

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1131

Introduced by Riepe, 12.

Read first time January 18, 2018

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to dissolution of marriage; to amend section
2 42-347, Reissue Revised Statutes of Nebraska; to define a term; to
3 harmonize provisions; and to repeal the original section.
4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 42-347, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 42-347 For purposes of sections 42-347 to 42-381, unless the context
4 otherwise requires:

5 (1) Authorized attorney means an attorney (a) employed by the county
6 subject to the approval of the county board, (b) employed by the
7 Department of Health and Human Services, or (c) appointed by the court,
8 who is authorized to investigate and prosecute child and spousal support
9 cases. An authorized attorney shall represent the state as provided in
10 section 43-512.03;

11 (2) Custody includes both legal custody and physical custody;

12 (3) Dissolution of marriage means the termination of a marriage by
13 decree of a court of competent jurisdiction upon a finding that the
14 marriage is irretrievably broken. The term dissolution of marriage shall
15 be considered synonymous with divorce, and whenever the term divorce
16 appears in the statutes it means dissolution of marriage pursuant to
17 sections 42-347 to 42-381;

18 (4) Joint legal custody has the same meaning as in section 43-2922;

19 (5) Joint physical custody has the same meaning as in section
20 43-2922;

21 (6) Legal custody has the same meaning as in section 43-2922;

22 (7) Legal separation means a decree of a court of competent
23 jurisdiction providing that two persons who have been legally married
24 shall thereafter live separate and apart and providing for any necessary
25 adjustment of property, support, and custody rights between the parties
26 but not dissolving the marriage;

27 (8) Minor child means (a) a child of the parties to a dissolution of
28 marriage action who has not reached the age of majority or (b) a child of
29 the parties to a dissolution of marriage action regardless of age who is
30 a dependent of one of the parties because of a mental or physical
31 incapacity which began or was diagnosed before he or she reached the age

1 of majority;

2 (9) ~~(8)~~ Physical custody has the same meaning as in section 43-2922;

3 (10) ~~(9)~~ Spousal support, when used in the context of income
4 withholding or any provisions of law which might lead to income
5 withholding, means alimony or maintenance support for a spouse or former
6 spouse when ordered as a part of an order, decree, or judgment which
7 provides for child support and the child and spouse or former spouse are
8 living in the same household;

9 (11) ~~(10)~~ State Disbursement Unit has the same meaning as in section
10 43-3341;

11 (12) ~~(11)~~ Support order has the same meaning as in section 43-1717;
12 and

13 (13) ~~(12)~~ Title IV-D Division has the same meaning as in section
14 43-3341.

15 Sec. 2. Original section 42-347, Reissue Revised Statutes of
16 Nebraska, is repealed.