

LEGISLATIVE BILL 23

Approved by the Acting Governor January 27, 1989

Introduced by Labeledz, 5, Chairperson, Executive Board

AN ACT relating to husband and wife; to amend sections 42-363, 42-374, and 42-808, Reissue Revised Statutes of Nebraska, 1943; to eliminate duplicative and inconsistent language concerning finality of a decree dissolving a marriage; to change a reference to mental retardate to harmonize with Laws 1986, LB 1177; to change references to repealed statutes; and to repeal the original sections. Be it enacted by the people of the State of Nebraska,

Section 1. That section 42-363, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

42-363. No suit for divorce shall be heard or tried until sixty days after perfection of service of process, at which time the suit may be heard or tried and a decree may be entered. ~~No decree dissolving a marriage shall become final in any proceeding before six months shall have elapsed after such decree shall be entered, except for purposes of appeal.~~

Sec. 2. That section 42-374, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

42-374. A marriage may be annulled for any of the following causes:

(1) ~~Where the~~ The marriage between the parties is prohibited by law;

(2) ~~Where either~~ Either party is impotent at the time of marriage;

(3) ~~Where either~~ Either party had a spouse living at the time of marriage;

(4) ~~Where either~~ Either party was mentally ill or a ~~mental retardate person with mental retardation~~ at the time of marriage; or

(5) Force or fraud.

Sec. 3. That section 42-808, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

42-808. (1) In each county with a population of two hundred fifty thousand inhabitants or more, the district court may appoint one counselor of conciliation

and one secretary to assist the conciliation court in disposing of its business and carrying out its functions.

(2) The counselor of conciliation so appointed shall have the power to:

(a) Hold conciliation conferences with parties to, and hearings in, proceedings under sections 42-801 to 42-823, the Conciliation Court Law and make recommendations concerning such proceedings to the judge of the conciliation court;

(b) Provide such supervision in connection with the exercise of his or her jurisdiction as the judge of the conciliation court may direct;

(c) Cause such reports to be made, such statistics to be compiled, and such records to be kept as the judge of the conciliation court may direct;

(d) Hold such hearings in all conciliation court cases as may be required by the judge of the conciliation court; and make such investigations as may be required by the court to carry out the intent of sections 42-801 to 42-823 the Conciliation Court Law;

(e) Make investigations and reports as provided for by section 42-307, sections 42-351 and 42-358 as may be directed by the judge of the conciliation court; and

(f) Hold informal hearings under the provisions of section 42-308, 42-367 and make recommendations to the court for entry of orders thereunder; as may be directed by the judge of the conciliation court.

(3) The judge of the conciliation court may also appoint, with the consent of the board of county commissioners, such associate counselors of conciliation and other office assistants as may be necessary to assist the conciliation court in disposing of its business. Such associate counselors shall carry out their duties under the supervision of the judge of the conciliation court and shall have all the powers of the counselor of conciliation. Office assistants shall work under the supervision and direction of the counselor of conciliation.

(4) Salaries of persons appointed under the provisions of this section shall be fixed by the board of county commissioners, of the county. All persons appointed under the provisions of this section may be dismissed for any reason by a majority vote of the judges of the district court of the county.

(5) The board of county commissioners shall furnish adequate office space, equipment, and supplies

for the use of the personnel of the conciliation court.

Sec. 4. That original sections 42-363, 42-374, and 42-808, Reissue Revised Statutes of Nebraska, 1943, are repealed.