

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 180**

FINAL READING

Introduced by Bolz, 29; Pansing, 28.

Read first time January 10, 2017

Committee: Judiciary

1 A BILL FOR AN ACT relating to juveniles; to amend sections 43-2,129 and  
2 43-2924, Reissue Revised Statutes of Nebraska; to provide for bridge  
3 orders transferring juvenile court jurisdiction of a juvenile to a  
4 district court as prescribed and application of the Parenting Act to  
5 such orders; to harmonize provisions; and to repeal the original  
6 sections.

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

1           Section 1.   (1) A juvenile court may terminate its jurisdiction  
2 under subdivision (3)(a) of section 43-247 by transferring jurisdiction  
3 over the juvenile's custody, physical care, and visitation to the  
4 district court through a bridge order, if all of the following criteria  
5 are met:

6           (a) The juvenile has been adjudicated under subdivision (3)(a) of  
7 section 43-247 in an active juvenile court case and a dispositional order  
8 in that case is in place;

9           (b) Paternity of the juvenile has been legally established,  
10 including by operation of law due to an individual's marriage to the  
11 mother at the time of conception, birth, or at any time during the period  
12 between conception and birth of the child; by order of a court of  
13 competent jurisdiction; or by administrative order when authorized by  
14 law;

15           (c) The juvenile has been safely placed by the juvenile court with a  
16 legal parent; and

17           (d) The juvenile court has determined that its jurisdiction under  
18 subdivision (3)(a) of section 43-247 should properly end once orders for  
19 custody, physical care, and visitation are entered by the district court.

20           (2) When the criteria in subsection (1) of this section are met, a  
21 legal parent or guardian ad litem to a juvenile adjudicated under  
22 subdivision (3)(a) of section 43-247 in juvenile court may file a motion  
23 with the juvenile court for a bridge order under subsection (3) of this  
24 section. The parent is not required to intervene in the action. The  
25 motion shall be set for evidentiary hearing by the juvenile court no less  
26 than thirty days or more than ninety days from the date of the filing of  
27 the motion. The juvenile court, on its own motion, may also set an  
28 evidentiary hearing on the issue of a bridge order if such hearing is set  
29 no less than thirty days from the date of notice to the parties. The  
30 court may waive the evidentiary hearing if all issues raised in the  
31 motion for a bridge order are resolved by agreement of all parties and

1 entry of a stipulated order.

2 (3) A motion for a bridge order shall:

3 (a) Allege that the juvenile court action filed under subdivision  
4 (3)(a) of section 43-247 may safely be closed once orders for custody,  
5 physical care, and visitation have been entered by the district court;

6 (b) State the relief sought by the petitioning legal parent or  
7 guardian ad litem;

8 (c) Disclose any other action or proceedings affecting custody of  
9 the juvenile, including proceedings related to domestic violence,  
10 protection orders, terminations of parental rights, and adoptions,  
11 including the docket number, court, county, and state of any such  
12 proceeding;

13 (d) State the names and addresses of any persons other than the  
14 legal parents who have a court order for physical custody or claim to  
15 have custody or visitation rights with the juvenile; and

16 (e) Name as a respondent any other person who has any relation to  
17 the controversy.

18 (4) A juvenile court shall designate the petitioner and respondent  
19 for purposes of a bridge order. A bridge order shall only address matters  
20 of legal and physical custody and parenting time. All other matters,  
21 including child support, shall be resolved by filing a separate petition  
22 or motion or by action of the child support enforcement office and shall  
23 be subject to existing applicable statutory provisions. No mediation or  
24 specialized alternative dispute resolution under section 42-364 shall be  
25 required in either district court or juvenile court where the juvenile  
26 has entered a bridge order. The Parenting Act shall not apply to the  
27 entry of the bridge order in juvenile or district court.

28 (5) Upon transferring jurisdiction from a juvenile court to a  
29 district court, the clerk of the district court shall docket the case  
30 under either a new docket or any previous docket establishing custody or  
31 paternity of a child.

1       (6) The district court shall give full force and effect to the  
2 juvenile court bridge order as to custody and parenting time and shall  
3 not modify the juvenile court bridge order without modification  
4 proceedings as provided in subsection (8) of this section.

5       (7) A district court shall take judicial notice of the juvenile  
6 court pleadings and orders in any hearing held subsequent to transfer.  
7 Records contained in the district court case file that were copied or  
8 transferred from the juvenile court file concerning the case shall be  
9 subject to section 43-2,108 and other confidentiality provisions of the  
10 Nebraska Juvenile Code, and such records shall only be disclosed, upon  
11 request, to the child support enforcement office without a court order.

12       (8) Following the issuance of a bridge order, a party may file a  
13 petition in district court for modification of the bridge order as to  
14 legal and physical custody or parenting time. If the petition for  
15 modification is filed within one year after the filing date of the bridge  
16 order, the party requesting modification shall not be required to  
17 demonstrate a substantial change of circumstance but instead shall  
18 demonstrate that such modification is in the best interests of the child.  
19 If a petition for modification is filed within one year after the filing  
20 date of the bridge order, filing fees and other court costs shall not be  
21 assessed against the parties.

22       (9) Nothing in this section shall be construed to require  
23 appointment of counsel for the parties in the district court action.

24       Sec. 2. Section 43-2,129, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26       43-2,129 Sections 43-245 to 43-2,129 and section 1 of this act shall  
27 be known and may be cited as the Nebraska Juvenile Code.

28       Sec. 3. Section 43-2924, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30       43-2924 (1) The Parenting Act shall apply to proceedings or  
31 modifications filed on or after January 1, 2008, in which parenting

1 functions for a child are at issue (a) under Chapter 42, including, but  
2 not limited to, proceedings or modification of orders for dissolution of  
3 marriage and child custody and (b) under sections 43-1401 to 43-1418. The  
4 Parenting Act may apply to proceedings or modifications in which  
5 parenting functions for a child are at issue under Chapter 30 or 43. The  
6 Parenting Act shall also apply to subsequent modifications of bridge  
7 orders entered under section 1 of this act by a separate juvenile court  
8 or county court sitting as a juvenile court and docketed in a district  
9 court.

10 (2) The Parenting Act does not apply in any action filed by a county  
11 attorney or authorized attorney pursuant to his or her duties under  
12 section 42-358, 43-512 to 43-512.18, or 43-1401 to 43-1418, the Income  
13 Withholding for Child Support Act, the Revised Uniform Reciprocal  
14 Enforcement of Support Act before January 1, 1994, or the Uniform  
15 Interstate Family Support Act for purposes of the establishment of  
16 paternity and the establishment and enforcement of child and medical  
17 support or a bridge order entered under section 1 of this act by a  
18 separate juvenile court or county court sitting as a juvenile court and  
19 docketed in a district court. A county attorney or authorized attorney  
20 shall not participate in the development of or court review of a  
21 parenting plan under the Parenting Act. If both parents are parties to a  
22 paternity or support action filed by a county attorney or authorized  
23 attorney, the parents may proceed with a parenting plan.

24 Sec. 4. Original sections 43-2,129 and 43-2924, Reissue Revised  
25 Statutes of Nebraska, are repealed.