ONE HUNDRED FOURTH LEGISLATURE - FIRST SESSION - 2015
COMMITTEE STATEMENT
LB437

Hearing Date: Thursday March 12, 2015
Committee On: Judiciary
Introducer: Ebke
One Liner: Change provisions relating to the Parenting Act

Roll Call Vote - Final Committee Action:

Indefinitely postponed

Vote Results:

Aye:	5	Senators Chambers, Coash, Morfeld, Pansing Brooks, Williams
Nay:		
Absent:	2	Senators Krist, Seiler
Present Not Voting:	1	Senator Ebke

Verbal Testimony:

Proponents:	Representing:
SEN. LAURA EBKE	INTRODUCER
JAMES BOCOTT	SELF
DENNIS THOMPSON	SELF
SHAWNA THOMPSON	SELF
BRAD CATLIN	SELF
JUSTIN THOMPSON	SELF
JOE TRADER	SELF
LINDIE CATLIN	SELF
AUDREY GOSSARD	SELF
FELICIA KEISER	SELF
DAVID BAGLEY	SELF
TIM PRATT	SELF
NADINE HAIN	SELF

Opponents:	Representing:
JEREMY BARNHILL	KIDS HAVE RIGHTS TOO
ROBERT SANFORD	NEBRASKA DOMESTIC VIOLENCE SEXUAL ASSAULT COALITION
MARY KAY HANSEN	SELF
VICKI VANDERGRIEND	SELF
CINDY GUBBELS	ONE MOM'S BATTLE

Neutral:	Representing:
BRUCE VESPER	PARTNERS FOR EQUAL PARENTING
JIM CREIGH	SELF
KRISTEN BLANKLEY	NEBRASKA MEDICATION ASSOCIATION

Summary of purpose and/or changes:

Section 1 of LB437 contains a legislative finding that it is the public policy of this state that each minor child have

frequent and continuing contact with both parents.

Section 2 would add additional requirements in determining the best interests of a child under the Parenting Act. The new requirements include understanding that a child's needs may change as a child develops. This section would also add requirements that each parent to:
-encourage sharing of love, affection, and contact with the other parent
-facilitate and encourage a close and continuing parent-child relationship with the other parent
-honor the parenting plan
-allow frequent contact with the other parent
-be reasonable when changes are required
-allow the other parent to provide care without intrusion
-respect the other parents rights and responsibilities, including privacy

Section 2 would add several additional requirements for a court to consider before determining custody and parenting arrangements. The section would also amend the section requiring the court to consider credible evidence of abuse inflicted "on any family or household member." This language would be removed and replaced with "against the child, a parent of the child, or any other person residing within the child's household." This change would appear to remove consideration of abuse that is inflicted within the abuser's household if it is not the child's household.

Section 2 would also add requirements to consider a parent that has made false allegations of abuse, interfered with access for the other parent or failed to encourage a positive and continuous relationship with the other parent.

Section 3 requires each party to submit a parenting plan to the court in the event the parties cannot agree on a plan. This section would prohibit a court preference of a proposed plan as a result of the parent's gender.

Section 3 also requires that a parenting plan adopted by the court shall provide no less than 35% of annual parenting time to each parent unless the court finds one of the listed factors exist. These factors include:
-consent of the parent
-grounds to terminate parental rights under 43-292
-a pattern of child abuse or neglect or domestic intimate partner abuse
-the parent has been convicted of physical assault against a family or household member or violating a protection order
-the parent has failed to exercise parenting time previously awarded
-a pattern of substantial parental unfitness
-geographic separation makes the award impractical

This section would also require a parenting plan to require meaningful consultation about fundamental decisions, but may assign final decision-making responsibility. The court would be required to consider conduct by one parent to manipulate a proceeding, but would not be permitted to consider the effect of custody or parenting time on child support obligations. The court would be required to make written findings of fact and conclusions of law.

Les Seiler, Chairperson