

E AND R AMENDMENTS TO LB 180

Introduced by Wishart, 27, Chairman Enrollment and Review

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

3           Section 1. (1) A juvenile court may terminate its jurisdiction  
4 under subdivision (3)(a) of section 43-247 by transferring jurisdiction  
5 over the juvenile's custody, physical care, and visitation to the  
6 district court through a bridge order, if all of the following criteria  
7 are met:

8           (a) The juvenile has been adjudicated under subdivision (3)(a) of  
9 section 43-247 in an active juvenile court case and a dispositional order  
10 in that case is in place;

11           (b) Paternity of the juvenile has been legally established,  
12 including by operation of law due to an individual's marriage to the  
13 mother at the time of conception, birth, or at any time during the period  
14 between conception and birth of the child; by order of a court of  
15 competent jurisdiction; or by administrative order when authorized by  
16 law;

17           (c) The juvenile has been safely placed by the juvenile court with a  
18 legal parent; and

19           (d) The juvenile court has determined that its jurisdiction under  
20 subdivision (3)(a) of section 43-247 should properly end once orders for  
21 custody, physical care, and visitation are entered by the district court.

22           (2) When the criteria in subsection (1) of this section are met, a  
23 legal parent or guardian ad litem to a juvenile adjudicated under  
24 subdivision (3)(a) of section 43-247 in juvenile court may file a motion  
25 with the juvenile court for a bridge order under subsection (3) of this  
26 section. The parent is not required to intervene in the action. The  
27 motion shall be set for evidentiary hearing by the juvenile court no less

1 than thirty days or more than ninety days from the date of the filing of  
2 the motion. The juvenile court, on its own motion, may also set an  
3 evidentiary hearing on the issue of a bridge order if such hearing is set  
4 no less than thirty days from the date of notice to the parties. The  
5 court may waive the evidentiary hearing if all issues raised in the  
6 motion for a bridge order are resolved by agreement of all parties and  
7 entry of a stipulated order.

8 (3) A motion for a bridge order shall:

9 (a) Allege that the juvenile court action filed under subdivision  
10 (3)(a) of section 43-247 may safely be closed once orders for custody,  
11 physical care, and visitation have been entered by the district court;

12 (b) State the relief sought by the petitioning legal parent;

13 (c) Disclose any other action or proceedings affecting custody of  
14 the juvenile, including proceedings related to domestic violence,  
15 protection orders, terminations of parental rights, and adoptions,  
16 including the docket number, court, county, and state of any such  
17 proceeding;

18 (d) State the names and addresses of any persons other than the  
19 legal parents who have a court order for physical custody or claim to  
20 have custody or visitation rights with the juvenile; and

21 (e) Name as a respondent any other person who has any relation to  
22 the controversy.

23 (4) A juvenile court shall designate the petitioner and respondent  
24 for purposes of a bridge order. A bridge order shall only address matters  
25 of legal and physical custody and parenting time. All other matters,  
26 including child support, shall be resolved by filing a separate petition  
27 or motion or by action of the child support enforcement office and shall  
28 be subject to existing applicable statutory provisions. No mediation or  
29 specialized alternative dispute resolution under section 42-364 shall be  
30 required in either district court or juvenile court where the juvenile  
31 has entered a bridge order. The Parenting Act shall not apply to the

1 entry of the bridge order in juvenile or district court.

2 (5) Upon transferring jurisdiction from a juvenile court to a  
3 district court, the clerk of the district court shall docket the case  
4 under either a new docket or any previous docket establishing custody or  
5 paternity of a child.

6 (6) The district court shall give full force and effect to the  
7 juvenile court bridge order as to custody and parenting time and shall  
8 not modify the juvenile court bridge order without modification  
9 proceedings as provided in subsection (8) of this section.

10 (7) A district court shall take judicial notice of the juvenile  
11 court pleadings and orders in any hearing held subsequent to transfer.  
12 Records contained in the district court case file that were copied or  
13 transferred from the juvenile court file concerning the case shall be  
14 subject to section 43-2,108 and other confidentiality provisions of the  
15 Nebraska Juvenile Code, and such records shall only be disclosed, upon  
16 request, to the child support enforcement office without a court order.

17 (8) Following the issuance of a bridge order, a party may file a  
18 petition in district court for modification of the bridge order as to  
19 legal and physical custody or parenting time. If the petition for  
20 modification is filed within one year after the filing date of the bridge  
21 order, the party requesting modification shall not be required to  
22 demonstrate a substantial change of circumstance but instead shall  
23 demonstrate that such modification is in the best interests of the child.  
24 If a petition for modification is filed within one year after the filing  
25 date of the bridge order, filing fees and other court costs shall not be  
26 assessed against the parties.

27 (9) Nothing in this section shall be construed to require  
28 appointment of counsel for the parties in the district court action.

29 Sec. 2. Section 43-2,129, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 43-2,129 Sections 43-245 to 43-2,129 and section 1 of this act shall

1 be known and may be cited as the Nebraska Juvenile Code.

2 Sec. 3. Section 43-2924, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 43-2924 (1) The Parenting Act shall apply to proceedings or  
5 modifications filed on or after January 1, 2008, in which parenting  
6 functions for a child are at issue (a) under Chapter 42, including, but  
7 not limited to, proceedings or modification of orders for dissolution of  
8 marriage and child custody and (b) under sections 43-1401 to 43-1418. The  
9 Parenting Act may apply to proceedings or modifications in which  
10 parenting functions for a child are at issue under Chapter 30 or 43. The  
11 Parenting Act shall also apply to subsequent modifications of bridge  
12 orders entered under section 1 of this act by a separate juvenile court  
13 or county court sitting as a juvenile court and docketed in a district  
14 court.

15 (2) The Parenting Act does not apply in any action filed by a county  
16 attorney or authorized attorney pursuant to his or her duties under  
17 section 42-358, 43-512 to 43-512.18, or 43-1401 to 43-1418, the Income  
18 Withholding for Child Support Act, the Revised Uniform Reciprocal  
19 Enforcement of Support Act before January 1, 1994, or the Uniform  
20 Interstate Family Support Act for purposes of the establishment of  
21 paternity and the establishment and enforcement of child and medical  
22 support or a bridge order entered under section 1 of this act by a  
23 separate juvenile court or county court sitting as a juvenile court and  
24 docketed in a district court. A county attorney or authorized attorney  
25 shall not participate in the development of or court review of a  
26 parenting plan under the Parenting Act. If both parents are parties to a  
27 paternity or support action filed by a county attorney or authorized  
28 attorney, the parents may proceed with a parenting plan.

29 Sec. 4. Original sections 43-2,129 and 43-2924, Reissue Revised  
30 Statutes of Nebraska, are repealed.