

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 341

Introduced by Schimek, 27; Flood, 19; Howard, 9; McGill, 26;
Pedersen, 39;

Read first time January 11, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Uniform Child Custody Jurisdiction Act;
2 to amend section 43-1230, Reissue Revised Statutes of
3 Nebraska; to change provisions relating to international
4 jurisdiction under the act; to repeal the original
5 section; and to declare an emergency.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-1230, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 43-1230 ~~(a) A court of this state shall treat a foreign~~
4 ~~country as if it were a state of the United States for the purpose~~
5 ~~of applying sections 43-1226 to 43-1247.~~

6 ~~(b) Except as otherwise provided in subsection (c) of~~
7 ~~this section,~~ a child custody determination made in a foreign
8 country under factual circumstances in substantial conformity
9 with the jurisdictional standards of the Uniform Child Custody
10 Jurisdiction and Enforcement Act shall be recognized and enforced
11 under sections 43-1248 to 43-1264.

12 ~~(c) A court of this state need not apply the act if~~
13 ~~the child custody law of a foreign country violates fundamental~~
14 ~~principles of human rights.~~

15 (a) No court of this state properly having jurisdiction
16 over a child pursuant to section 43-1238, 43-1239, 43-1240, or
17 43-1241, or any other provision of law shall fail to exercise such
18 jurisdiction because of any objection from or asserted competing
19 jurisdiction of any court of a foreign nation.

20 (b) Any child custody, parenting time, or visitation
21 order or judgment rendered by a court of competent jurisdiction in
22 this state shall supersede any such order rendered by any court of
23 a foreign nation.

24 (c) Whenever a court of competent jurisdiction in this
25 state has rendered a child custody, parenting time, or visitation

1 order or judgment and finds that the recognition or enforcement of
2 such order or judgment is threatened by the action of a foreign
3 nation's court or governmental agencies, this state's court shall
4 issue such orders to ensure that the child is not removed from this
5 state by the party supporting the intent of the foreign nation's
6 court or governmental agencies, including, but not limited to, the
7 imposition of restricted supervised visitation, the posting of a
8 sufficient monetary bond, the surrendering of that party's and the
9 child's passport during that party's custody of or visitation with
10 the child, the assistance of law enforcement agencies, and the
11 notification to the United States Department of State.

12 (d) This section shall be deemed remedial and shall apply
13 to all cases pending on or before the effective date of this act
14 and to all cases initiated subsequent thereto.

15 Sec. 2. Original section 43-1230, Reissue Revised
16 Statutes of Nebraska, is repealed.

17 Sec. 3. Since an emergency exists, this act takes effect
18 when passed and approved according to law.