

AMENDMENTS TO LB965

Introduced by Judiciary.

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

3 **Sec. 41.** Section 43-2923, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 43-2923 The best interests of the child require:

6 (1) A parenting arrangement and parenting plan or other court-
7 ordered arrangement which provides for a child's safety, emotional
8 growth, health, stability, and physical care and regular and continuous
9 school attendance and progress for school-age children;

10 (2) When a preponderance of the evidence indicates domestic intimate
11 partner abuse, a parenting and visitation arrangement that provides for
12 the safety of a victim parent;

13 (3) That the child's families and those serving in parenting roles
14 remain appropriately active and involved in parenting with safe,
15 appropriate, continuing quality contact between children and their
16 families when they have shown the ability to act in the best interests of
17 the child and have shared in the responsibilities of raising the child;

18 (4) That even when parents have voluntarily negotiated or mutually
19 mediated and agreed upon a parenting plan, the court shall determine
20 whether it is in the best interests of the child for parents to maintain
21 continued communications with each other and to make joint decisions in
22 performing parenting functions as are necessary for the care and healthy
23 development of the child. If the court rejects a parenting plan, the
24 court shall provide written findings as to why the parenting plan is not
25 in the best interests of the child;

26 (5) That certain principles provide a basis upon which education of
27 parents is delivered and upon which negotiation and mediation of

1 parenting plans are conducted. Such principles shall include: To minimize
2 the potentially negative impact of parental conflict on children; to
3 provide parents the tools they need to reach parenting decisions that are
4 in the best interests of a child; to provide alternative dispute
5 resolution or specialized alternative dispute resolution options that are
6 less adversarial for the child and the family; to ensure that the child's
7 voice is heard and considered in parenting decisions; to maximize the
8 safety of family members through the justice process; and, in cases of
9 domestic intimate partner abuse or child abuse or neglect, to incorporate
10 the principles of victim safety and sensitivity, offender accountability,
11 and community safety in parenting plan decisions; and

12 (6) In determining custody and parenting arrangements, the court
13 shall consider the best interests of the minor child, which shall
14 include, but not be limited to, consideration of the foregoing factors
15 and:

16 (a) The relationship of the minor child to each parent prior to the
17 commencement of the action or any subsequent hearing;

18 (b) The desires and wishes of the minor child, if of an age of
19 comprehension but regardless of chronological age, when such desires and
20 wishes are based on sound reasoning;

21 (c) The general health, welfare, and social behavior of the minor
22 child;

23 (d) Credible evidence showing increased intellectual and social
24 growth in children who have equal access to both parents;

25 (e) ~~(d)~~ Credible evidence of abuse inflicted on any family or
26 household member. For purposes of this subdivision, abuse and family or
27 household member shall have the meanings prescribed in section 42-903;
28 and

29 (f) ~~(e)~~ Credible evidence of child abuse or neglect or domestic
30 intimate partner abuse. For purposes of this subdivision, the definitions
31 in section 43-2922 shall be used.

1 **Sec. 48.** Sections 17, 20, 22, 23, 24, 25, 26, 27, 28, and 50 of this
2 act become operative on October 1, 2026. The other sections of this act
3 become operative on their effective date.

4 **Sec. 49.** If any section in this act or any part of any section is
5 declared invalid or unconstitutional, the declaration shall not affect
6 the validity or constitutionality of the remaining portions.

7 **Sec. 50.** Original section 28-610, Reissue Revised Statutes of
8 Nebraska, and section 28-1205, Revised Statutes Supplement, 2025, are
9 repealed.

10 **Sec. 51.** Original sections 28-322.02, 28-322.03, 28-323, 28-508,
11 28-703, 29-3901, 29-3904, 29-3905, 29-3918, 43-273, 43-2923, 71-946,
12 71-947, 71-948, 83-4,143, and 84-941.01, Reissue Revised Statutes of
13 Nebraska, sections 27-404, 28-115, 28-310.01, 28-322.01, 29-3903,
14 29-3922, and 43-272, Revised Statutes Cumulative Supplement, 2024, and
15 sections 26-118, 27-413, 28-101, 28-318, 28-322, 28-470, 28-712.01,
16 28-1701, 29-4003, 29-4309, 29-4316, and 81-1850, Revised Statutes
17 Supplement, 2025, are repealed.