



**One Hundred First Legislature - First Session - 2009**  
**Introducer's Statement of Intent**  
**LB 332**

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**Chairperson:** Brad Ashford  
**Committee:** Judiciary  
**Date of Hearing:** February 6, 2009

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 332 is the annual “clean-up” bill brought to the Legislature by the County Judges Association. It has ten sections.

Section 1 would provide that any of the courts in the state could, upon the request of the county attorney for good cause, appoint an attorney to act as county attorney in the event of an absence, sickness, disability, or conflict of interest.

Section 2 would provide that a lower court would not have to swear in an interpreter who has been sworn in by the Supreme Court.

Section 3 would allow any person having a judgment rendered by a county court to request the court clerk to issue execution on the judgment and direct the execution on the judgment to any county in the state. Such person may request that any aid to execution be directed to any county without the necessity of filing a transcript in the receiving county and any hearing or proceeding would be heard in the court in which the judgment was originally rendered.

Section 4 would provide that the trial for Class III, IV, or V misdemeanors shall be by the court without a jury.

Section 5 would amend the Probate Code to provide that if there is an objection to probate of a will or if a petition is filed to set aside an informal probate, any party may commence an action in the county court to determine whether the decedent left a valid will by depositing with the clerk of the county court the required fee. Such party would no longer be able to transfer the proceeding to the district court. Trial on the determination would be to a jury of six persons.

Section 6 would remove language relating to the transferred proceeding in district court no longer necessary because of the changes in Section 5.

Section 7 would provide that upon the filing of a petition for adoption, the hearing would be held not less than four weeks nor more than eight weeks after the filing of the petition unless any party for good cause shown requests a continuance of the hearing or all parties agree to a continuance.

Section 8 would allow the county court to either provide a caregiver information form or direct the applicant to the Supreme Court Internet web site where they could download the form.

Section 9 would add school personnel to the list of holders of confidential records of a child who is in the custody of the state, which records may be shared with individuals and agencies who have been identified in an authorized court order. It would also add to the list of those who may be identified in a juvenile court order court appointed special advocate volunteers and other individuals and agencies for which the court find that it would be in the best interest of the juvenile to receive such information.

Section 10 would add school districts and school personnel to the list of those who would be required to cooperate with requests of the CASA volunteer.

**Principal Introducer:**

\_\_\_\_\_ **Senator Brad Ashford**