

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 708

FINAL READING

Introduced by Bolz, 29.

Read first time January 03, 2018

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend
- 2 section 43-246.02, Revised Statutes Supplement, 2017; to change
- 3 provisions relating to bridge orders, including required criteria,
- 4 obtaining child custody determinations from foreign jurisdictions,
- 5 payment of filing fees and court costs, and jurisdiction of certain
- 6 courts; and to repeal the original section.
- 7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-246.02, Revised Statutes Supplement, 2017, is
2 amended to read:

3 43-246.02 (1) A juvenile court may terminate its jurisdiction under
4 subdivision (3)(a) of section 43-247 by transferring jurisdiction over
5 the juvenile's custody, physical care, and visitation to the district
6 court through a bridge order, if all of the following criteria are met:

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

10 (b) Paternity of the juvenile has been legally established,
11 including by operation of law due to an individual's marriage to the
12 mother at the time of conception, birth, or at any time during the period
13 between conception and birth of the child; by operation of law pursuant
14 to section 43-1409; by order of a court of competent jurisdiction; or by
15 administrative order when authorized by law;

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

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

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

1 motion for a bridge order are resolved by agreement of all parties and
2 entry of a stipulated order.

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

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

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

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

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

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

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

29 (5) When necessary and feasible, the juvenile court shall obtain
30 child custody determinations from foreign jurisdictions pursuant to the
31 Uniform Child Custody Jurisdiction and Enforcement Act.

1 ~~(6) (5)~~ Upon transferring jurisdiction from a juvenile court to a
2 district court, the clerk of the district court shall docket the case
3 under either a new docket or any previous docket establishing custody or
4 paternity of a child. The transfer of jurisdiction shall not result in
5 new filing fees and other court costs being assessed against the parties.

6 ~~(7) (6)~~ The district court shall give full force and effect to the
7 juvenile court bridge order as to custody and parenting time and shall
8 not modify the juvenile court bridge order without modification
9 proceedings as provided in subsection ~~(9) (8)~~ of this section.

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

17 ~~(9) (8)~~ Following the issuance of a bridge order, a party may file a
18 petition in district court for modification of the bridge order as to
19 legal and physical custody or parenting time. If the petition for
20 modification is filed within one year after the filing date of the bridge
21 order, the party requesting modification shall not be required to
22 demonstrate a substantial change of circumstance but instead shall
23 demonstrate that such modification is in the best interests of the child.
24 If a petition for modification is filed within one year after the filing
25 date of the bridge order, filing fees and other court costs shall not be
26 assessed against the parties.

27 ~~(10) (9)~~ Nothing in this section shall be construed to require
28 appointment of counsel for the parties in the district court action.

29 ~~(11)~~ Nothing in this section shall be construed to interfere with
30 the jurisdictional provisions of section 25-2740.

31 Sec. 2. Original section 43-246.02, Revised Statutes Supplement,

1 2017, is repealed.