

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1086

Introduced by Lautenbaugh, 18.

Read first time January 18, 2012

Committee: Judiciary

A BILL

1 FOR AN ACT relating to grandparent visitation; to amend section
2 43-1802, Reissue Revised Statutes of Nebraska; to provide
3 an additional ground for seeking visitation; and to
4 repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

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

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

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

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

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

11 (d) The grandparent has made prior reasonable efforts to
12 have visitation with the minor child, but the child's parents have
13 refused such visitation.

14 (2) In determining whether a grandparent shall be granted
15 visitation, the court shall require evidence concerning the
16 beneficial nature of the relationship or potential relationship of
17 the grandparent to the child. The evidence may be presented by
18 affidavit and shall demonstrate that a significant beneficial
19 relationship exists, ~~or~~ has existed in the past, or may exist in the
20 future between the grandparent and the child and that it would be in
21 the best interests of the child to allow such relationship to
22 continue or begin. Reasonable rights of visitation may be granted
23 when the court determines by clear and convincing evidence that there
24 is, ~~or~~ has been, or may be a significant beneficial relationship
25 between the grandparent and the child, that it is in the best

1 interests of the child that such relationship continue or begin, and
2 that such visitation will not adversely interfere with the parent-
3 child relationship.

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

8 Sec. 2. Original section 43-1802, Reissue Revised
9 Statutes of Nebraska, is repealed.