

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1190

Introduced by Briese, 41.

Read first time January 23, 2020

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to infants and juveniles; to amend sections
- 2 43-1802 and 43-1803, Reissue Revised Statutes of Nebraska; to change
- 3 provisions related to grandparent visitation; and to repeal the
- 4 original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-1802, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 43-1802 (1) A grandparent may seek visitation with his or her minor
4 grandchild if:

5 (a) The child's parent or parents are deceased;

6 (b) The marriage of the child's parents has been dissolved or
7 petition for the dissolution of such marriage has been filed, is still
8 pending, but no decree has been entered; ~~or~~

9 (c) The parents of the minor child have never been married but
10 paternity has been legally established; or ~~or~~

11 (d) The marriage of the child's parents is intact.

12 (2) In determining whether a grandparent shall be granted
13 visitation, the court shall require evidence concerning the beneficial
14 nature of the relationship of the grandparent to the child. The evidence
15 may be presented by affidavit and shall demonstrate that a significant
16 beneficial relationship exists, or has existed in the past, between the
17 grandparent and the child and that it would be in the best interests of
18 the child to allow such relationship to continue. Reasonable rights of
19 visitation may be granted when the court determines by clear and
20 convincing evidence that there is, or has been, a significant beneficial
21 relationship between the grandparent and the child, that it is in the
22 best interests of the child that such relationship continue, and that
23 such visitation will not adversely interfere with the parent-child
24 relationship.

25 (3) The court may modify an order granting or denying such
26 visitation upon a showing that there has been a material change in
27 circumstances which justifies such modification and that the modification
28 would serve the best interests of the child.

29 Sec. 2. Section 43-1803, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 43-1803 (1) If the minor child's parent or parents are deceased, ~~or~~

1 have never been married, or remain married, a grandparent seeking
2 visitation shall file a petition in the district court in the county in
3 which the minor child resides. If the marriage of the parents of a minor
4 child has been dissolved, or a petition for the dissolution of such
5 marriage has been filed, is still pending, but no decree has been
6 entered, a grandparent seeking visitation shall file a petition for such
7 visitation in the district court in the county in which the dissolution
8 was had or the proceedings are taking place. The county court or the
9 district court may hear the proceeding as provided in section 25-2740.
10 The form of the petition and all other pleadings required by this section
11 shall be prescribed by the Supreme Court. The petition shall include the
12 following:

- 13 (a) The name and address of the petitioner and his or her attorney;
- 14 (b) The name and address of the parent, guardian, or other party
15 having custody of the child or children;
- 16 (c) The name and address of any parent not having custody of the
17 child or children if applicable;
- 18 (d) The name and year of birth of each child with whom visitation is
19 sought;
- 20 (e) The relationship of petitioner to such child or children;
- 21 (f) An allegation that the parties have attempted to reconcile their
22 differences, but the differences are irreconcilable and such parties have
23 no recourse but to seek redress from the court; and
- 24 (g) A statement of the relief sought.

25 (2) When a petition seeking visitation is filed, a copy of the
26 petition shall be served upon the parent or parents or other party having
27 custody of the child and upon any parent not having custody of such child
28 by personal service or in the manner provided in section 25-517.02.

29 Sec. 3. Original sections 43-1802 and 43-1803, Reissue Revised
30 Statutes of Nebraska, are repealed.