

1 (4) The commission may adopt and promulgate rules and
2 regulations governing the Legal Education for Public Service Loan
3 Repayment Act which are recommended by the Legal Education for
4 Public Service Loan Repayment Board pursuant to the act. The
5 commission shall have the powers and duties provided in the act.

6 Sec. 29. Section 42-353, Revised Statutes Supplement,
7 2007, is amended to read:

8 42-353 The pleadings required by sections 42-347 to
9 42-381 shall be governed by the rules of pleading in civil actions
10 promulgated under section 25-801.01. The complaint shall include
11 the following:

12 (1) The name and address of the plaintiff and his or
13 her attorney, except that ~~for~~ a plaintiff who is living in an
14 undisclosed location because of safety concerns, ~~only the county~~
15 ~~and state of the address are required,~~ is only required to disclose
16 the county and state of his or her residence and, in such case,
17 shall provide an alternative address for the mailing of notice;

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

19 (3) The date and place of marriage;

20 (4) The name and year of birth of each child whose
21 custody or welfare may be affected by the proceedings and whether
22 (a) a parenting plan as provided in the Parenting Act has been
23 developed and (b) child custody, parenting time, visitation, or
24 other access or child support is a contested issue;

25 (5) If the plaintiff is a party to any other pending

1 action for divorce, separation, or dissolution of marriage, a
2 statement as to where such action is pending;

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

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

7 ~~(8)~~ (7) A statement of the relief sought by the
8 plaintiff, including adjustment of custody, property, and support
9 rights; and

10 ~~(9)~~ (8) An allegation that the marriage is irretrievably
11 broken.

12 Sec. 30. Section 42-357, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 42-357 The court may order either party to pay to the
15 clerk of the district court or to the State Disbursement Unit,
16 as provided in section 42-369, a sum of money for the temporary
17 support and maintenance of the other party and minor children
18 if any are affected by the action and to enable such party to
19 prosecute or defend the action. The court may make such order
20 after service of process and claim for temporary allowances is
21 made in the complaint or by motion by the plaintiff or by the
22 defendant in a responsive pleading; but no such order shall be
23 entered before three days after notice of hearing has been served
24 on the other party or notice waived. During the pendency of any
25 proceeding under sections 42-347 to 42-381 after the complaint is

1 filed, upon application of either party and if the accompanying
2 affidavit of the party or his or her agent shows to the court
3 that the party is entitled thereto, the court may issue ex parte
4 orders (1) restraining any person from transferring, encumbering,
5 hypothecating, concealing, or in any way disposing of real or
6 personal property except in the usual course of business or for
7 the necessities of life, and the party against whom such order
8 is directed shall upon order of the court account for all unusual
9 expenditures made after such order is served upon him or her,
10 (2) enjoining any party from molesting or disturbing the peace
11 of the other party or any minor children affected by the action,
12 and (3) determining the temporary custody of any minor children
13 of the marriage, except that no restraining order enjoining any
14 party from molesting or disturbing the peace of any minor child
15 shall issue unless, at the same time, the court determines that the
16 party requesting such order shall have temporary custody of such
17 minor child. Ex parte orders issued pursuant to subdivision (1) of
18 subdivisions (1) and (3) of this section shall remain in force for
19 no more than ten days or until a hearing is held thereon, whichever
20 is earlier. After motion, notice to the party, and hearing, the
21 court may order either party excluded from the premises occupied
22 by the other upon a showing that physical or emotional harm would
23 otherwise result. Any restraining order issued excluding either
24 party from the premises occupied by the other shall specifically
25 set forth the location of the premises and shall be served upon the

1 adverse party by the sheriff in the manner prescribed for serving
2 a summons, and a return thereof shall be filed in the court. Any
3 person who knowingly violates such an order after service shall
4 be guilty of a Class II misdemeanor. In the event a restraining
5 order enjoining any party from molesting or disturbing the peace
6 of any minor children is issued, upon application and affidavit
7 setting out the reason therefor, the court shall schedule a hearing
8 within seventy-two hours to determine whether the order regarding
9 the minor children shall remain in force. Section 25-1064 shall
10 not apply to the issuance of ex parte orders pursuant to this
11 section. Any judge of the county court or district court may grant
12 a temporary ex parte order in accordance with this section.

13 Sec. 31. Section 42-359, Revised Statutes Supplement,
14 2007, is amended to read:

15 42-359 Applications and ~~complaints~~ regarding spousal
16 ~~support, child support, medical support,~~ for spousal support or
17 alimony shall be accompanied by a statement of the applicant's ~~ex~~
18 ~~complainant's~~ financial condition and, to the best of his or her
19 knowledge, a statement of the other party's financial condition.
20 Such other party may file his or her statement, if he or she so
21 desires, and shall do so if ordered by the court. Statements shall
22 be under oath and shall show income from salary or other sources,
23 assets, debts and payments thereon, living expenses, and other
24 relevant information. Required forms for financial statements may
25 be furnished by the court.

1 Sec. 32. Section 42-364, Revised Statutes Supplement,
2 2007, is amended to read:

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

1 record.

2 (2) In determining legal custody or physical custody,
3 the court shall not give preference to either parent based on the
4 sex of the parent and, except as provided in section 43-2933, no
5 presumption shall exist that either parent is more fit or suitable
6 than the other. Custody shall be determined on the basis of the
7 best interests of the child, as defined in the Parenting Act.
8 Unless parental rights are terminated, both parents shall continue
9 to have the rights stated in section 42-381.

10 (3) Custody of a minor child may be placed with both
11 parents on a joint legal custody or joint physical custody basis,
12 or both, (a) when both parents agree to such an arrangement in the
13 parenting plan and the court determines that such an arrangement is
14 in the best interests of the child or (b) if the court specifically
15 finds, after a hearing in open court, that joint physical custody
16 or joint legal custody, or both, is in the best interests of the
17 minor child regardless of any parental agreement or consent.

18 (4) In determining the amount of child support to be
19 paid by a parent, the court shall consider ~~the child support~~
20 ~~calculations included in the separate financial plan submitted~~
21 ~~with the parenting plan,~~ the earning capacity of each parent, and
22 the guidelines provided by the Supreme Court pursuant to section
23 42-364.16 for the establishment of child support obligations. Upon
24 application, hearing, and presentation of evidence of an abusive
25 disregard of the use of child support money paid by one party

1 to the other, the court may require the party receiving such
2 payment to file a verified report with the court, as often as
3 the court requires, stating the manner in which such money is
4 used. Child support paid to the party having custody of the minor
5 child shall be the property of such party except as provided in
6 section 43-512.07. The clerk of the district court shall maintain
7 a record, separate from all other judgment dockets, of all decrees
8 and orders in which the payment of child support or spousal
9 support has been ordered, whether ordered by a district court,
10 county court, separate juvenile court, or county court sitting as a
11 juvenile court. Orders for child support in cases in which a party
12 has applied for services under Title IV-D of the federal Social
13 Security Act, as amended, shall be reviewed as provided in sections
14 43-512.12 to 43-512.18.

15 (5) Whenever termination of parental rights is placed in
16 issue:

17 (a) The court shall transfer jurisdiction to a juvenile
18 court established pursuant to the Nebraska Juvenile Code unless
19 a showing is made that the county court or district court
20 is a more appropriate forum. In making such determination, the
21 court may consider such factors as cost to the parties, undue
22 delay, congestion of dockets, and relative resources available for
23 investigative and supervisory assistance. A determination that the
24 county court or district court is a more appropriate forum shall
25 not be a final order for the purpose of enabling an appeal. If

1 no such transfer is made, the court shall appoint an attorney as
2 guardian ad litem to protect the interests of any minor child.
3 The court may terminate the parental rights of one or both parents
4 after notice and hearing when the court finds such action to be in
5 the best interests of the minor child, as defined in the Parenting
6 Act, and it appears by the evidence that one or more of the grounds
7 for termination of parental rights stated in section 43-292 exist;
8 and

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

23 (6) Modification proceedings relating to support,
24 custody, parenting time, visitation, other access, or removal of
25 children from the jurisdiction of the court shall be commenced

1 by filing a complaint to modify. Modification of a parenting
2 plan is governed by the Parenting Act. Proceedings to modify a
3 parenting plan shall be commenced by filing a complaint to modify.
4 Such actions may be referred to mediation, specialized alternative
5 dispute resolution, or other alternative dispute resolution process
6 before July 1, 2010, and on and after such date shall be referred
7 to mediation or specialized alternative dispute resolution as
8 provided in the Parenting Act. Service of process and other
9 procedure shall comply with the requirements for a dissolution
10 action.

11 (7) In any proceeding under this section relating to
12 custody of a child of school age, certified copies of school
13 records relating to attendance and academic progress of such child
14 are admissible in evidence.

15 Sec. 33. A decree of dissolution, legal separation,
16 or order establishing paternity shall incorporate financial
17 arrangements for each party's responsibility for reasonable and
18 necessary medical, dental, and eye care, medical reimbursements,
19 day care, extracurricular activity, education, and other
20 extraordinary expenses of the child and calculation of child
21 support obligations.

22 Sec. 34. Section 42-364.13, Revised Statutes Supplement,
23 2007, is amended to read:

24 42-364.13 (1) Any order for support entered by the
25 court shall specifically provide that any person ordered to pay a

1 judgment shall be required to furnish to the clerk of the district
2 court his or her address, telephone number, and social security
3 number, the name of his or her employer, whether or not such
4 person has access to employer-related health insurance coverage
5 and, if so, the health insurance policy information, and any other
6 information the court deems relevant until such judgment is paid
7 in full. The person shall also be required to advise the clerk of
8 any changes in such information between the time of entry of the
9 decree and the payment of the judgment in full. If both parents
10 are parties to the action, such order shall provide that each be
11 required to furnish to the clerk of the district court all of the
12 information required by this subsection. Failure to comply with
13 this section shall be punishable by contempt.

14 (2) All support orders entered by the court shall include
15 the birthdate year of birth of any child for whom the order
16 requires the provision of support.

17 (3) Until the Title IV-D Division of the Department of
18 Health and Human Services has operative the statewide automated
19 data processing and retrieval system necessary for centralized
20 collection and disbursement of support order payments:

21 (a) If any case contains an order or judgment for child,
22 medical, or spousal support, the order shall include the following
23 statements:

24 In the event that the (plaintiff or defendant) fails to
25 pay any child, medical, or spousal support payment, as such failure