

LEGISLATIVE BILL 219

Approved by the Governor February 26, 2015

Introduced by Crawford, 45.

A BILL FOR AN ACT relating to child custody and visitation; to amend sections 43-2922 and 43-2929, Revised Statutes Cumulative Supplement, 2014; to adopt the Uniform Deployed Parents Custody and Visitation Act; to change and eliminate provisions relating to military parents; to provide an operative date; to repeal the original sections; and to outright repeal section 43-2929.01, Revised Statutes Cumulative Supplement, 2014.

Be it enacted by the people of the State of Nebraska,

Section 1. Sections 1 to 30 of this act shall be known and may be cited as the Uniform Deployed Parents Custody and Visitation Act.

Sec. 2. In the Uniform Deployed Parents Custody and Visitation Act:

(1) Adult means an individual who has attained nineteen years of age or an emancipated minor;

(2) Caretaking authority means the right to live with and care for a child on a day-to-day basis. The term includes physical custody, parenting time, right to access, and visitation;

(3) Child means:

(A) an unemancipated individual who has not attained nineteen years of age; or

(B) an adult son or daughter by birth or adoption, or under law of this state other than the act, who is the subject of a court order concerning custodial responsibility;

(4) Court means a tribunal, including an administrative agency, authorized under law of this state other than the act to make, enforce, or modify a decision regarding custodial responsibility;

(5) Custodial responsibility includes all powers and duties relating to caretaking authority and decisionmaking authority for a child. The term includes physical custody, legal custody, parenting time, right to access, visitation, and authority to grant limited contact with a child;

(6) Decisionmaking authority means the power to make important decisions regarding a child, including decisions regarding the child's education, religious training, health care, extracurricular activities, and travel. The term does not include the power to make decisions that necessarily accompany a grant of caretaking authority;

(7) Deploying parent means a service member, who is deployed or has been notified of impending deployment, and is:

(A) a parent of a child under law of this state other than the act; or

(B) an individual who has custodial responsibility for a child under law of this state other than the act;

(8) Deployment means the movement or mobilization of a service member for more than ninety days but less than eighteen months pursuant to uniformed service orders that:

(A) are designated as unaccompanied;

(B) do not authorize dependent travel; or

(C) otherwise do not permit the movement of family members to the location to which the service member is deployed;

(9) Family member means a sibling, aunt, uncle, cousin, stepparent, or grandparent of a child or an individual recognized to be in a familial relationship with a child under law of this state other than the act;

(10) Limited contact means the authority of a nonparent to visit a child for a limited time. The term includes authority to take the child to a place other than the residence of the child;

(11) Nonparent means an individual other than a deploying parent or other parent;

(12) Other parent means an individual who, in common with a deploying parent, is:

(A) a parent of a child under law of this state other than the act; or

(B) an individual who has custodial responsibility for a child under law of this state other than the act;

(13) Record means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;

(14) Return from deployment means the conclusion of a service member's deployment as specified in uniformed service orders;

(15) Service member means a member of a uniformed service;

(16) Sign means, with present intent to authenticate or adopt a record:

(A) to execute or adopt a tangible symbol; or

(B) to attach to or logically associate with the record an electronic symbol, sound, or process;

(17) State means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States; and

(18) Uniformed service means:

- (A) active and reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States;
- (B) the United States Merchant Marine;
- (C) the commissioned corps of the United States Public Health Service;
- (D) the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or
- (E) the National Guard of a state.

Sec. 3. In addition to other remedies under the law of this state other than the Uniform Deployed Parents Custody and Visitation Act, if a court finds that a party to a proceeding under the act has acted in bad faith or intentionally failed to comply with the act or a court order issued under the act, the court may assess reasonable attorney's fees and costs against the party and order other appropriate relief.

Sec. 4. (a) A court may issue an order regarding custodial responsibility under the Uniform Deployed Parents Custody and Visitation Act only if the court has jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act.

(b) If a court has issued a temporary order regarding custodial responsibility pursuant to sections 13 to 23 of this act, the residence of the deploying parent is not changed by reason of the deployment for the purposes of the Uniform Child Custody Jurisdiction and Enforcement Act during the deployment.

(c) If a court has issued a permanent order regarding custodial responsibility before notice of deployment and the parents modify that order temporarily by agreement pursuant to sections 8 to 12 of this act, the residence of the deploying parent is not changed by reason of the deployment for the purposes of the Uniform Child Custody Jurisdiction and Enforcement Act.

(d) If a court in another state has issued a temporary order regarding custodial responsibility as a result of impending or current deployment, the residence of the deploying parent is not changed by reason of the deployment for the purposes of the Uniform Child Custody Jurisdiction and Enforcement Act.

(e) This section does not prevent a court from exercising temporary emergency jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act.

Sec. 5. (a) Except as otherwise provided in subsection (d) of this section and subject to subsection (c) of this section, a deploying parent shall notify in a record the other parent of a pending deployment not later than seven days after receiving notice of deployment unless reasonably prevented from doing so by the circumstances of service. If the circumstances of service prevent giving notification within the seven days, the deploying parent shall give the notification as soon as reasonably possible.

(b) Except as otherwise provided in subsection (d) of this section and subject to subsection (c) of this section, each parent shall provide in a record the other parent with a plan for fulfilling that parent's share of custodial responsibility during deployment. Each parent shall provide the plan as soon as reasonably possible after notification of deployment is given under subsection (a) of this section.

(c) If a court order currently in effect prohibits disclosure of the address or contact information of the other parent, notification of deployment under subsection (a) of this section, or notification of a plan for custodial responsibility during deployment under subsection (b) of this section, may be made only to the issuing court. If the address of the other parent is available to the issuing court, the court shall forward the notification to the other parent. The court shall keep confidential the address or contact information of the other parent.

(d) Notification in a record under subsection (a) or (b) of this section is not required if the parents are living in the same residence and both parents have actual notice of the deployment or plan.

(e) In a proceeding regarding custodial responsibility, a court may consider the reasonableness of a parent's efforts to comply with this section.

Sec. 6. (a) Except as otherwise provided in subsection (b) of this section, an individual to whom custodial responsibility has been granted during deployment pursuant to sections 8 to 12 or 13 to 23 of this act shall notify the deploying parent and any other individual with custodial responsibility of a child of any change of the individual's mailing address or residence until the grant is terminated. The individual shall provide the notice to any court that has issued a custody or child support order concerning the child which is in effect.

(b) If a court order currently in effect prohibits disclosure of the address or contact information of an individual to whom custodial responsibility has been granted, a notification under subsection (a) of this section may be made only to the court that issued the order. The court shall keep confidential the mailing address or residence of the individual to whom custodial responsibility has been granted.

Sec. 7. In a proceeding for custodial responsibility of a child of a service member, a court may not consider a parent's past deployment or possible future deployment in itself in determining the best interest of the child but may consider any significant impact on the best interest of the child of the parent's past or possible future deployment.

Sec. 8. (a) The parents of a child may enter into a temporary agreement under sections 8 to 12 of this act granting custodial responsibility during deployment.

(b) An agreement under subsection (a) of this section must be:

(1) in writing; and
(2) signed by both parents and any nonparent to whom custodial responsibility is granted.

(c) Subject to subsection (d) of this section, an agreement under subsection (a) of this section, if feasible, must:

(1) identify the destination, duration, and conditions of the deployment that is the basis for the agreement;

(2) specify the allocation of caretaking authority among the deploying parent, the other parent, and any nonparent;

(3) specify any decisionmaking authority that accompanies a grant of caretaking authority;

(4) specify any grant of limited contact to a nonparent;

(5) if under the agreement custodial responsibility is shared by the other parent and a nonparent, or by other nonparents, provide a process to resolve any dispute that may arise;

(6) specify the frequency, duration, and means, including electronic means, by which the deploying parent will have contact with the child, any role to be played by the other parent in facilitating the contact, and the allocation of any costs of contact;

(7) specify the contact between the deploying parent and child during the time the deploying parent is on leave or is otherwise available;

(8) acknowledge that any party's child-support obligation cannot be modified by the agreement, and that changing the terms of the obligation during deployment requires modification in the appropriate court;

(9) provide that the agreement will terminate according to the procedures under sections 24 to 27 of this act after the deploying parent returns from deployment; and

(10) if the agreement must be filed pursuant to section 12 of this act, specify which parent is required to file the agreement.

(d) The omission of any of the items specified in subsection (c) of this section does not invalidate an agreement under this section.

Sec. 9. (a) An agreement under sections 8 to 12 of this act is temporary and terminates pursuant to sections 24 to 27 of this act after the deploying parent returns from deployment, unless the agreement has been terminated before that time by court order or modification under section 10 of this act. The agreement does not create an independent, continuing right to caretaking authority, decisionmaking authority, or limited contact in an individual to whom custodial responsibility is given.

(b) A nonparent who has caretaking authority, decisionmaking authority, or limited contact by an agreement under sections 8 to 12 of this act has standing to enforce the agreement until it has been terminated by court order, by modification under section 10 of this act, or under sections 24 to 27 of this act.

Sec. 10. (a) By mutual consent, the parents of a child may modify an agreement regarding custodial responsibility made pursuant to sections 8 to 12 of this act.

(b) If an agreement is modified under subsection (a) of this section before deployment of a deploying parent, the modification must be in writing and signed by both parents and any nonparent who will exercise custodial responsibility under the modified agreement.

(c) If an agreement is modified under subsection (a) of this section during deployment of a deploying parent, the modification must be agreed to in a record by both parents and any nonparent who will exercise custodial responsibility under the modified agreement.

Sec. 11. A deploying parent, by power of attorney, may delegate all or part of custodial responsibility to an adult nonparent for the period of deployment if no other parent possesses custodial responsibility under law of this state other than the Uniform Deployed Parents Custody and Visitation Act, or if a court order currently in effect prohibits contact between the child and the other parent. The deploying parent may revoke the power of attorney by signing a revocation of the power.

Sec. 12. An agreement or power of attorney under sections 8 to 12 of this act must be filed within a reasonable time with any court that has entered an order on custodial responsibility or child support that is in effect concerning the child who is the subject of the agreement or power. The case number and heading of the pending case concerning custodial responsibility or child support must be provided to the court with the agreement or power.

Sec. 13. In sections 13 to 23 of this act, close and substantial relationship means a relationship in which a significant bond exists between a child and a nonparent.

Sec. 14. (a) After a deploying parent receives notice of deployment and until the deployment terminates, a court may issue a temporary order granting custodial responsibility unless prohibited by the Servicemembers Civil Relief Act, 50 U.S.C. appendix sections 521 and 522, as the act exists on January 1, 2015. A court may not issue a permanent order granting custodial responsibility without the consent of the deploying parent.

(b) At any time after a deploying parent receives notice of deployment, either parent may file a motion regarding custodial responsibility of a child during deployment. The motion must be filed in a pending proceeding for custodial responsibility in a court with jurisdiction under section 4 of this act or, if there is no pending proceeding in a court with jurisdiction under section 4 of this act, in a new action for granting custodial responsibility during deployment.

Sec. 15. If a motion to grant custodial responsibility is filed under subsection (b) of section 14 of this act before a deploying parent deploys, the court shall conduct an expedited hearing.

Sec. 16. In a proceeding under sections 13 to 23 of this act, a party or witness who is not reasonably available to appear personally may appear, provide testimony, and present evidence by electronic means unless the court finds good cause to require a personal appearance.

Sec. 17. In a proceeding for a grant of custodial responsibility pursuant to sections 13 to 23 of this act, the following rules apply:

(1) A prior judicial order designating custodial responsibility in the event of deployment is binding on the court unless the circumstances meet the requirements of law of this state other than the Uniform Deployed Parents Custody and Visitation Act for modifying a judicial order regarding custodial responsibility.

(2) The court shall enforce a prior written agreement between the parents for designating custodial responsibility in the event of deployment, including an agreement executed under sections 8 to 12 of this act, unless the court finds that the agreement is contrary to the best interest of the child.

Sec. 18. (a) On a motion of a deploying parent and in accordance with the laws of this state, other than the Uniform Deployed Parents Custody and Visitation Act, if it is in the best interests of the child, a court may grant caretaking authority to a nonparent who is an adult family member of the child or an adult with whom the child has a close and substantial relationship. The court shall consider the following factors as related to the best interests of the child:

(1) The emotional, physical, and developmental needs of the minor child;

(2) The minor child's opinion or preference;

(3) The level of involvement and the extent of predeployment parenting responsibility exercised by the nonparent;

(4) The quality of the relationship between the minor child and the nonparent;

(5) The strength of the minor child's ties to the nonparent;

(6) The extent to which the delegation would interfere or support the minor child's existing school, sports, and extracurricular activities;

(7) The age, maturity, and living conditions of the nonparent; and

(8) The likelihood that allowing the delegation would increase or decrease the hostilities between the parties involved.

(b) Unless a grant of caretaking authority to a nonparent under subsection (a) of this section is agreed to by the other parent, the grant is limited to an amount of time not greater than:

(1) the amount of time granted to the deploying parent under a permanent custody order, but the court may add unusual travel time necessary to transport the child; or

(2) in the absence of a permanent custody order that is currently in effect, the amount of time that the deploying parent habitually cared for the child before being notified of deployment, but the court may add unusual travel time necessary to transport the child.

(c) A court may grant part of a deploying parent's decisionmaking authority, if the deploying parent is unable to exercise that authority, to a nonparent who is an adult family member of the child or an adult with whom the child has a close and substantial relationship. If a court grants the authority to a nonparent, the court shall specify the decisionmaking powers granted, including decisions regarding the child's education, religious training, health care, extracurricular activities, and travel.

Sec. 19. On motion of a deploying parent, and in accordance with the law of this state other than the Uniform Deployed Parents Custody and Visitation Act, unless the court finds that the contact would be contrary to the best interest of the child, a court shall grant limited contact to a nonparent who is a family member of the child or an individual with whom the child has a close and substantial relationship.

Sec. 20. (a) A grant of authority under sections 13 to 23 of this act is temporary and terminates under sections 24 to 27 of this act after the return from deployment of the deploying parent, unless the grant has been terminated before that time by court order. The grant does not create an independent, continuing right to caretaking authority, decisionmaking authority, or limited contact in an individual to whom it is granted.

(b) A nonparent granted caretaking authority, decisionmaking authority, or limited contact under sections 13 to 23 of this act has standing to enforce the grant until it is terminated by court order or under sections 24 to 27 of this act.

Sec. 21. (a) An order granting custodial responsibility under sections 13 to 23 of this act must:

(1) designate the order as temporary; and

(2) identify to the extent feasible the destination, duration, and conditions of the deployment.

(b) If applicable, an order for custodial responsibility under sections 13 to 23 of this act must:

(1) specify the allocation of caretaking authority, decisionmaking authority, or limited contact among the deploying parent, the other parent, and any nonparent;

(2) if the order divides caretaking or decisionmaking authority between individuals, or grants caretaking authority to one individual and limited contact to another, provide a process to resolve any dispute that may arise;

(3) provide for liberal communication between the deploying parent and the child during deployment, including through electronic means, unless contrary to the best interest of the child, and allocate any costs of communications;

(4) provide for liberal contact between the deploying parent and the child during the time the deploying parent is on leave or otherwise available, unless contrary to the best interest of the child;

(5) provide for reasonable contact between the deploying parent and the child after return from deployment until the temporary order is terminated, even if the time of contact exceeds the time the deploying parent spent with the child before entry of the temporary order; and

(6) provide that the order will terminate pursuant to sections 24 to 27 of this act after the deploying parent returns from deployment.

Sec. 22. If a court has issued an order granting caretaking authority under sections 13 to 23 of this act, or an agreement granting caretaking authority has been executed under sections 8 to 12 of this act, the court may enter a temporary order for child support consistent with law of this state other than the Uniform Deployed Parents Custody and Visitation Act if the court has jurisdiction under the Uniform Interstate Family Support Act.

Sec. 23. (a) Except for an order under section 17 of this act, except as otherwise provided in subsection (b) of this section, and consistent with the Servicemembers Civil Relief Act, 50 U.S.C. appendix sections 521 and 522, as the act exists on January 1, 2015, on motion of a deploying or other parent or any nonparent to whom caretaking authority, decisionmaking authority, or limited contact has been granted, the court may modify or terminate the grant if the modification or termination is consistent with sections 13 to 23 of this act and it is in the best interest of the child. A modification is temporary and terminates pursuant to sections 24 to 27 of this act after the deploying parent returns from deployment, unless the grant has been terminated before that time by court order.

(b) On motion of a deploying parent, the court shall terminate a grant of limited contact.

Sec. 24. (a) At any time after return from deployment, a temporary agreement granting custodial responsibility under sections 8 to 12 of this act may be terminated by an agreement to terminate signed by the deploying parent and the other parent.

(b) A temporary agreement under sections 8 to 12 of this act granting custodial responsibility terminates:

(1) if an agreement to terminate under subsection (a) of this section specifies a date for termination, on that date; or

(2) if the agreement to terminate does not specify a date, on the date the agreement to terminate is signed by the deploying parent and the other parent.

(c) In the absence of an agreement under subsection (a) of this section to terminate, a temporary agreement granting custodial responsibility terminates under sections 8 to 12 of this act sixty days after the deploying parent gives notice to the other parent that the deploying parent has returned from deployment.

(d) If a temporary agreement granting custodial responsibility was filed with a court pursuant to section 12 of this act, an agreement to terminate the temporary agreement also must be filed with that court within a reasonable time after the signing of the agreement. The case number and heading of the case concerning custodial responsibility or child support must be provided to the court with the agreement to terminate.

Sec. 25. At any time after a deploying parent returns from deployment, the deploying parent and the other parent may file with the court an agreement to terminate a temporary order for custodial responsibility issued under sections 13 to 23 of this act. After an agreement has been filed, the court shall issue an order terminating the temporary order effective on the date specified in the agreement. If a date is not specified, the order is effective immediately.

Sec. 26. After a deploying parent returns from deployment until a temporary agreement or order for custodial responsibility established under sections 8 to 12 or 13 to 23 of this act is terminated, the court shall issue a temporary order granting the deploying parent reasonable contact with the child unless it is contrary to the best interest of the child, even if the time of contact exceeds the time the deploying parent spent with the child before deployment.

Sec. 27. (a) If an agreement between the parties to terminate a temporary order for custodial responsibility under sections 13 to 23 of this act has not been filed, the order terminates sixty days after the deploying parent gives notice to the other parent and any nonparent granted custodial responsibility that the deploying parent has returned from deployment.

(b) A proceeding seeking to prevent termination of a temporary order for custodial responsibility is governed by law of this state other than the Uniform Deployed Parents Custody and Visitation Act.

Sec. 28. In applying and construing the Uniform Deployed Parents Custody and Visitation Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 29. The Uniform Deployed Parents Custody and Visitation Act modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. 7001 et seq., but does not modify, limit, or supersede section 101(c) of that act, 15 U.S.C. 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that

act, 15 U.S.C. 7003(b).

Sec. 30. The Uniform Deployed Parents Custody and Visitation Act does not affect the validity of a temporary court order concerning custodial responsibility during deployment which was entered before the operative date of this act.

Sec. 31. Section 43-2922, Revised Statutes Cumulative Supplement, 2014, is amended to read:

43-2922 For purposes of the Parenting Act:

(1) Appropriate means reflective of the developmental abilities of the child taking into account any cultural traditions that are within the boundaries of state and federal law;

(2) Approved mediation center means a mediation center approved by the Office of Dispute Resolution;

(3) Best interests of the child means the determination made taking into account the requirements stated in section sections 43-2923 or the Uniform Deployed Parents Custody and Visitation Act if such act applies and ~~43-2929.01~~;

(4) Child means a minor under nineteen years of age;

(5) Child abuse or neglect has the same meaning as in section 28-710;

(6) Court conciliation program means a court-based conciliation program under the Conciliation Court Law;

(7) Custody includes legal custody and physical custody;

(8) Domestic intimate partner abuse means an act of abuse as defined in section 42-903 and a pattern or history of abuse evidenced by one or more of the following acts: Physical or sexual assault, threats of physical assault or sexual assault, stalking, harassment, mental cruelty, emotional abuse, intimidation, isolation, economic abuse, or coercion against any current or past intimate partner, or an abuser using a child to establish or maintain power and control over any current or past intimate partner, and, when they contribute to the coercion or intimidation of an intimate partner, acts of child abuse or neglect or threats of such acts, cruel mistreatment or cruel neglect of an animal as defined in section 28-1008, or threats of such acts, and other acts of abuse, assault, or harassment, or threats of such acts against other family or household members. A finding by a child protection agency shall not be considered res judicata or collateral estoppel regarding an act of child abuse or neglect or a threat of such act, and shall not be considered by the court unless each parent is afforded the opportunity to challenge any such determination;

(9) Economic abuse means causing or attempting to cause an individual to be financially dependent by maintaining total control over the individual's financial resources, including, but not limited to, withholding access to money or credit cards, forbidding attendance at school or employment, stealing from or defrauding of money or assets, exploiting the victim's resources for personal gain of the abuser, or withholding physical resources such as food, clothing, necessary medications, or shelter;

(10) Emotional abuse means a pattern of acts, threats of acts, or coercive tactics, including, but not limited to, threatening or intimidating to gain compliance, destruction of the victim's personal property or threats to do so, violence to an animal or object in the presence of the victim as a way to instill fear, yelling, screaming, name-calling, shaming, mocking, or criticizing the victim, possessiveness, or isolation from friends and family. Emotional abuse can be verbal or nonverbal;

(11) Joint legal custody means mutual authority and responsibility of the parents for making mutual fundamental decisions regarding the child's welfare, including choices regarding education and health;

(12) Joint physical custody means mutual authority and responsibility of the parents regarding the child's place of residence and the exertion of continuous blocks of parenting time by both parents over the child for significant periods of time;

(13) Legal custody means the authority and responsibility for making fundamental decisions regarding the child's welfare, including choices regarding education and health;

(14) Mediation means a method of nonjudicial intervention in which a trained, neutral third-party mediator, who has no decisionmaking authority, provides a structured process in which individuals and families in conflict work through parenting and other related family issues with the goal of achieving a voluntary, mutually agreeable parenting plan or related resolution;

(15) Mediator means a mediator meeting the qualifications of section 43-2938 and acting in accordance with the Parenting Act;

~~(16) Military parent means a parent who is a member of the Army, Navy, Air Force, Marine Corps, Coast Guard, or Reserves of the United States or the National Guard;~~

~~(16)~~ (17) Office of Dispute Resolution means the office established under section 25-2904;

~~(17)~~ (18) Parenting functions means those aspects of the relationship in which a parent or person in the parenting role makes fundamental decisions and performs fundamental functions necessary for the care and development of a child. Parenting functions include, but are not limited to:

(a) Maintaining a safe, stable, consistent, and nurturing relationship with the child;

(b) Attending to the ongoing developmental needs of the child, including feeding, clothing, physical care and grooming, health and medical needs, emotional stability, supervision, and appropriate conflict resolution skills and engaging in other activities appropriate to the healthy development of the

child within the social and economic circumstances of the family;

(c) Attending to adequate education for the child, including remedial or other special education essential to the best interests of the child;

(d) Assisting the child in maintaining a safe, positive, and appropriate relationship with each parent and other family members, including establishing and maintaining the authority and responsibilities of each party with respect to the child and honoring the parenting plan duties and responsibilities;

(e) Minimizing the child's exposure to harmful parental conflict;

(f) Assisting the child in developing skills to maintain safe, positive, and appropriate interpersonal relationships; and

(g) Exercising appropriate support for social, academic, athletic, or other special interests and abilities of the child within the social and economic circumstances of the family;

(18 19) Parenting plan means a plan for parenting the child that takes into account parenting functions;

(19 20) Parenting time, visitation, or other access means communication or time spent between the child and parent or stepparent, the child and a court-appointed guardian, or the child and another family member or members including stepbrothers or stepsisters;

(20 21) Physical custody means authority and responsibility regarding the child's place of residence and the exertion of continuous parenting time for significant periods of time;

(21 22) Provisions for safety means a plan developed to reduce risks of harm to children and adults who are victims of child abuse or neglect, domestic intimate partner abuse, or unresolved parental conflict;

(22 23) Remediation process means the method established in the parenting plan which maintains the best interests of the child and provides a means to identify, discuss, and attempt to resolve future circumstantial changes or conflicts regarding the parenting functions and which minimizes repeated litigation and utilizes judicial intervention as a last resort;

(23 24) Specialized alternative dispute resolution means a method of nonjudicial intervention in high conflict or domestic intimate partner abuse cases in which an approved specialized mediator facilitates voluntary mutual development of and agreement to a structured parenting plan, provisions for safety, a transition plan, or other related resolution between the parties;

(24 25) Transition plan means a plan developed to reduce exposure of the child and the adult to ongoing unresolved parental conflict during parenting time, visitation, or other access for the exercise of parental functions; and

(25 26) Unresolved parental conflict means persistent conflict in which parents are unable to resolve disputes about parenting functions which has a potentially harmful impact on a child.

Sec. 32. Section 43-2929, Revised Statutes Cumulative Supplement, 2014, is amended to read:

43-2929 (1) In any proceeding in which parenting functions for a child are at issue under Chapter 42, a parenting plan shall be developed and shall be approved by the court. Court rule may provide for the parenting plan to be developed by the parties or their counsel, a court conciliation program, an approved mediation center, or a private mediator. When a parenting plan has not been developed and submitted to the court, the court shall create the parenting plan in accordance with the Parenting Act. A parenting plan shall serve the best interests of the child pursuant to sections 42-364 and ~~43-2923~~ or the Uniform Deployed Parents Custody and Visitation Act if such act applies and 43-2929.01 and shall:

(a) Assist in developing a restructured family that serves the best interests of the child by accomplishing the parenting functions; and

(b) Include, but not be limited to, determinations of the following:

(i) Legal custody and physical custody of each child;

(ii) Apportionment of parenting time, visitation, or other access for each child, including, but not limited to, specified religious and secular holidays, birthdays, Mother's Day, Father's Day, school and family vacations, and other special occasions, specifying dates and times for the same, or a formula or method for determining such a schedule in sufficient detail that, if necessary, the schedule can be enforced in subsequent proceedings by the court, and set out appropriate times and numbers for telephone access;

(iii) Location of the child during the week, weekend, and given days during the year;

(iv) A transition plan, including the time and places for transfer of the child, method of communication or amount and type of contact between the parties during transfers, and duties related to transportation of the child during transfers;

(v) Procedures for making decisions regarding the day-to-day care and control of the child consistent with the major decisions made by the person or persons who have legal custody and responsibility for parenting functions;

(vi) Provisions for a remediation process regarding future modifications to such plan;

(vii) Arrangements to maximize the safety of all parties and the child;

(viii) Provisions to ensure regular and continuous school attendance and progress for school-age children of the parties; and

(ix) Provisions for safety when a preponderance of the evidence establishes child abuse or neglect, domestic intimate partner abuse, unresolved parental conflict, or criminal activity which is directly harmful to a child.

(2) A parenting plan shall require that the parties notify each other of a change of address, except that the address or return address shall only include

the county and state for a party who is living or moving to an undisclosed location because of safety concerns.

(3) When safe and appropriate for the best interests of the child, the parenting plan may encourage mutual discussion of major decisions regarding parenting functions including the child's education, health care, and spiritual or religious upbringing. However, when a prior factual determination of child abuse or neglect, domestic intimate partner abuse, or unresolved parental conflict has been made, then consideration shall be given to inclusion of provisions for safety and a transition plan that restrict communication or the amount and type of contact between the parties during transfers.

(4) Regardless of the custody determinations in the parenting plan, unless parental rights are terminated, both parents shall continue to have the rights stated in section 42-381.

(5) In the development of a parenting plan, consideration shall be given to the child's age, the child's developmental needs, and the child's perspective, as well as consideration of enhancing healthy relationships between the child and each party.

Sec. 33. This act becomes operative on January 1, 2016.

Sec. 34. Original sections 43-2922 and 43-2929, Revised Statutes Cumulative Supplement, 2014, are repealed.

Sec. 35. The following section is outright repealed: Section 43-2929.01, Revised Statutes Cumulative Supplement, 2014.