

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 280**

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 Supplement,  
3                   2006; to provide for jurisdiction over custody proceedings  
4                   as prescribed; to harmonize provisions; and to repeal the  
5                   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 relating  
6 to decedents' estates, including the probate of wills and the  
7 construction thereof, except as provided in subsection (c) of section  
8 30-2464 and section 30-2486;

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

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

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

26           (5) Concurrent original jurisdiction with the district court  
27 in all civil actions of any type when the amount in controversy is

1 forty-five thousand dollars or less through June 30, 2005, and as set  
2 by the Supreme Court pursuant to subdivision (b) of this subdivision  
3 on and after July 1, 2005.

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

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

23 (6) Concurrent original jurisdiction with the district court  
24 in any criminal matter classified as a misdemeanor or for any  
25 infraction;

26 (7) Concurrent original jurisdiction with the district court  
27 in domestic relations matters as defined in section 25-2740 and with

1 the district court and separate juvenile court in paternity or  
2 custody determinations as provided in section 25-2740;

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

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

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

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

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

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

18 25-2740. (1) For purposes of this section:

19 (a) Domestic relations matters means proceedings under  
20 sections 28-311.09 and 28-311.10 (including harassment protection  
21 orders and valid foreign harassment protection orders), the  
22 Conciliation Court Law and sections 42-347 to 42-381 (including  
23 dissolution, separation, annulment, custody, and support), section  
24 43-512.04 (including child support or medical support), section 42-924  
25 (including domestic protection orders), sections 43-1401 to 43-1418  
26 (including paternity determinations and parental support), and  
27 sections 43-1801 to 43-1803 (including grandparent visitation); and

1           (b) Paternity or custody determinations means proceedings  
2 to establish the paternity of a child under sections 43-1411 to  
3 43-1418 or proceedings to determine custody of a child under section  
4 42-364.

5           (2) Except as provided in subsection (4) of this section, in  
6 domestic relations matters, a party shall file his or her petition or  
7 complaint and all other court filings with the clerk of the district  
8 court. The party shall state in the petition or complaint whether such  
9 party requests that the proceeding be heard by a county court judge or  
10 by a district court judge. If the party requests the case be heard by  
11 a county court judge, the county court judge assigned to hear cases in  
12 the county in which the matter is filed at the time of the hearing is  
13 deemed appointed by the district court and the consent of the county  
14 court judge is not required. Such proceeding is considered a district  
15 court proceeding, even if heard by a county court judge, and an order  
16 or judgment of the county court in a domestic relations matter has the  
17 force and effect of a district court judgment. The testimony in a  
18 domestic relations matter heard before a county court judge shall be  
19 preserved as provided in section 25-2732.

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

24           (4) In addition to the jurisdiction provided for paternity  
25 determinations under subsection (2) of this section, a county court or  
26 separate juvenile court which already has jurisdiction over the child  
27 whose paternity or custody is to be determined has jurisdiction over

1 such paternity or custody determination.

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

4 43-247. The juvenile court shall have exclusive original  
5 jurisdiction as to any juvenile defined in subdivision (1) of this  
6 section who is under the age of sixteen, as to any juvenile defined in  
7 subdivision (3) of this section, and as to the parties and proceedings  
8 provided in subdivisions (5), (6), and (8) of this section. As used in  
9 this section, all references to the juvenile's age shall be the age at  
10 the time the act which occasioned the juvenile court action occurred.  
11 The juvenile court shall have concurrent original jurisdiction with  
12 the district court as to any juvenile defined in subdivision (2) of  
13 this section. The juvenile court shall have concurrent original  
14 jurisdiction with the district court and county court as to any  
15 juvenile defined in subdivision (1) of this section who is age sixteen  
16 or seventeen, any juvenile defined in subdivision (4) of this section,  
17 and any proceeding under subdivision (7) or (11) of this section. The  
18 juvenile court shall have concurrent original jurisdiction with the  
19 county court as to any proceeding under subdivision (9) or (10) of  
20 this section. Notwithstanding any disposition entered by the juvenile  
21 court under the Nebraska Juvenile Code, the juvenile court's  
22 jurisdiction over any individual adjudged to be within the provisions  
23 of this section shall continue until the individual reaches the age of  
24 majority or the court otherwise discharges the individual from its  
25 jurisdiction.

26 The juvenile court in each county as herein provided shall  
27 have jurisdiction of:

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

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

7           (3) Any juvenile (a) who is homeless or destitute, or  
8 without proper support through no fault of his or her parent,  
9 guardian, or custodian; who is abandoned by his or her parent,  
10 guardian, or custodian; who lacks proper parental care by reason of  
11 the fault or habits of his or her parent, guardian, or custodian;  
12 whose parent, guardian, or custodian neglects or refuses to provide  
13 proper or necessary subsistence, education, or other care necessary  
14 for the health, morals, or well-being of such juvenile; whose parent,  
15 guardian, or custodian is unable to provide or neglects or refuses to  
16 provide special care made necessary by the mental condition of the  
17 juvenile; or who is in a situation or engages in an occupation  
18 dangerous to life or limb or injurious to the health or morals of such  
19 juvenile, (b) who, by reason of being wayward or habitually  
20 disobedient, is uncontrolled by his or her parent, guardian, or  
21 custodian; who deports himself or herself so as to injure or endanger  
22 seriously the morals or health of himself, herself, or others; or who  
23 is habitually truant from home or school, or (c) who is mentally ill  
24 and dangerous as defined in section 71-908;

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

27           (5) The parent, guardian, or custodian who has custody of

1 any juvenile described in this section;

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

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

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

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

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

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

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

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