

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 280

FINAL READING

Introduced by Stuthman, 22.

Read first time January 10, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to juveniles; to amend sections 24-517,
2 25-2740, and 43-247, Revised Statutes Cumulative
3 Supplement, 2006; to provide for jurisdiction over
4 custody proceedings as prescribed; to harmonize
5 provisions; and to repeal the original sections.

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

1 Section 1. Section 24-517, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 24-517 Each county court shall have the following
4 jurisdiction:

5 (1) Exclusive original jurisdiction of all matters
6 relating to decedents' estates, including the probate of wills and
7 the construction thereof, except as provided in subsection (c) of
8 section 30-2464 and section 30-2486;

9 (2) Exclusive original jurisdiction in all matters
10 relating to the guardianship of a person, except if a separate
11 juvenile court already has jurisdiction over a child in need of
12 a guardian, concurrent original jurisdiction with the separate
13 juvenile court in such guardianship;

14 (3) Exclusive original jurisdiction of all matters
15 relating to conservatorship of any person, including (a) original
16 jurisdiction to consent to and authorize a voluntary selection,
17 partition, and setoff of a ward's interest in real estate owned
18 in common with others and to exercise any right of the ward in
19 connection therewith which the ward could exercise if competent and
20 (b) original jurisdiction to license the sale of such real estate
21 for cash or on such terms of credit as shall seem best calculated
22 to produce the highest price subject only to the requirements set
23 forth in section 30-3201;

24 (4) Concurrent jurisdiction with the district court to
25 involuntarily partition a ward's interest in real estate owned in

1 common with others;

2 (5) Concurrent original jurisdiction with the district
3 court in all civil actions of any type when the amount in
4 controversy is forty-five thousand dollars or less through June 30,
5 2005, and as set by the Supreme Court pursuant to subdivision (b)
6 of this subdivision on and after July 1, 2005.

7 (a) When the pleadings or discovery proceedings in a
8 civil action indicate that the amount in controversy is greater
9 than the jurisdictional amount of subdivision (5) of this section,
10 the county court shall, upon the request of any party, certify
11 the proceedings to the district court as provided in section
12 25-2706. An award of the county court which is greater than the
13 jurisdictional amount of subdivision (5) of this section is not
14 void or unenforceable because it is greater than such amount,
15 however, if an award of the county court is greater than the
16 jurisdictional amount, the county court shall tax as additional
17 costs the difference between the filing fee in district court and
18 the filing fee in county court.

19 (b) The Supreme Court shall adjust the jurisdictional
20 amount for the county court every fifth year commencing July
21 1, 2005. The adjusted jurisdictional amount shall be equal to
22 the then current jurisdictional amount adjusted by the average
23 percentage change in the unadjusted Consumer Price Index for
24 All Urban Consumers published by the Federal Bureau of Labor
25 Statistics for the five-year period preceding the adjustment

1 date. The jurisdictional amount shall be rounded to the nearest
2 one-thousand-dollar amount;

3 (6) Concurrent original jurisdiction with the district
4 court in any criminal matter classified as a misdemeanor or for any
5 infraction;

6 (7) Concurrent original jurisdiction with the district
7 court in domestic relations matters as defined in section 25-2740
8 and with the district court and separate juvenile court in
9 paternity or custody determinations as provided in section 25-2740;

10 (8) Concurrent original jurisdiction with the district
11 court in matters arising under the Nebraska Uniform Trust Code;

12 (9) Exclusive original jurisdiction in any action based
13 on violation of a city or village ordinance;

14 (10) Exclusive original jurisdiction in juvenile matters
15 in counties which have not established separate juvenile courts;

16 (11) Exclusive original jurisdiction in matters of
17 adoption, except if a separate juvenile court already has
18 jurisdiction over the child to be adopted, concurrent original
19 jurisdiction with the separate juvenile court; and

20 (12) All other jurisdiction heretofore provided and not
21 specifically repealed by Laws 1972, Legislative Bill 1032, and such
22 other jurisdiction as hereafter provided by law.

23 Sec. 2. Section 25-2740, Revised Statutes Cumulative
24 Supplement, 2006, is amended to read:

25 25-2740 (1) For purposes of this section:

1 (a) Domestic relations matters means proceedings under
2 sections 28-311.09 and 28-311.10 (including harassment protection
3 orders and valid foreign harassment protection orders), the
4 Conciliation Court Law and sections 42-347 to 42-381 (including
5 dissolution, separation, annulment, custody, and support), section
6 43-512.04 (including child support or medical support), section
7 42-924 (including domestic protection orders), sections 43-1401 to
8 43-1418 (including paternity determinations and parental support),
9 and sections 43-1801 to 43-1803 (including grandparent visitation);
10 and

11 (b) Paternity or custody determinations means proceedings
12 to establish the paternity of a child under sections 43-1411
13 to 43-1418 or proceedings to determine custody of a child under
14 section 42-364.

15 (2) Except as provided in subsection (4) of this section,
16 in domestic relations matters, a party shall file his or her
17 petition or complaint and all other court filings with the clerk
18 of the district court. The party shall state in the petition or
19 complaint whether such party requests that the proceeding be heard
20 by a county court judge or by a district court judge. If the party
21 requests the case be heard by a county court judge, the county
22 court judge assigned to hear cases in the county in which the
23 matter is filed at the time of the hearing is deemed appointed
24 by the district court and the consent of the county court judge
25 is not required. Such proceeding is considered a district court

1 proceeding, even if heard by a county court judge, and an order or
2 judgment of the county court in a domestic relations matter has the
3 force and effect of a district court judgment. The testimony in a
4 domestic relations matter heard before a county court judge shall
5 be preserved as provided in section 25-2732.

6 (3) Until January 1, 2000, upon motion of a party in a
7 contested action brought under subsection (2) of this section, the
8 proceeding shall be transferred from a county court judge to a
9 district court judge.

10 (4) In addition to the jurisdiction provided for
11 paternity or custody determinations under subsection (2) of this
12 section, a county court or separate juvenile court which already
13 has jurisdiction over the child whose paternity or custody is
14 to be determined has jurisdiction over such paternity or custody
15 determination.

16 Sec. 3. Section 43-247, Revised Statutes Cumulative
17 Supplement, 2006, is amended to read:

18 43-247 The juvenile court shall have exclusive original
19 jurisdiction as to any juvenile defined in subdivision (1) of this
20 section who is under the age of sixteen, as to any juvenile defined
21 in subdivision (3) of this section, and as to the parties and
22 proceedings provided in subdivisions (5), (6), and (8) of this
23 section. As used in this section, all references to the juvenile's
24 age shall be the age at the time the act which occasioned the
25 juvenile court action occurred. The juvenile court shall have

1 concurrent original jurisdiction with the district court as to any
2 juvenile defined in subdivision (2) of this section. The juvenile
3 court shall have concurrent original jurisdiction with the district
4 court and county court as to any juvenile defined in subdivision
5 (1) of this section who is age sixteen or seventeen, any juvenile
6 defined in subdivision (4) of this section, and any proceeding
7 under subdivision (7) or (11) of this section. The juvenile court
8 shall have concurrent original jurisdiction with the county court
9 as to any proceeding under subdivision (9) or (10) of this section.
10 Notwithstanding any disposition entered by the juvenile court
11 under the Nebraska Juvenile Code, the juvenile court's jurisdiction
12 over any individual adjudged to be within the provisions of this
13 section shall continue until the individual reaches the age of
14 majority or the court otherwise discharges the individual from its
15 jurisdiction.

16 The juvenile court in each county as herein provided
17 shall have jurisdiction of:

18 (1) Any juvenile who has committed an act other than
19 a traffic offense which would constitute a misdemeanor or an
20 infraction under the laws of this state, or violation of a city or
21 village ordinance;

22 (2) Any juvenile who has committed an act which would
23 constitute a felony under the laws of this state;

24 (3) Any juvenile (a) who is homeless or destitute, or
25 without proper support through no fault of his or her parent,

1 guardian, or custodian; who is abandoned by his or her parent,
2 guardian, or custodian; who lacks proper parental care by reason of
3 the fault or habits of his or her parent, guardian, or custodian;
4 whose parent, guardian, or custodian neglects or refuses to provide
5 proper or necessary subsistence, education, or other care necessary
6 for the health, morals, or well-being of such juvenile; whose
7 parent, guardian, or custodian is unable to provide or neglects
8 or refuses to provide special care made necessary by the mental
9 condition of the juvenile; or who is in a situation or engages
10 in an occupation dangerous to life or limb or injurious to the
11 health or morals of such juvenile, (b) who, by reason of being
12 wayward or habitually disobedient, is uncontrolled by his or her
13 parent, guardian, or custodian; who deports himself or herself
14 so as to injure or endanger seriously the morals or health of
15 himself, herself, or others; or who is habitually truant from home
16 or school, or (c) who is mentally ill and dangerous as defined in
17 section 71-908;

18 (4) Any juvenile who has committed an act which would
19 constitute a traffic offense as defined in section 43-245;

20 (5) The parent, guardian, or custodian who has custody of
21 any juvenile described in this section;

22 (6) The proceedings for termination of parental rights as
23 provided in the Nebraska Juvenile Code;

24 (7) The proceedings for termination of parental rights as
25 provided in section 42-364;

1 (8) Any juvenile who has been voluntarily relinquished,
2 pursuant to section 43-106.01, to the Department of Health and
3 Human Services or any child placement agency licensed by the
4 Department of Health and Human Services;

5 (9) Any juvenile who was a ward of the juvenile court at
6 the inception of his or her guardianship and whose guardianship has
7 been disrupted or terminated;

8 (10) The adoption or guardianship proceedings for a
9 child over which the juvenile court already has jurisdiction under
10 another provision of the Nebraska Juvenile Code; and

11 (11) The paternity or custody determination for a child
12 over which the juvenile court already has jurisdiction.

13 Notwithstanding the provisions of the Nebraska Juvenile
14 Code, the determination of jurisdiction over any Indian child as
15 defined in section 43-1503 shall be subject to the Nebraska Indian
16 Child Welfare Act; and the district court shall have exclusive
17 jurisdiction in proceedings brought pursuant to section 71-510.

18 Sec. 4. Original sections 24-517, 25-2740, and 43-247,
19 Revised Statutes Cumulative Supplement, 2006, are repealed.