of a lien of a judgment~~  
26 ~~for child support or spousal support must be approved by the court~~  
27 ~~which rendered the judgment unless all such payments are current,~~

1 in which case a release or subordination document executed by the  
2 judgment creditor shall be sufficient to remove or subordinate  
3 the lien. A properly executed, notarized release or subordination  
4 document, explicitly reciting that all child support payments or  
5 spousal support payments are current, shall be prima facie evidence  
6 that such payments are in fact current. The judgment debtor may  
7 file a motion in the court which rendered the original judgment for  
8 an order releasing or subordinating the lien as to specific real or  
9 personal property. The court shall grant such order upon a showing  
10 by the judgment debtor that sufficient real or personal property or  
11 property interests will remain subject to the lien or will maintain  
12 priority over other liens sufficient to cover all support due and  
13 which may become due;

14 (2) (a) If support order payments are current, a partial  
15 or total release of the judgment or subordination of a lien  
16 for a support order, generally or on specific real or personal  
17 property, may be accomplished by filing (i) a current certified  
18 copy of support order payment history from the Title IV-D Division  
19 explicitly reciting that all support order payments are current and  
20 (ii) a partial or total release of the judgment or subordination  
21 document in the county office where the lien is registered.

22 (b) If support order payments are not current, the person  
23 desiring such release or subordination may file an application  
24 for the relief desired in the court which rendered the original  
25 judgment or support order. A copy of the application and a  
26 notice of hearing shall be served on the judgment creditor either  
27 personally or by registered or certified mail no less than ten days

1 before the date of hearing. If the court finds that the release or  
2 subordination is not requested for the purpose of avoiding payment  
3 and that the release or subordination will not unduly reduce the  
4 security, the court may issue an order for a total or partial  
5 release of all or specific real or personal property from the lien  
6 or issue an order subordinating the lien. As a condition for such  
7 release or subordination, the court may require the posting of a  
8 bond with the clerk in an amount fixed by the court, guaranteeing  
9 payment of the judgment.

10 (c) For purposes of this section, a current certified  
11 copy of support order payment history from the Title IV-D Division  
12 explicitly reciting that all support payments are current is valid  
13 for thirty days after the date of certification;

14 ~~(2)~~ (3) Full faith and credit shall be accorded to  
15 a lien arising by operation of law against real and personal  
16 property for amounts ~~of~~ overdue relating to a support order owed  
17 by an obligor who resides or owns property in this state when  
18 another state agency, party, or other entity seeking to enforce  
19 such lien complies with the procedural rules relating to the  
20 filing of the lien in this state. The state agency, party, or  
21 other entity seeking to enforce such lien shall send a certified  
22 copy of the support order with all modifications, the notice of  
23 lien prescribed by 42 U.S.C. 652(a)(11) and 42 U.S.C. 654(9)(E),  
24 and the appropriate fee to the clerk of the district court in  
25 the jurisdiction within this state in which the lien is sought.  
26 Upon receiving the appropriate documents and fee, the clerk of  
27 the district court shall accept the documents filed and such

1 acceptance shall constitute entry of the foreign support order for  
2 purposes of this section only. Entry of a lien arising in another  
3 state pursuant to this section shall result in such lien being  
4 afforded the same treatment as liens arising in this state. The  
5 filing process required by this section shall not be construed as  
6 requiring an application, complaint, answer, and hearing as might  
7 be required for the filing or registration of foreign judgments  
8 under the Nebraska Uniform Enforcement of Foreign Judgments Act or  
9 the Uniform Interstate Family Support Act;

10 ~~(3) Child support and spousal support~~ (4) Support order  
11 judgments shall cease to be liens on real or registered personal  
12 property ten years from the date (a) the youngest child becomes  
13 of age or dies or (b) the most recent execution was issued to  
14 collect the judgment, whichever is later, and such lien shall not  
15 be reinstated;

16 ~~(4)~~ (5) Alimony and property settlement award judgments,  
17 if not covered by subdivision ~~(3)~~ (4) of this section, shall cease  
18 to be a lien on real or registered personal property ten years  
19 from the date (a) the judgment was entered, (b) the most recent  
20 payment was made, or (c) the most recent execution was issued to  
21 collect the judgment, whichever is latest, and such lien shall not  
22 be reinstated;

23 ~~(5) Whenever a judgment creditor refuses to execute a~~  
24 ~~release of the judgment or subordination of a lien as provided~~  
25 ~~in this section, the person desiring such release or subordination~~  
26 ~~may file an application for the relief desired. A copy of the~~  
27 ~~application and a notice of hearing shall be served on the judgment~~

1 ~~creditor either personally or by registered or certified mail no~~  
2 ~~less than ten days before the date of hearing. If the court finds~~  
3 ~~that the release or subordination is not requested for the purpose~~  
4 ~~of avoiding payment and that the release or subordination will not~~  
5 ~~unduly reduce the security,~~ the court may issue an order releasing  
6 ~~real or personal property from the judgment lien or issue an order~~  
7 ~~subordinating the judgment lien. As a condition for such release or~~  
8 ~~subordination,~~ the court may require the posting of a bond with the  
9 ~~clerk in an amount fixed by the court,~~ guaranteeing payment of the  
10 ~~judgment;~~

11           (6) The court may in any case, upon application or its  
12 own motion, after notice and hearing, order a person required to  
13 make payments to post sufficient security, bond, or other guarantee  
14 with the clerk to insure payment of both current and any delinquent  
15 amounts. Upon failure to comply with the order, the court may  
16 also appoint a receiver to take charge of the debtor's property  
17 to insure payment. Any bond, security, or other guarantee paid in  
18 cash may, when the court deems it appropriate, be applied either to  
19 current payments or to reduce any accumulated arrearage;

20           (7) (a) The lien of a mortgage or deed of trust which  
21 secures a loan, the proceeds of which are used to purchase  
22 real property, and (b) any lien given priority pursuant to a  
23 subordination document under this section shall attach prior to  
24 any lien authorized by this section. Any mortgage or deed of trust  
25 which secures the refinancing, renewal, or extension of a real  
26 property purchase money mortgage or deed of trust shall have the  
27 same lien priority with respect to any lien authorized by this



1 section as the original real property purchase money mortgage or  
2 deed of trust to the extent that the amount of the loan refinanced,  
3 renewed, or extended does not exceed the amount used to pay the  
4 principal and interest on the existing real property purchase money  
5 mortgage or deed of trust, plus the costs of the refinancing,  
6 renewal, or extension; and

7 (8) Any lien authorized by this section against personal  
8 property registered with any county consisting of a motor vehicle  
9 or mobile home shall attach upon notation of the lien against the  
10 motor vehicle or mobile home certificate of title and shall have  
11 its priority established pursuant to the terms of section 60-164 or  
12 a subordination document executed under this section.

13 Sec. 37. Section 42-934, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 42-934 (a) A person authorized by the law of this state  
16 to seek enforcement of a protection order may seek enforcement of  
17 a valid foreign protection order in a tribunal of this state. The  
18 tribunal shall enforce the terms of the order, including terms that  
19 provide relief that a tribunal of this state would lack power to  
20 provide but for this section. The tribunal shall enforce the order,  
21 whether the order was obtained by independent action or in another  
22 proceeding, if it is an order issued in response to a complaint,  
23 petition, or motion filed by or on behalf of an individual seeking  
24 protection. In a proceeding to enforce a foreign protection order,  
25 the tribunal shall follow the procedures of this state for the  
26 enforcement of protection orders.

27 (b) A tribunal of this state may not enforce a foreign

1 protection order issued by a tribunal of a state that does  
2 not recognize the standing of a protected individual to seek  
3 enforcement of the order.

4 (c) A tribunal of this state shall enforce the provisions  
5 of a valid foreign protection order which govern child custody,  
6 parenting time, visitation, or other access, and visitation, if  
7 the order was issued in accordance with the applicable federal and  
8 state jurisdictional requirements governing the issuance of orders  
9 relating to child custody, parenting time, visitation, or other  
10 access and visitation orders in the issuing state.

11 (d) A foreign protection order is valid if it:

12 (1) identifies the protected individual and the  
13 respondent;

14 (2) is currently in effect;

15 (3) was issued by a tribunal that had jurisdiction over  
16 the parties and subject matter under the law of the issuing state;  
17 and

18 (4) was issued after the respondent was given reasonable  
19 notice and had an opportunity to be heard before the tribunal  
20 issued the order or, in the case of an order ex parte, the  
21 respondent was given notice and has had or will have an opportunity  
22 to be heard within a reasonable time after the order was issued,  
23 in a manner consistent with the rights of the respondent to due  
24 process.

25 (e) A foreign protection order valid on its face is prima  
26 facie evidence of its validity.

27 (f) Absence of any of the criteria for validity of a

1 foreign protection order is an affirmative defense in an action  
2 seeking enforcement of the order.

3 (g) A tribunal of this state may enforce provisions of a  
4 mutual foreign protection order which favor a respondent only if:

5 (1) the respondent filed a written pleading seeking a  
6 protection order from the tribunal of the issuing state; and

7 (2) the tribunal of the issuing state made specific  
8 findings in favor of the respondent.

9 Sec. 38. Section 43-104.13, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11 43-104.13 The notice sent by the agency or attorney  
12 pursuant to section 43-104.12 shall be served sufficiently in  
13 advance of the birth of the child, whenever possible, to allow  
14 compliance with section 43-104.02 and shall state:

15 (1) The biological mother's name, the fact that she is  
16 pregnant or has given birth to the child, and the expected or  
17 actual date of delivery;

18 (2) That the child has been relinquished by the  
19 biological mother, that she intends to execute a relinquishment,  
20 or that the biological mother has joined or plans to join in a  
21 petition for adoption to be filed by her husband;

22 (3) That the person being notified has been identified as  
23 a possible biological father of the child;

24 (4) That the possible biological father may have certain  
25 rights with respect to such child if he is in fact the biological  
26 father;

27 (5) That the possible biological father has the right to

1 (a) deny paternity, (b) waive any parental rights he may have, (c)  
2 relinquish and consent to adoption of the child, or (d) file a  
3 notice of intent to claim paternity and obtain custody of the child  
4 pursuant to section 43-104.02;

5 (6) That to deny paternity, to waive his parental rights,  
6 or to relinquish and consent to the adoption, the biological  
7 father must contact the undersigned agency or attorney representing  
8 the biological mother, and that if he wishes to seek custody  
9 of the child he should seek legal counsel from his own attorney  
10 immediately; and

11 (7) That if he is the biological father and if the child  
12 is not relinquished for adoption, he has a duty to contribute to  
13 the support and education of the child and to the pregnancy-related  
14 expenses of the mother and a right to seek ~~visitation~~ a court  
15 order for custody, parenting time, visitation, or other access with  
16 the child.

17 The agency or attorney representing the biological mother  
18 may enclose with the notice a document which is an admission  
19 or denial of paternity and a waiver of rights by the biological  
20 father, which the biological father may choose to complete, in  
21 the form mandated by section 43-106, and return to the agency or  
22 attorney.

23 Sec. 39. Section 43-158, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 43-158 When the department determines that an adoption  
26 involving exchange of information would serve a child's best  
27 interests, it may enter into agreements with the child's proposed

1 adoptive parent or parents for the exchange of information.  
2 The nature of the information promised to be provided shall be  
3 specified in an exchange-of-information contract and may include,  
4 but shall not be limited to, letters by the adoptive parent  
5 or parents at specified intervals providing information regarding  
6 the child's development or photographs of the child at specified  
7 intervals. Any agreement shall provide that the biological parent  
8 or parents keep the department informed of any change in address  
9 or telephone number and may include provision for communication by  
10 the biological parent or parents indirectly through the department  
11 or directly to the adoptive parent or parents. Nothing in sections  
12 43-155 to 43-160 shall be interpreted to preclude or allow  
13 visitation between court-ordered parenting time, visitation, or  
14 other access with the child and the biological parent or parents.  
15 ~~and the child.~~

16 Sec. 40. Section 43-2,113, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 43-2,113 (1) In counties where a separate juvenile court  
19 is established, the county board of the county shall provide  
20 suitable rooms and offices for the accommodation of the judge  
21 of the separate juvenile court and the officers and employees  
22 appointed by such judge or by the probation administrator pursuant  
23 to subsection (4) of section 29-2253. Such separate juvenile court  
24 and the judge, officers, and employees of such court shall have  
25 the same and exclusive jurisdiction, powers, and duties that are  
26 prescribed in the Nebraska Juvenile Code, concurrent jurisdiction  
27 under section 83-223, and such other jurisdiction, powers, and

1 duties as specifically provided by law.

2 (2) A juvenile court created in a separate juvenile court  
3 judicial district or a county court sitting as a juvenile court in  
4 all other counties shall have and exercise jurisdiction within such  
5 juvenile court judicial district or county court judicial district  
6 with the county court and district court in all matters arising  
7 under Chapter 42, article 3, when the care, support, custody,  
8 or control of minor children under the age of eighteen years  
9 is involved. Such cases shall be filed in the county court and  
10 district court and may, with the consent of the juvenile judge, be  
11 transferred to the docket of the separate juvenile court or county  
12 court.

13 (3) All orders issued by a separate juvenile court or a  
14 county court which provide for child support or spousal support as  
15 defined in section 42-347 shall be governed by sections 42-347 to  
16 42-381 and 43-290 relating to such support. Certified copies of  
17 such orders shall be filed by the clerk of the separate juvenile  
18 or county court with the clerk of the district court who shall  
19 maintain a record as provided in subsection ~~(6)~~ (4) of section  
20 42-364. There shall be no fee charged for the filing of such  
21 certified copies.

22 Sec. 41. Section 43-512.08, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 43-512.08 The county attorney or authorized attorney,  
25 acting for or on behalf of the State of Nebraska, may intervene  
26 without leave of the court in any proceeding for dissolution  
27 of marriage, paternity, separate maintenance, or child, spousal,

1 or medical support for the purpose of securing an order for  
2 child, spousal, or medical support, modifying an order for child  
3 or medical support, or modifying an order for child support as  
4 the result of a review of such order under sections 43-512.12  
5 to 43-512.18. Such proceedings shall be limited only to the  
6 determination of child or medical support. Except in cases in which  
7 the intervention is the result of a review under such sections, the  
8 county attorney or authorized attorney shall so act only when it  
9 appears that the children are not otherwise represented by counsel.

10           Sec. 42. Section 43-512.15, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12           43-512.15 (1) The county attorney or authorized attorney,  
13 upon referral from the Department of Health and Human Services,  
14 shall file a complaint to modify a child support order unless the  
15 attorney determines in the exercise of independent professional  
16 judgment that:

17           (a) The variation from the Supreme Court child support  
18 guidelines pursuant to section 42-364.16 is based on material  
19 misrepresentation of fact concerning any financial information  
20 submitted to the attorney;

21           (b) The variation from the guidelines is due to a  
22 voluntary reduction in net monthly income. For purposes of this  
23 section, incarceration for a period of six months or more in a  
24 county or city jail or a federal or state correctional facility  
25 shall be considered an involuntary reduction of income unless the  
26 incarceration is a result of a conviction for criminal nonsupport  
27 pursuant to section 28-706 or a conviction for a violation of

1 any federal law or law of another state substantially similar to  
2 section 28-706; or

3 (c) When the amount of the order is considered with all  
4 the other undisputed facts in the case, no variation from the  
5 criteria set forth in subdivisions (1) and (2) of section 43-512.12  
6 exists.

7 (2) The proceedings to modify a child support order shall  
8 comply with section 42-364, and the county attorney or authorized  
9 attorney shall represent the state in the proceedings.

10 (3) After a complaint to modify a child support order is  
11 filed, any party may choose to be represented personally by private  
12 counsel. Any party who retains private counsel shall so notify the  
13 county attorney or authorized attorney in writing.

14 Sec. 43. Section 43-1407, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 43-1407 The father of a child shall also be is liable  
17 for the reasonable and necessary medical expenses of (1) the child  
18 associated with the birth of the child and (2) the mother of  
19 such child during the period of her pregnancy, confinement, and  
20 recovery. Such liability shall be determined and enforced in the  
21 same manner as the liability of the father for the support of the  
22 child. In any case qualifying for services under Title IV-D of  
23 the federal Social Security Act, the county attorney or authorized  
24 attorney shall petition the court for a judgment for reasonable  
25 and necessary medical expenses. Any medical expense associated  
26 with the birth of such child that is approved and paid by the  
27 medical assistance program shall be presumed to be reasonable and



1 necessary. If the father challenges any medical expense that is  
2 part of the judgment, he has the burden of proving that the medical  
3 expense should not be paid.

4           Sec. 44. Section 43-3342.01, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6           43-3342.01 (1) The responsibilities of the State  
7 Disbursement Unit shall include the following:

8           (a) Receipt of payments, except payments made pursuant to  
9 subdivisions (1) (a) and (1) (b) of section 42-369, and disbursements  
10 of such payments to obligees, the department, and the agencies of  
11 other states;

12           (b) Accurate identification of payments;

13           (c) Prompt disbursement of the obligee's share of any  
14 payments;

15           (d) Furnishing to any obligor or obligee, upon request,  
16 timely information on the current status of support order payments;  
17 and

18           (e) One location for employers to send income withholding  
19 payments.

20           (2) The Title IV-D Division shall maintain records of  
21 payments for all cases in which support order payments are made  
22 to the central office of the State Disbursement Unit using the  
23 statewide automated data processing and retrieval system. The Title  
24 IV-D Division shall not be required to convert and maintain records  
25 of support order payments kept by the clerk of the district court  
26 before the date that the State Disbursement Unit becomes operative  
27 or records of payments received by the clerk pursuant to section

1 42-369.

2 (3) A true copy of the record of payments, balances,  
3 and arrearages maintained by the Title IV-D Division is prima  
4 facie evidence, without further proof or foundation, of the balance  
5 of any amount of support order payments that are in arrears  
6 ~~on the date the State Disbursement Unit becomes operative~~ and  
7 of all payments made and disbursed to the person or agency to  
8 whom the support order payment is to be made. after the date  
9 ~~the unit becomes operative.~~ Such evidence shall be considered  
10 to be satisfactorily authenticated, shall be admitted as prima  
11 facie evidence of the transactions shown in such evidence, and is  
12 rebuttable only by a specific evidentiary showing to the contrary.

13 (4) A copy of support payment records maintained by the  
14 Title IV-D Division shall be considered to be a true copy of  
15 the record when certified by a person designated by the division  
16 pursuant to the rules and regulations adopted and promulgated  
17 pursuant to this section.

18 Sec. 45. Section 84-205, Revised Statutes Cumulative  
19 Supplement, 2006, is amended to read:

20 84-205 The duties of the Attorney General shall be:

21 (1) To appear and defend actions and claims against the  
22 state;

23 (2) To investigate, commence, and prosecute any and all  
24 actions resulting from violations of sections 32-1401 to 32-1417;

25 (3) To consult with and advise the county attorneys, when  
26 requested by them, in all criminal matters and in matters relating  
27 to the public revenue. He or she shall have authority to require

1 aid and assistance of the county attorney in all matters pertaining  
2 to the duties of the Attorney General in the county of such county  
3 attorney and may, in any case brought to the Court of Appeals or  
4 Supreme Court from any county, demand and receive the assistance of  
5 the county attorney from whose county such case is brought;

6 (4) To give, when required, without fee, his or her  
7 opinion in writing upon all questions of law submitted to him or  
8 her by the Governor, head of any executive department, Secretary  
9 of State, State Treasurer, Auditor of Public Accounts, Board of  
10 Educational Lands and Funds, State Department of Education, Public  
11 Service Commission, or Legislature;

12 (5) At the request of the Governor, head of any executive  
13 department, Secretary of State, State Treasurer, Auditor of Public  
14 Accounts, Board of Educational Lands and Funds, State Department of  
15 Education, or Public Service Commission, to prosecute any official  
16 bond or any contract in which the state is interested which is  
17 deposited with any of them and to prosecute or defend for the  
18 state all civil or criminal actions and proceedings relating to  
19 any matter connected with any of such officers' departments if,  
20 after investigation, he or she is convinced there is sufficient  
21 legal merit to justify the proceeding. Such officers shall not  
22 pay or contract to pay from the funds of the state any money for  
23 special attorneys or counselors-at-law unless the employment of  
24 such special counsel is made upon the written authorization of the  
25 Governor or the Attorney General;

26 (6) To enforce the proper application of money  
27 appropriated by the Legislature to the various funds of the state

1 and prosecute breaches of trust in the administration of such  
2 funds;

3 (7) To prepare, when requested by the Governor, Secretary  
4 of State, State Treasurer, or Auditor of Public Accounts or any  
5 other executive department, proper drafts for contracts, forms, or  
6 other writings which may be wanted for the use of the state and  
7 report to the Legislature, whenever requested, upon any business  
8 pertaining to the duties of his or her office;

9 (8) To pay all money received, belonging to the people  
10 of the state, immediately upon receipt thereof, into the state  
11 treasury;

12 (9) To keep a record in proper books provided for that  
13 purpose at the expense of the state, a register of all actions and  
14 demands prosecuted or defended by him or her in behalf of the state  
15 and all proceedings had in relation thereto, and deliver the same  
16 to his or her successor in office;

17 (10) To appear for the state and prosecute and defend all  
18 civil or criminal actions and proceedings in the Court of Appeals  
19 or Supreme Court in which the state is interested or a party. When  
20 requested by the Governor or the Legislature, the Attorney General  
21 shall appear for the state and prosecute or defend any action or  
22 conduct any investigation in which the state is interested or a  
23 party before any court, officer, board, tribunal, or commission;

24 (11) To prepare and promulgate model rules of procedure  
25 appropriate for use by as many agencies as possible. The Attorney  
26 General shall add to, amend, or revise the model rules as necessary  
27 for the proper guidance of agencies;

1           (12) To include within the budget of the office  
2 sufficient funding to assure oversight and representation of the  
3 State of Nebraska for district court appeals of administrative  
4 license revocation proceedings under section 60-498.04; and

5           (13) To create a Child Protection Division to be staffed  
6 by at least three assistant attorneys general who each have five or  
7 more years of experience in the prosecution or defense of felonies  
8 or misdemeanors, including two years in the prosecution or defense  
9 of crimes against children. Upon the written request of a county  
10 attorney, the division shall provide consultation and advise and  
11 assist in the preparation of the trial of any case involving a  
12 crime against a child, including, but not limited to, the following  
13 offenses:

- 14           (a) Murder as defined in sections 28-303 and 28-304;
- 15           (b) Manslaughter as defined in section 28-305;
- 16           (c) Kidnapping as defined in section 28-313;
- 17           (d) False imprisonment as defined in sections 28-314 and  
18 28-315;
- 19           (e) Child abuse as defined in section 28-707;
- 20           (f) Pandering as defined in section 28-802;
- 21           (g) Debauching a minor as defined in section 28-805; and
- 22           (h) Offenses listed in sections 28-813, 28-813.01, and  
23 28-1463.03.

24           Any offense listed in subdivisions (a) through (h) of  
25 this subdivision shall include all inchoate offenses pursuant to  
26 the Nebraska Criminal Code and compounding a felony pursuant to  
27 section 28-301. Such crimes shall not include matters involving

1 dependent and neglected children, infraction violations, custody,  
2 parenting time, visitation, or other access ~~or visitation~~ matters,  
3 or child support. If the county attorney declines in writing to  
4 prosecute a case involving a crime against a child because of an  
5 ethical consideration, including the presence or appearance of a  
6 conflict of interest, or for any other reason, the division shall,  
7 upon the receipt of a written request of the county attorney,  
8 the Department of Health and Human Services, the minor child,  
9 the parents of the minor child, or any other interested party,  
10 investigate the matter and either decline to prosecute the matter  
11 or initiate the appropriate criminal proceedings in a court of  
12 proper jurisdiction.

13           For purposes of this subdivision, child or children shall  
14 mean an individual or individuals sixteen years of age or younger.

15           Sec. 46. This act becomes operative on January 1, 2008.

16           Sec. 47. Original sections 25-2911, 33-106.03, 33-107.02,  
17 42-347, 42-351, 42-353, 42-359, 42-364.14, 42-364.15, 42-369,  
18 42-934, 43-104.13, 43-158, 43-2,113, 43-512.08, 43-512.15, 43-1407,  
19 and 43-3342.01, Reissue Revised Statutes of Nebraska, and sections  
20 42-364, 42-371, and 84-205, Revised Statutes Cumulative Supplement,  
21 2006, are repealed.

22           Sec. 48. The following sections are outright repealed:  
23 Sections 42-349.01, 43-2901, 43-2902, 43-2903, 43-2904, 43-2905,  
24 43-2906, 43-2907, 43-2908, 43-2909, 43-2910, 43-2911, 43-2912,  
25 43-2913, 43-2914, 43-2915, 43-2916, 43-2917, 43-2917.01, 43-2918,  
26 and 43-2919, Reissue Revised Statutes of Nebraska.

27           2. On page 1, strike beginning with line 2 through

1 "77-27,119," in line 9 and insert "33-106.03, 33-107.02, 42-347,  
2 42-351, 42-353, 42-359, 42-364.14, 42-364.15, 42-369, 42-934,  
3 43-104.13, 43-158, 43-2,113, 43-512.08, 43-512.15, 43-1407, and  
4 43-3342.01, Reissue Revised Statutes of Nebraska, and sections  
5 42-364, 42-371,".

6           3. On page 2, line 1, strike beginning with the first  
7 "to" through the semicolon; and strike beginning with "42-364.01"  
8 in line 3 through the first comma in line 6.