

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 107
Final Reading

Introduced by Lathrop, 12.

Read first time January 10, 2013

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Parenting Act; to amend section 43-2935,
2 Revised Statutes Cumulative Supplement, 2012; to change
3 provisions relating to waiver of hearing; and to repeal
4 the original section.
5 Be it enacted by the people of the State of Nebraska,

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

3 43-2935 (1) After a hearing on the record, the court
4 shall determine whether the submitted parenting plan meets all of the
5 requirements of the Parenting Act and is in the best interests of the
6 child. If the parenting plan lacks any of the elements required by
7 the act or is not in the child's best interests, the court shall
8 modify and approve the parenting plan as modified, reject the
9 parenting plan and order the parties to develop a new parenting plan,
10 or reject the parenting plan and create a parenting plan that meets
11 all the required elements and is in the best interests of the child.
12 The court may include in the parenting plan:

13 (a) A provision for resolution of disputes that arise
14 under the parenting plan, including provisions for suspension of
15 parenting time, visitation, and other access when new findings of
16 child abuse or neglect, domestic intimate partner abuse, criminal
17 activity affecting the best interests of a child, or the violation of
18 a protection order, restraining order, or criminal no-contact order
19 occur, until a modified custody order or parenting plan with
20 provisions for safety or a transition plan, or both, is in place; and
21 (b) Consequences for failure to follow parenting plan
22 provisions.

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

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

1 (b) In an action for a legal separation, if both parties
2 have waived in writing the requirement for a hearing under section
3 42-361.01; or -

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

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