

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 221

(SECOND)

Introduced by Lathrop, 12; Pirsch, 4

Read first time January 9, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to legal procedure; to amend sections 42-353
2 and 43-1803, Reissue Revised Statutes of Nebraska; to
3 change complaint and petition provisions from date to
4 year of birth; and to repeal the original sections.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 42-353, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 42-353 The pleadings required by sections 42-347 to
4 42-381 shall be governed by the rules of pleading in civil actions
5 promulgated under section 25-801.01. The complaint shall include
6 the following:

7 (1) The name and address of the plaintiff and his or her
8 attorney;

9 (2) The name and address, if known, of the defendant;

10 (3) The date and place of marriage;

11 (4) The name and ~~date~~ year of birth of each child whose
12 custody or welfare may be affected by the proceedings;

13 (5) If the plaintiff is a party to any other pending
14 action for divorce, separation, or dissolution of marriage, a
15 statement as to where such action is pending;

16 (6) A statement of the relief sought by the plaintiff,
17 including adjustment of custody, property, and support rights; and

18 (7) An allegation that the marriage is irretrievably
19 broken.

20 Sec. 2. Section 43-1803, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 43-1803 (1) If the minor child's parent or parents
23 are deceased or have never been married, a grandparent seeking
24 visitation shall file a petition in the district court in the
25 county in which the minor child resides. If the marriage of the

1 parents of a minor child has been dissolved or a petition for
2 the dissolution of such marriage has been filed, is still pending,
3 but no decree has been entered, a grandparent seeking visitation
4 shall file a petition for such visitation in the district court
5 in the county in which the dissolution was had or the proceedings
6 are taking place. The county court or the district court may hear
7 the proceeding as provided in section 25-2740. The form of the
8 petition and all other pleadings required by this section shall be
9 prescribed by the Supreme Court. The petition shall include the
10 following:

11 (a) The name and address of the petitioner and his or her
12 attorney;

13 (b) The name and address of the parent, guardian, or
14 other party having custody of the child or children;

15 (c) The name and address of any parent not having custody
16 of the child or children if applicable;

17 (d) The name and ~~date~~ year of birth of each child with
18 whom visitation is sought;

19 (e) The relationship of petitioner to such child or
20 children;

21 (f) An allegation that the parties have attempted to
22 reconcile their differences, but the differences are irreconcilable
23 and such parties have no recourse but to seek redress from the
24 court; and

25 (g) A statement of the relief sought.

1 (2) When a petition seeking visitation is filed, a copy
2 of the petition shall be served upon the parent or parents or other
3 party having custody of the child and upon any parent not having
4 custody of such child by personal service or in the manner provided
5 in section 25-517.02.

6 Sec. 3. Original sections 42-353 and 43-1803, Reissue
7 Revised Statutes of Nebraska, are repealed.