

AMENDMENTS TO LB912

Introduced by Judiciary.

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

3           Section 1. Sections 1 to 7 of this act shall be known and may be  
4 cited as the County Court Special Proceedings Act.

5           Sec. 2. (1) The County Court Special Proceedings Act governs civil  
6 actions in county court which the sole relief sought is a money judgment  
7 and in which all claims, other than compulsory counterclaims, for all  
8 damages by or against any one party total less than or equal to the  
9 county court jurisdictional amount set forth in subdivision (5) of  
10 section 24-517, including damages of any kind, penalties, prefilng  
11 interest, and attorney's fees, but excluding prejudgment interest accrued  
12 after the filing date, postjudgment interest, and costs.

13           (2) The act does not apply to Small Claims Court actions or domestic  
14 relations matters or paternity or custody determinations as defined in  
15 section 25-2740.

16           (3) For the purposes of the act, side means all litigants with  
17 generally common interests in the litigation.

18           Sec. 3. (1) An eligible plaintiff may elect to proceed with county  
19 court special proceedings by certifying that the relief sought meets the  
20 requirements of section 2 of this act. The certification must be on a  
21 form approved by the Supreme Court, signed by all plaintiffs and their  
22 attorneys, if represented, and filed with the complaint. The  
23 certification is not admissible to prove a plaintiff's damages in any  
24 proceeding.

25           (2) Except as otherwise specifically provided by the County Court  
26 Special Proceedings Act, the Nebraska rules of civil procedure are  
27 applicable to actions under the act.

1           (3) A party proceeding under the act may not recover a judgment in  
2 excess of the county court jurisdictional amount set forth in subdivision  
3 (5) of section 24-517, nor may a judgment be entered against a party in  
4 excess of such amount, excluding prejudgment interest that accrues after  
5 the filing date, postjudgment interest, and costs. The jury, if any, must  
6 not be informed of the amount. If the jury returns a verdict for damages  
7 in excess of such amount for or against a party, the court shall not  
8 enter judgment on that verdict in excess of such amount, exclusive of the  
9 prejudgment interest that accrues after the filing date, postjudgment  
10 interest, and costs.

11           (4) Upon timely application of any party, the county court may  
12 terminate application of the act and enter such orders as are appropriate  
13 under the circumstances if:

14           (a) The moving party makes a specific showing of substantially  
15 changed circumstances sufficient to render the application of the act  
16 unfair; or

17           (b) A party has in good faith filed a compulsory counterclaim that  
18 seeks relief other than that allowed under the act.

19           (5) Permissive counterclaims are subject to the county court  
20 jurisdictional limit on damages under the act, unless the court severs  
21 the permissive counterclaim.

22           Sec. 4. (1) Except upon agreement of the parties or leave of court  
23 granted upon a showing of good cause, all discovery in county court  
24 special proceedings must be completed no later than sixty days before  
25 trial.

26           (2) Except upon agreement of the parties or leave of court granted  
27 upon a showing of good cause, discovery in county court special  
28 proceedings is subject to the following additional limitations:

29           (a) Each side shall serve no more than ten interrogatories on any  
30 other side;

31           (b) Each side shall serve no more than ten requests for production

1 on any other side;

2 (c) Each side shall serve no more than ten requests for admission on  
3 any other side. This limit does not apply to requests for admission of  
4 the genuineness of documents that a party intends to offer into evidence  
5 at trial;

6 (d) One deposition of each party may be taken. With regard to  
7 corporations, partnerships, voluntary associations, or any other groups  
8 or entities named as a party, one representative deponent may be deposed;  
9 and

10 (e) Each side may take the deposition of up to two nonparties.

11 (3) Each side is entitled to one retained expert, except upon  
12 agreement of the parties or leave of court granted upon a showing of good  
13 cause.

14 (4) A motion for leave of court to modify the limitations set forth  
15 in this section must be in writing and must set forth the proposed  
16 additional discovery or expert and the reasons establishing good cause.

17 Sec. 5. (1) Any party may file any motion permitted under rules  
18 adopted by the Supreme Court for pre-answer motions. Unless the court  
19 orders a stay, the filing of a motion to dismiss will not eliminate or  
20 postpone otherwise applicable pleading or discovery requirements.

21 (2) A motion for summary judgment must be filed no later than ninety  
22 days before trial.

23 Sec. 6. An action under the County Court Special Proceedings Act  
24 should ordinarily be submitted to the jury or the court within two  
25 business days from the commencement of trial. Unless the court allows  
26 additional time for good cause shown, each side shall be allowed no more  
27 than six hours to complete jury selection, opening statements,  
28 presentation of evidence, examination and cross-examination of witnesses,  
29 and closing arguments. Time spent on objections, bench conferences, and  
30 challenges for cause to a juror are not included in the time limit.

31 Sec. 7. (1) Parties to an action under the County Court Special

1 Proceedings Act should stipulate to factual and evidentiary matters to  
2 the greatest extent possible.

3 (2) For the purposes of the act, the court may overrule objections  
4 based on authenticity and hearsay to the admission of a document,  
5 notwithstanding the absence of testimony or certification from a  
6 custodian or other qualified witness, if:

7 (a) The party offering the document gives notice to all other  
8 parties of the party's intention to offer the document into evidence at  
9 least ninety days in advance of trial. The notice must be given to all  
10 parties together with a copy of any document intended to be offered;

11 (b) The document on its face appears to be what the proponent claims  
12 it is;

13 (c) The document on its face appears not to be hearsay or appears to  
14 fall within a hearsay exception set forth in Nebraska law; and

15 (d) The objecting party has not raised a substantial question as to  
16 the authenticity or trustworthiness of the document.

17 (3) Nothing in this section affects the operation of the Nebraska  
18 Evidence Rules.

19 (4) Nothing in subsection (2) of this section authorizes admission  
20 of a document that contains hearsay within hearsay, unless the court  
21 determines from the face of the document that each part of the combined  
22 statements conforms with a hearsay exception set forth in Nebraska law.

23 (5) Any authenticity or hearsay objections to a document as to which  
24 notice has been provided under subdivision (2)(a) of this section must be  
25 made within thirty days after receipt of the notice.

26 (6)(a) The report of any treating health care provider concerning  
27 the plaintiff may be used in lieu of deposition or in-court testimony of  
28 the health care provider, so long as the report offered into evidence is  
29 on a form adopted for such purpose by the Supreme Court and is signed by  
30 the health care provider making the report.

31 (b) The Supreme Court shall adopt a form for the purposes of

1 subdivision (6)(a) of this section.

2 (c) Unless otherwise stipulated or ordered by the court, a copy of  
3 any completed health care provider report under subdivision (6)(a) of  
4 this section must be served on all parties at least ninety days in  
5 advance of trial. Any objections to the health care provider statement,  
6 including an objection that the statement is incomplete or does not  
7 otherwise comply with this subsection, must be made within thirty days  
8 after receipt of the statement. For good cause shown, the court may issue  
9 such orders regarding the health care provider report as justice may  
10 require, including an order permitting a health care provider to  
11 supplement the report.

12 (d) Any party against whom a health care provider report may be used  
13 has the right, at the party's own initial expense, to cross-examine by  
14 deposition the health care provider signing the report, and the  
15 deposition may be used at trial.

16 Sec. 8. Section 24-734, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 24-734 (1) A judge of any court established under the laws of the  
19 State of Nebraska shall, in any case in which that judge is authorized to  
20 act, have power to exercise the powers conferred upon the judge and  
21 court, and specifically to:

22 (a) Upon the stipulation of the parties to an action, hear and  
23 determine any matter, including the trial of an equity case or case at  
24 law in which a jury has been waived;

25 (b) Hear and determine pretrial and posttrial matters in civil cases  
26 not involving testimony of witnesses by oral examination;

27 (c) With the consent of the defendant, receive pleas of guilty and  
28 pass sentences in criminal cases;

29 (d) With the consent of the defendant, hear and determine pretrial  
30 and posttrial matters in criminal cases;

31 (e) Hear and determine cases brought by petition in error or appeal

1 not involving testimony of witnesses by oral examination;

2 (f) Hear and determine any matter in juvenile cases with the consent  
3 of the guardian ad litem or attorney for the minor, the other parties to  
4 the proceedings, and the attorneys for those parties, if any; and

5 (g) Without notice, make any order and perform any act which may  
6 lawfully be made or performed by him or her ex parte in any action or  
7 proceeding which is on file in any district of this state.

8 (2) A judgment or order made pursuant to this section shall be  
9 deemed effective when the judgment is entered in accordance with the  
10 provisions of subsection (3) of section 25-1301.

11 (3) The judge, in his or her discretion, may in any proceeding  
12 authorized by the provisions of this section not involving testimony of  
13 witnesses by oral examination, use telephonic, videoconferencing, or  
14 similar methods to conduct such proceedings. The court may require the  
15 parties to make reimbursement for any charges incurred.

16 (4) In A judge, in any criminal case, with the consent of the  
17 parties, a judge may permit any witness who is to be examined by oral  
18 examination to appear by telephonic, videoconferencing, or similar  
19 methods, with any costs thereof to be taxed as costs.

20 (5)(a) Unless an objection under subdivision (5)(c) of this section  
21 is sustained, in any civil case, a judge shall, for good cause shown,  
22 permit any witness who is to be examined by oral examination to appear by  
23 telephonic, videoconferencing, or similar methods.

24 (b) Unless the court orders otherwise for good cause shown, all  
25 costs of testimony taken by telephone, videoconferencing, or similar  
26 methods shall be provided and paid by the requesting party and may not be  
27 charged to any other party. A court may find that there is good cause to  
28 allow the testimony of a witness to be taken by telephonic,  
29 videoconferencing or similar methods if:

30 (i) The witness is otherwise unavailable to appear because of age,  
31 infirmity, or illness;

1        (ii) The personal appearance of the witness cannot be secured by  
2 subpoena or other reasonable means;

3        (iii) A personal appearance would be an undue burden or expense to a  
4 party or witness; or

5        (iv) There are any other circumstances that constitute good cause  
6 for allowing the testimony of the witness to be taken by telephonic,  
7 videoconferencing, or similar methods.

8        (c) A party may object to examination by telephonic,  
9 videoconferencing, or similar methods under subdivision (5)(a) of this  
10 section on grounds of unreliability or unfairness. The objecting party  
11 has the burden of proving unreliability or unfairness by a preponderance  
12 of the evidence.

13        (d) Nothing in this section shall prohibit an award of expenses,  
14 including attorney fees, pursuant to Neb. Ct. R. of Discovery 6-337.

15        (6) ~~(5)~~ The enumeration of the powers in subsections (1), (2), (3),  
16 and (4), and (5) of this section shall not be construed to deny the right  
17 of a party to trial by jury in the county in which the action was first  
18 filed if such right otherwise exists.

19        (7) ~~(6)~~ Nothing in this section shall be construed to exempt  
20 proceedings under this section from the provisions of the Guidelines for  
21 Use by Nebraska Courts in Determining When and Under What Conditions a  
22 Hearing Before Such Court May Be Closed in Whole or in Part to the  
23 Public, adopted by the Supreme Court of the State of Nebraska September  
24 8, 1980, and any amendments to those provisions.

25        Sec. 9. (1) When authorized by rules promulgated by the Supreme  
26 Court, the clerk of the district court may issue a subpoena for discovery  
27 in Nebraska for a civil proceeding pending in a foreign jurisdiction.  
28 Such a subpoena may command a person to testify at a deposition or  
29 command a nonparty to provide discovery without a deposition.

30        (2) The Supreme Court may promulgate rules for subpoenas under this  
31 section. The rules may specify the amount of a fee, if any, that must be

1 paid to the clerk of the district court for the issuance of such  
2 subpoenas. Any such rules shall not conflict with laws governing such  
3 matters.

4 Sec. 10. Section 25-1223, Revised Statutes Cumulative Supplement,  
5 2018, is amended to read:

6 25-1223 (1) Upon the request of a party to a civil action or  
7 proceeding, a subpoena may be issued to command a person ~~an individual~~ to  
8 testify at a trial or deposition. The term trial in reference to a  
9 subpoena includes a hearing at which testimony may be taken.

10 (2) The clerk or a judge of the court in which the action or  
11 proceeding is pending shall issue a trial subpoena upon the request of a  
12 party. An attorney, as an officer of the court, may issue and sign a  
13 trial subpoena on behalf of the court if the attorney is authorized to  
14 practice in the court. An attorney who issues a subpoena must file a copy  
15 of the subpoena with the court on the day the subpoena is issued.

16 (3) A person before whom a deposition may be taken may issue a  
17 deposition subpoena on behalf of the court in which the action or  
18 proceeding is pending. An attorney, as an officer of the court, may issue  
19 and sign a deposition subpoena on behalf of the court if the attorney is  
20 authorized to practice in the court.

21 (4) A subpoena shall state the name of the court from which it is  
22 issued, the title of the action, and the case number and shall command  
23 each person to whom it is directed to appear and testify at the time and  
24 place specified in the subpoena.

25 (5) Except as provided in subsection (6) of this section, A trial  
26 subpoena that is issued in a civil action or proceeding (a) at the  
27 request of an agency of state government or (b) pursuant to section  
28 25-2304 shall contain the following statement: As a witness in [insert  
29 name of court], you are entitled to receive a witness fee in the amount  
30 of [insert amount from section 33-139] for each day that you are required  
31 to be in court and, if you live more than one mile from the courthouse,

1 you are also entitled to receive mileage at the rate that state employees  
2 receive. Ask the lawyer or party who subpoenaed you or the clerk of the  
3 court for information about what you should do to receive the fees and  
4 mileage to which you are entitled.

5 (6) A trial subpoena in a civil action or proceeding that commands  
6 testimony by an employee of the State of Nebraska or a political  
7 subdivision thereof or a privately employed security guard, under the  
8 circumstances described in section 33-139.01, shall contain the following  
9 statement: As a witness in [insert name of court], you are entitled to be  
10 compensated for your actual and necessary expenses if you are required to  
11 travel outside of your county of residence to testify. Ask the lawyer or  
12 party who subpoenaed you or the clerk of the court for information about  
13 what you should do to receive compensation, if any, to which you are  
14 entitled.

15 (7) (6) Any other trial subpoena in a civil action or proceeding  
16 shall contain the following statement: As a witness in [insert name of  
17 court], you are entitled to receive a witness fee in the amount of  
18 [insert amount from section 33-139] for each day that you are required to  
19 be in court and, if you live more than one mile from the courthouse, you  
20 are also eligible to receive mileage at the rate that state employees  
21 receive. You should have received your witness fee for one day with this  
22 subpoena. Ask the lawyer or party who subpoenaed you or the clerk of the  
23 court for information about what you should do to receive the additional  
24 fees, if any, and mileage to which you are entitled.

25 (8) (7) The Supreme Court may promulgate forms for subpoenas for use  
26 in civil and criminal actions and proceedings. Any such forms shall not  
27 be in conflict with the laws governing such matters.

28 (9) (8) A subpoena may be served by a sheriff or constable. It may  
29 also be served by a person who is twenty-one years of age or older and  
30 who is not a party to the action or proceeding.

31 Sec. 11. Section 25-1224, Revised Statutes Cumulative Supplement,

1 2018, is amended to read:

2 25-1224 (1) A subpoena commanding a person ~~an individual~~ to appear  
3 and testify at a trial or deposition may command that at the same time  
4 and place specified in the subpoena for the person ~~individual~~ to appear  
5 and testify, the person ~~individual~~ must produce designated documents,  
6 electronically stored information, or tangible things in the person's  
7 ~~individual's~~ possession, custody, or control. The scope of a command to  
8 produce documents, electronically stored information, or tangible things  
9 pursuant to this section is governed by the rules of discovery in civil  
10 cases.

11 (2) The Supreme Court may promulgate a rule for discovery in civil  
12 cases that specifies the procedures to be followed when a party seeks to  
13 serve a deposition subpoena that commands the person ~~individual~~ to  
14 produce designated documents, electronically stored information, or  
15 tangible things in the person's ~~individual's~~ possession, custody, or  
16 control. Any such rule shall not conflict with the laws governing such  
17 matters.

18 Sec. 12. Section 25-1226, Revised Statutes Cumulative Supplement,  
19 2018, is amended to read:

20 25-1226 (1) A subpoena for a trial or deposition may be served by  
21 personal service, which is made by leaving the subpoena with the person  
22 ~~individual~~ to be served, or by certified mail service, which is made by  
23 sending the subpoena by certified mail with a return receipt requested  
24 showing to whom and where delivered and the date of delivery. Service by  
25 certified mail is made on the date of delivery shown on the signed  
26 receipt.

27 (2) A subpoena for a trial must be served at least two days before  
28 the day on which the person ~~individual~~ is commanded to appear and  
29 testify. A court may shorten the period for service for good cause shown.  
30 In determining whether good cause exists, a court may consider all  
31 relevant circumstances, including, but not limited to, the need for the

1 testimony, the burden on the person individual, and the reason why the  
2 person individual was not subpoenaed earlier.

3 Sec. 13. Section 25-1228, Revised Statutes Cumulative Supplement,  
4 2018, is amended to read:

5 25-1228 (1) The witness fee for one day's attendance must be served  
6 with a trial subpoena except when the subpoena is issued (a) at the  
7 request of an agency of state government or (b) pursuant to section  
8 25-2304.

9 (2) The person serving the subpoena shall make a return of service  
10 stating the name of the person individual served, the date and method of  
11 service, and, if applicable, that the required witness fee was served  
12 with the subpoena. The return of service must be by affidavit unless the  
13 subpoena was served by a sheriff or constable. If service was made by  
14 certified mail, the signed receipt must be attached to the return of  
15 service.

16 (3) The cost of service of a subpoena is taxable as a court cost,  
17 and when service of a subpoena is made by a person other than a sheriff  
18 or constable, the cost taxable as a court cost is the lesser of the  
19 actual amount incurred for service of process or the statutory fee set  
20 for sheriffs in section 33-117.

21 (4) Except as provided in section 25-2304, the party at whose  
22 request a trial subpoena is issued in a civil action or proceeding must  
23 pay the witness the fees and mileage to which the witness is entitled  
24 under section 33-139. Any fees and mileage that were not paid to the  
25 witness before the witness testified must be paid to the witness within a  
26 reasonable time after the witness testified.

27 Sec. 14. Section 25-21,185.11, Reissue Revised Statutes of Nebraska,  
28 is amended to read:

29 25-21,185.11 (1) A release, covenant not to sue, or similar  
30 agreement entered into by a claimant and a person liable shall discharge  
31 that person from all liability to the claimant but shall not discharge

1 any other persons liable upon the same claim ~~unless it so provides~~. The  
2 claim of the claimant against other persons liable shall be reduced by  
3 the amount of the released person's share of the obligation as determined  
4 by the trier of fact.

5 (2) A release, covenant not to sue, or similar agreement entered  
6 into by a claimant and a person liable shall preclude that person from  
7 being made a party or, if an action is pending, shall be a basis for that  
8 person's dismissal, but the person's negligence, if any, shall be  
9 considered in accordance with section 25-21,185.09.

10 (3) A release, covenant not to sue, or similar agreement entered  
11 into by a claimant and one or more persons liable shall not abrogate the  
12 joint and several liability of any other person or persons liable upon  
13 the same claim.

14 Sec. 15. Section 33-106, Revised Statutes Cumulative Supplement,  
15 2018, is amended to read:

16 33-106 (1) In addition to the judges' retirement fund fee provided  
17 in section 24-703 and the fees provided in section 33-106.03 and except  
18 as otherwise provided by law, the fees of the clerk of the district court  
19 shall be as provided in this section. ~~follows:~~ There shall be a docket  
20 fee of forty-two dollars for each civil and criminal case except:

21 (a) There shall be a docket fee of twenty-five dollars for each a  
22 case commenced by filing a transcript of judgment from another court in  
23 this state for the purpose of obtaining a lien; as hereinafter provided,

24 (b) For proceedings under the Nebraska Workers' Compensation Act and  
25 the Employment Security Law, when provision is made for the fees that may  
26 be charged; and

27 (c) There shall be a docket fee of twenty-seven dollars for each a  
28 criminal case appealed to the district court from any court inferior  
29 thereto as hereinafter provided. There shall be a docket fee of twenty-  
30 five dollars for each case commenced by filing a transcript of judgment  
31 from another court in this state for the purpose of obtaining a lien.

1 ~~There shall be a docket fee of twenty-seven dollars for each criminal~~  
2 ~~case appealed to the district court from any court inferior thereto.~~

3 (2) In all cases, other than those appealed from an inferior court  
4 or original filings which are within jurisdictional limits of an inferior  
5 court and when a jury is demanded in district court, the docket fee shall  
6 cover all fees of the clerk, except that the clerk shall be paid for each  
7 copy or transcript ordered of any pleading, record, or other document and  
8 that the clerk shall be entitled to a fee of fifteen dollars for a  
9 records management fee which will be taxed as costs of the case.

10 (3) In all civil cases, except habeas corpus cases in which a  
11 poverty affidavit is filed and approved by the court, and for all other  
12 services, the docket fee or other fee shall be paid by the party filing  
13 the case or requesting the service at the time the case is filed or the  
14 service requested.

15 (4) For any other service which may be rendered or performed by the  
16 clerk but which is not required in the discharge of his or her official  
17 duties, the fee shall be the same as that of a notary public but in no  
18 case less than one dollar.

19 Sec. 16. Section 43-2939, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 43-2939 (1) A Parenting Act mediator, including an attorney serving  
22 as a parenting plan mediator pursuant to subsection (4) of section  
23 43-2938, prior to meeting with the parties in an initial mediation  
24 session, shall provide an individual initial screening session with each  
25 party to assess the presence of child abuse or neglect, unresolved  
26 parental conflict, domestic intimate partner abuse, other forms of  
27 intimidation or coercion, or a party's inability to negotiate freely and  
28 make informed decisions. If any of these conditions exist, the mediator  
29 shall not proceed with the mediation session but shall proceed with a  
30 specialized alternative dispute resolution process that addresses safety  
31 measures for the parties, if the mediator is on the approved specialized

1 list of an approved mediation center or court conciliation program, or  
2 shall refer the parties to a mediator who is so qualified. When public  
3 records such as current or expired protection orders, criminal domestic  
4 violence cases, and child abuse or neglect proceedings are provided to a  
5 mediator, such records shall be considered during the individual initial  
6 screening session to determine appropriate dispute resolution methods.  
7 The mediator has the duty to determine whether to proceed in joint  
8 session, individual sessions, or caucus meetings with the parties in  
9 order to address safety and freedom to negotiate. In any mediation or  
10 specialized alternative dispute resolution, a mediator has the ongoing  
11 duty to assess appropriateness of the process and safety of the process  
12 upon the parties.

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

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

25 (4) The mediator shall facilitate the mediation process. Prior to  
26 the commencement of mediation, the mediator shall notify the parties  
27 that, if the mediator has reasonable cause to believe that a child has  
28 been subjected to child abuse or neglect or if the mediator observes a  
29 child being subjected to conditions or circumstances which reasonably  
30 would result in child abuse or neglect, the mediator is obligated under  
31 section 28-711 to report such information to the authorized child abuse

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

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

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

18 (b) Allegations are made of direct physical or significant emotional  
19 harm to a party or to a child that have not been heard and ruled upon by  
20 the court; or

21 (c) Mediation will otherwise fail to serve the best interests of the  
22 child.

23 (6) Until July 1, 2010, either party may terminate mediation at any  
24 point in the process. On and after July 1, 2010, a party may not  
25 terminate mediation until after an individual initial screening session  
26 and one mediation or specialized alternative dispute resolution session  
27 are held. The session after the individual initial screening session  
28 shall be an individual specialized alternative dispute resolution session  
29 if the screening indicated the existence of any condition specified in  
30 subsection (1) of this section.

31 Sec. 17. The Revisor of Statutes shall assign section 9 of this act

1 to Chapter 25, article 12.

2       Sec. 18. Original sections 24-734, 25-21,185.11, and 43-2939,  
3 Reissue Revised Statutes of Nebraska, and sections 25-1223, 25-1224,  
4 25-1226, 25-1228, and 33-106, Revised Statutes Cumulative Supplement,  
5 2018, are repealed.