



**Hundredth Legislature - First Session - 2007
Committee Statement
LB 554**

Hearing Date: March 8, 2007

Committee On: Judiciary

Introducer(s): (Flood)

Title: Adopt a new Parenting Act

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

7	Yes	Sen. Ashford, Sen. Lathrop, Sen. McDonald, Sen. McGill, Sen. Pedersen, Sen. Pirsch, Sen. Schimek
	No	
	Present, not voting	
1	Absent	Sen. Chambers

Proponents:

Sen. Flood
 Pamela Beranek
 Jerry M. Beranek
 Kathy Bigsby Moore
 Pam Perry
 Suzanne Curry Carney
 Sean Bradley
 Robert W. Uhing
 Kathy Jo Peterson
 Al Riskowski
 Lorin Galvin
 Cindy Stroschelm
 David Hubbard
 Nadine Hain

Representing:

Introuducer
 Citizen
 Mediation Center Client
 Voices for Children
 Nebraska DVSAC
 Nebraska Medical Centers
 YWCA Omaha
 Citizen
 National Assoc. Social Workers of Nebraska
 Nebraska Family Council
 Citizen
 UNL Extension
 The Mediation Center
 Citizen

Opponents:

Ernest J. Kubr
 Rufine Villareal
 Amy Sherman Geren
 John Curlo
 Jeanelle Kleveland

Representing:

Citizen
 Citizen
 Citizen
 Citizen
 Citizen

Les Veskrna
Jeff Bettenhausen

Children's Rights Council
Father's Right of Nebraska

Neutral:
Tracy Grinstead-Everly
Debora Brownyard

Representing:
D.V. Corr. Council of Greater Omaha
Office of Dispute Res.

Summary of purpose and/or changes:

Legislative Bill 554 amends the Parenting Act to provide for mandatory mediation in contested child custody cases after July 1, 2009. Among other things, this re-write of the Parenting Act: retains the "best-interests of the child" standard as the standard by which child custody and parenting time issues will be resolved; recognizes the importance of maintaining parent-child relationships while at the same time protecting victims of abuse and neglect; codifies the court-recognized distinction between joint legal and joint physical custody arrangements; requires Parenting Plans to include considerable detail as to what will happen in the life of children after a divorce; and requires parents involved in custody and/or parenting time cases to attend a parenting education course.

LB 554 directs parents to develop a Parenting Plan either on their own or through mediation. If the parents are unable to do so in a particular case, the court creates a Parenting Plan that is in the best interests of the child and that meets the requirements of the Parenting Act.

After July 1, 2009, parents involved in custody and/or parenting time cases will be required to attend at least one session with a mediator. Cases involving allegations of domestic intimate partner abuse or unresolved parental conflict will be referred to a specialized alternative dispute resolution (SADR) process with mediators trained to deal with high-conflict cases.

LB 554 requires judges, attorney and mediators involved in Parenting Act cases to participate in training focused on recognizing abuse and unresolved parental conflict.

In order to fund the mandatory mediation programs, the bill raises filing fees for divorce and modification actions.

LB 554 also amends § 42-371 to allow an obligor to release or subordinate a support lien by filing a current certified copy of the support order payment history and a release or subordination document in the county office where the lien is registered.

LB 554 also amends § 43-1407 to make the father of a child liable for one-half of the cost of the reasonable and necessary medical expenses associated with the pregnancy and birth of the child. Any expenses paid by Medicaid will presumably be "reasonable and necessary."

LB 554 repeals § 42-364.01 through § 42-364.12.

Explanation of amendments, if any:

COMMITTEE AMENDMENT

AM 1140 replaces the green copy of LB 554.

AM 1140 changes the operative date of the mandatory mediation provision from July 1, 2009 to July 1, 2010 and removes the funding scheme which would have raised the filing fees for divorce and modification actions. Under the mandatory provision, all parties who have not submitted a parenting plan within the time ordered by the court shall participate in an initial individual screening session with a mediator **and** an initial mediation or SADR session.

AM 1140 removes the provision making fathers liable for one half of the pregnancy/birth expenses and amends § 43-1407 to make the father of a child liable for the reasonable and necessary medical expenses associated with the pregnancy and birth of the child as well as the birth expenses of the child.

Several provisions that were added at the suggestion of the bill drafter for reorganization purposes have been removed from the bill.

Senator Brad Ashford, Chairperson