

AMENDMENTS TO LB714

(Amendments to Standing Committee amendments, AM1754)

Introduced by Howard, 9.

1           1. Insert the following new sections:

2           Sec. 4. Upon the filing of a petition for emancipation, the court  
3 shall fix a time for a hearing on the petition. The hearing shall be held  
4 not less than forty-five days and not more than sixty days after the  
5 filing of such petition unless any party for good cause shown requests a  
6 continuance of the hearing or all parties agree to a continuance.

7           Sec. 5. (1) Upon filing a petition pursuant to section 4 of this  
8 act, and at least thirty days prior to the hearing date, the petitioner  
9 shall serve a notice of filing, together with a copy of the petition for  
10 emancipation and a summons to appear at the hearing, upon:

11           (a) The parents or legal guardian of the minor or, if the parents or  
12 legal guardian cannot be found, the nearest known relative of the minor  
13 residing within the state, if any; and

14           (b) The legal custodian of the minor, if any.

15           (2) Service and summons shall be made in accordance with section  
16 25-505.01.

17           (3) Upon a motion and showing by affidavit that service cannot be  
18 made with reasonable diligence by any other method provided by statute,  
19 the court may permit service to be made (a) by leaving the process at the  
20 defendant's usual place of residence and mailing a copy by first-class  
21 mail to the defendant's last-known address, (b) by publication, or (c) by  
22 any manner reasonably calculated under the circumstances to provide the  
23 party with actual notice of the proceedings and an opportunity to be  
24 heard.

25           Sec. 13. Section 25-307, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

1           25-307 Except as provided by the Nebraska Probate Code and sections  
2 1 to 12 of this act, the action of an infant shall be commenced,  
3 maintained, and prosecuted by his or her guardian or next friend. Such  
4 actions may be dismissed with or without prejudice by the guardian or  
5 next friend only with approval of the court. When the action is commenced  
6 by his or her next friend, the court has power to dismiss it, if it is  
7 not for the benefit of the infant, or to substitute the guardian of the  
8 infant, or any person, as the next friend. Any action taken pursuant to  
9 this section shall be binding upon the infant.

10           Sec. 14. Original section 25-307, Reissue Revised Statutes of  
11 Nebraska, is repealed.

12           2. On page 1, line 25, strike "and"; and in line 26 after "(8)"  
13 insert "That the minor is filing the petition as a free and voluntary  
14 act; and  
15 (9)".

16           3. On page 4, strike lines 29 through 31 and insert the following  
17 new subsection:

18           "(4) Unless otherwise provided in the judgment of emancipation, the  
19 judgment of emancipation shall explicitly suspend any order regarding  
20 custody, parenting time, or support of the minor and be reported by the  
21 district court clerk to the jurisdiction that issued such order.".

22           4. On page 5, strike lines 1 through 5; and strike lines 25 through  
23 31 and insert the following new subsections:

24           "(3) Upon the filing of a motion for rescission, the court shall fix  
25 a time for a hearing on the motion. The hearing shall be held not less  
26 than forty-five days and not more than sixty days after the filing of  
27 such motion unless any party for good cause shown requests a continuance  
28 of the hearing or all parties agree to a continuance.

29           (4)(a) Upon filing a motion pursuant to subsection 3 of this  
30 section, and at least thirty days prior to the hearing date, the movant  
31 shall serve a notice of filing, together with a copy of the motion for

1 rescission and a summons to appear at the hearing, upon:

2 (i) The parents or the person who was the legal guardian of the  
3 emancipated person or, if the parents or legal guardian cannot be found,  
4 the nearest known relative of the emancipated person residing within the  
5 state, if any; and

6 (ii) The legal custodian of the emancipated person prior to  
7 emancipation, if any.

8 (b) Service and summons shall be made in accordance with section  
9 25-505.01.

10 (c) Upon a motion and showing by affidavit that service cannot be  
11 made with reasonable diligence by any other method provided by statute,  
12 the court may permit service to be made (i) by leaving the process at the  
13 defendant's usual place of residence and mailing a copy by first-class  
14 mail to the defendant's last-known address, (ii) by publication, or (iii)  
15 by any manner reasonably calculated under the circumstances to provide  
16 the party with actual notice of the proceedings and an opportunity to be  
17 heard.

18 (d)".

19 5. On page 6, after line 21, insert the following new subsection:

20 "(6) If a prior order regarding custody, parenting time, or support  
21 of the minor was suspended by the judgment of emancipation, the order  
22 rescinding the judgment of emancipation shall be reported by the district  
23 court clerk to the jurisdiction that issued such order and shall serve to  
24 reinstate such prior order of custody, parenting time, or support."; in  
25 line 22 strike "(6)" and insert "(7)"; and in line 25 strike "(7)" and  
26 insert "(8)".

27 6. On page 6, strike beginning with line 1 through "(b)" in line 13.

28 7. Renumber the remaining sections and correct internal references  
29 accordingly.