



Hundredth Legislature - First Session - 2007
Introducer's Statement of Intent
LB 75

Chairperson: Brad Ashford
Committee: Judiciary
Date of Hearing: February 23, 2007

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 75 sets forth the process for the court exercising juvenile court jurisdiction to also exercise jurisdiction over to a child custody order issued in a dissolution or paternity action. Under current practice one of the parties in a juvenile proceeding needs to petition the court issuing the custody order in a paternity or dissolution action for the transfer of said case to the juvenile court. This process is relatively new since the juvenile court only in recent years has been given the authority to modify orders that once were only issued by the District Court.

In the past ten years the county court has been granted jurisdiction over dissolution actions. With the greater number of children residing in two separate households and with more and more children coming under the juvenile court jurisdiction it is necessary that the juvenile court have before it not only the juvenile orders but also the custody orders of prior actions so that as the case proceeds the court can modify the custody order. Exercise of this authority can provide the court with more permanency options in a timely fashion. Currently if the court wishes to change the custody of a child the court must keep the juvenile case open until either the parties go to the district court and obtain a modification of the custody order to make it consistent with the juvenile order or obtain a transfer of the case to the juvenile court so that the juvenile court may modify the order. The motion to transfer by a party is not a given since the other party may oppose the transfer and thus delay the transfer by the district court.

If the district court fails to transfer than a petition to modify must be filed with the district court further delaying the juvenile courts ability to terminate its jurisdiction.

The juvenile court already has before it the evidence that may constitute a change in circumstances warranting a change in custody. By having the district court case automatically transferred to the juvenile court at the front of the case, the likelihood of a delay in the court terminating its jurisdiction is avoided. This change will allow the court to more effectively regulate the caseload of not just the court but also the caseworker assigned by the Department of Health and Human Services, the CASA volunteer, the Guardian Ad Litem and the County Attorney.

Principal Introducer: _____
Senator Carol Hudkins