

REQ 00239
DCC - 11/15/2010

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LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL

Introduced by
Read first time
Committee:

A BILL

1 FOR AN ACT relating to family law; to amend sections 42-353, 42-357,
2 42-359, 42-364.17, 42-371, 43-1412.01, 43-2922, 43-2926,
3 43-2928, 43-2929, 43-2930, 43-2932, and 43-2938, Reissue
4 Revised Statutes of Nebraska, and sections 42-364 and
5 43-2923, Revised Statutes Cumulative Supplement, 2010; to
6 change complaint, temporary and ex parte order, financial
7 statement or arrangement, support lien, sanction, and
8 Parenting Act provisions; to harmonize provisions; and to
9 repeal the original sections.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 42-353, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 42-353 The pleadings required by sections 42-347 to
4 42-381 shall be governed by the rules of pleading in civil actions
5 promulgated under section 25-801.01. The complaint shall include the
6 following:

7 (1) The name and address of the plaintiff and his or her
8 attorney, except that a plaintiff who is living in an undisclosed
9 location because of safety concerns is only required to disclose the
10 county and state of his or her residence and, in such case, shall
11 provide an alternative address for the mailing of notice;

12 (2) The name and address, if known, of the defendant;

13 (3) The date and place of marriage;

14 (4) The name and year of birth of each child whose
15 custody or welfare may be affected by the proceedings; ~~and whether~~ ①
16 ~~(a) a parenting plan as provided in the Parenting Act has been~~
17 ~~developed and (b) child custody, parenting time, visitation, or other~~
18 ~~access or child support is a contested issue;~~

19 (5) If the plaintiff is a party to any other pending
20 action for divorce, separation, or dissolution of marriage, a
21 statement as to where such action is pending;

22 (6) Reference to any existing restraining orders,
23 protection orders, or criminal no-contact orders regarding any party
24 to the proceedings;

25 (7) A statement of the relief sought by the plaintiff,

1 including adjustment of custody, property, and support rights; and
2 (8) An allegation that the marriage is irretrievably
3 broken.

4 Sec. 2. Section 42-357, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 42-357 The court may order either party to pay to the
7 clerk of the district court or to the State Disbursement Unit, as
8 provided in section 42-369, a sum of money for the temporary support
9 and maintenance of the other party and minor children if any are
10 affected by the action and to enable such party to prosecute or
11 defend the action. The court may make such order after service of
12 process and claim for temporary allowances is made in the complaint
13 or by motion by the plaintiff or by the defendant in a responsive
14 pleading; but no such order shall be entered before ~~three~~ six days (2)
15 after notice of hearing has been served on the other party or notice
16 waived. As part of any temporary order, the court may also apportion (3)
17 marital expenses.

18 During the pendency of any proceeding under sections
19 42-347 to 42-381 after the complaint is filed, upon application of
20 either party and if the accompanying affidavit of the party or his or
21 her agent shows to the court that the party is entitled thereto, the
22 court may issue ex parte orders (1) restraining any person from
23 transferring, encumbering, hypothecating, concealing, or in any way
24 disposing of real or personal property except in the usual course of
25 business or for the necessities of life, and the party against whom

1 such order is directed shall upon order of the court account for all
2 unusual expenditures made after such order is served upon him or her,
3 (2) enjoining any party from molesting or disturbing the peace of the
4 other party or any minor children affected by the action, and (3)
5 determining the temporary custody of any minor children of the
6 marriage, except that no restraining order enjoining any party from
7 molesting or disturbing the peace of any minor child shall issue
8 unless, at the same time, the court determines that the party
9 requesting such order shall have temporary custody of such minor
10 child. Ex parte orders issued pursuant to subdivisions (1) and (3) of
11 this section shall remain in force for no more than ten days or until
12 a hearing is held thereon, whichever is earlier. After motion, notice
13 to the party, and hearing, the court may order either party excluded
14 from the premises occupied by the other upon a showing that physical
15 ~~or emotional harm would harm~~ may otherwise result. Any restraining (4)
16 order issued excluding either party from the premises occupied by the
17 other shall specifically set forth the location of the premises and
18 shall be served upon the adverse party by the sheriff in the manner
19 prescribed for serving a summons, and a return thereof shall be filed
20 in the court. Any person who knowingly violates such an order after
21 service shall be guilty of a Class II misdemeanor. In the event a
22 restraining order enjoining any party from molesting or disturbing
23 the peace of any minor children is issued, upon application and
24 affidavit setting out the reason therefor, the court shall schedule a
25 hearing within seventy-two hours to determine whether the order

1 regarding the minor children shall remain in force. If a hearing is
2 not held within seventy-two hours after a party has requested a (5)
3 hearing, the order shall stand dismissed. If a party is unsuccessful
4 in applying for an order under subdivision (2) of this section, the
5 court may order the applying party to pay the other party's court
6 costs and attorney's fees associated with the application. Section
7 25-1064 shall not apply to the issuance of ex parte orders pursuant
8 to this section. Any judge of the county court or district court may
9 grant a temporary ex parte order in accordance with this section.

10 Sec. 3. Section 42-359, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 42-359 Applications for spousal support or alimony shall
13 be accompanied by a statement of the applicant's financial condition
14 and, to the best of his or her knowledge, a statement of the other
15 party's financial condition. ~~Such~~ If the application is not (6)
16 accompanied by a financial statement, the court shall not consider
17 the application. The other party may file his or her financial (7)
18 statement, if he or she so desires, and shall do so if ordered by the
19 court. ~~Statements~~ The financial statements shall be under oath and (8)
20 shall show income from salary or other sources, assets, debts and
21 payments thereon, living expenses, and other relevant information.
22 Required forms for financial statements may be furnished by the
23 court.

24 Sec. 4. Section 42-364, Revised Statutes Cumulative
25 Supplement, 2010, is amended to read:

1 42-364 (1)(a) In an action under Chapter 42 involving
2 child support, child custody, parenting time, visitation, or other
3 access, the parties and their counsel, if represented, shall develop
4 a parenting plan as provided in the Parenting Act. If the parties and
5 counsel do not develop a parenting plan, ~~the complaint shall so~~
6 ~~indicate as provided in section 42-353 and before July 1, 2010, the~~
7 ~~case may be referred to mediation, specialized alternative dispute~~
8 ~~resolution, or other alternative dispute resolution process and on or~~
9 ~~after such date~~ the case shall be referred to mediation or
10 specialized alternative dispute resolution as provided in the
11 Parenting Act. For good cause shown and (i) when both parents agree
12 and such parental agreement is bona fide and not asserted to avoid
13 the purposes of the Parenting Act, or (ii) when mediation or
14 specialized alternative dispute resolution is not possible without
15 undue delay or hardship to either parent, the mediation or
16 specialized alternative dispute resolution requirement may be waived
17 by the court. In such a case where waiver of the mediation or
18 specialized alternative dispute resolution is sought, the court shall
19 hold an evidentiary hearing and the burden of proof for the party or
20 parties seeking waiver is by clear and convincing evidence.

21 (b) The decree in an action involving the custody of a
22 minor child shall include the determination of legal custody and
23 physical custody based upon the best interests of the child, as
24 defined in the Parenting Act, and child support. Such determinations
25 shall be made by incorporation into the decree of (i) a parenting

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1 plan developed by the parties, if approved by the court, or (ii) a
2 parenting plan developed by the court based upon evidence produced
3 after a hearing in open court if no parenting plan is developed by
4 the parties or the plan developed by the parties is not approved by
5 the court. The decree shall conform to the Parenting Act.

6 (c) The social security number of each parent and the
7 minor child shall be furnished to the clerk of the district court but
8 shall not be disclosed or considered a public record.

9 (2) In determining legal custody or physical custody, the
10 court shall not give preference to either parent based on the sex of
11 the parent and, except as provided in section 43-2933, no presumption
12 shall exist that either parent is more fit or suitable than the
13 other. Custody shall be determined on the basis of the best interests
14 of the child, as defined in the Parenting Act. Unless parental rights
15 are terminated, both parents shall continue to have the rights stated
16 in section 42-381.

17 (3) Custody of a minor child may be placed with both
18 parents on a joint legal custody or joint physical custody basis, or
19 both, (a) when both parents agree to such an arrangement in the
20 parenting plan and the court determines that such an arrangement is
21 in the best interests of the child or (b) if the court specifically
22 finds, after a hearing in open court, that joint physical custody or
23 joint legal custody, or both, is in the best interests of the minor
24 child regardless of any parental agreement or consent.

25 (4) In determining the amount of child support to be paid

1 by a parent, the court shall consider the earning capacity of each
2 parent and the guidelines provided by the Supreme Court pursuant to
3 section 42-364.16 for the establishment of child support obligations.
4 Upon application, hearing, and presentation of evidence of an abusive
5 disregard of the use of child support money or cash medical support
6 paid by one party to the other, the court may require the party
7 receiving such payment to file a verified report with the court, as
8 often as the court requires, stating the manner in which child
9 support money or cash medical support is used. Child support money or
10 cash medical support paid to the party having custody of the minor
11 child shall be the property of such party except as provided in
12 section 43-512.07. The clerk of the district court shall maintain a
13 record, separate from all other judgment dockets, of all decrees and
14 orders in which the payment of child support, cash medical support,
15 or spousal support has been ordered, whether ordered by a district
16 court, county court, separate juvenile court, or county court sitting
17 as a juvenile court. Orders for child support or cash medical support
18 in cases in which a party has applied for services under Title IV-D
19 of the federal Social Security Act, as amended, shall be reviewed as
20 provided in sections 43-512.12 to 43-512.18.

21 (5) Whenever termination of parental rights is placed in
22 issue:

23 (a) The court shall transfer jurisdiction to a juvenile
24 court established pursuant to the Nebraska Juvenile Code unless a
25 showing is made that the county court or district court is a more

1 appropriate forum. In making such determination, the court may
2 consider such factors as cost to the parties, undue delay, congestion
3 of dockets, and relative resources available for investigative and
4 supervisory assistance. A determination that the county court or
5 district court is a more appropriate forum shall not be a final order
6 for the purpose of enabling an appeal. If no such transfer is made,
7 the court shall appoint an attorney as guardian ad litem to protect
8 the interests of any minor child. The court may terminate the
9 parental rights of one or both parents after notice and hearing when
10 the court finds such action to be in the best interests of the minor
11 child, as defined in the Parenting Act, and it appears by the
12 evidence that one or more of the grounds for termination of parental
13 rights stated in section 43-292 exist; and

14 (b) The court shall inform a parent who does not have
15 legal counsel of the parent's right to retain counsel and of the
16 parent's right to retain legal counsel at county expense if such
17 parent is unable to afford legal counsel. If such parent is unable to
18 afford legal counsel and requests the court to appoint legal counsel,
19 the court shall immediately appoint an attorney to represent the
20 parent in the termination proceedings. The court shall order the
21 county to pay the attorney's fees and all reasonable expenses
22 incurred by the attorney in protecting the rights of the parent. At
23 such hearing, the guardian ad litem shall take all action necessary
24 to protect the interests of the minor child. The court shall fix the
25 fees and expenses of the guardian ad litem and tax the same as costs

1 but may order the county to pay on finding the responsible party
2 indigent and unable to pay.

3 (6) Modification proceedings relating to support,
4 custody, parenting time, visitation, other access, or removal of
5 children from the jurisdiction of the court shall be commenced by
6 filing a complaint to modify. Modification of a parenting plan is
7 governed by the Parenting Act. Proceedings to modify a parenting plan
8 shall be commenced by filing a complaint to modify. Such actions ~~may~~
9 ~~be referred to mediation, specialized alternative dispute resolution,~~
10 ~~or other alternative dispute resolution process before July 1, 2010,~~
11 ~~and on and after such date~~ shall be referred to mediation or
12 specialized alternative dispute resolution as provided in the
13 Parenting Act. For good cause shown and (a) when both parents agree
14 and such parental agreement is bona fide and not asserted to avoid
15 the purposes of the Parenting Act, or (b) when mediation or
16 specialized alternative dispute resolution is not possible without
17 undue delay or hardship to either parent, the mediation or
18 specialized alternative dispute resolution requirement may be waived
19 by the court. In such a case where waiver of the mediation or
20 specialized alternative dispute resolution is sought, the court shall
21 hold an evidentiary hearing and the burden of proof for the party or
22 parties seeking waiver is by clear and convincing evidence. Service
23 of process and other procedure shall comply with the requirements for
24 a dissolution action.

25 (7) In any proceeding under this section relating to

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1 custody of a child of school age, certified copies of school records
2 relating to attendance and academic progress of such child are
3 admissible in evidence.

4 Sec. 5. Section 42-364.17, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 42-364.17 A decree of dissolution, legal separation, or
7 order establishing paternity shall incorporate financial arrangements
8 for each party's responsibility for reasonable and necessary medical,
9 dental, ~~and eye care, medical reimbursements, and day care,~~ 11
10 ~~extracurricular activity, education, and other extraordinary~~ expenses
11 of the child and calculation of child support obligations.

12 Sec. 6. Section 42-371, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 42-371 Under the Uniform Interstate Family Support Act
15 and sections 42-347 to 42-381, 43-290, 43-512 to 43-512.10, and
16 43-1401 to 43-1418:

17 (1) All judgments and orders for payment of money shall
18 be liens, as in other actions, upon real property and any personal
19 property registered with any county office and may be enforced or
20 collected by execution and the means authorized for collection of
21 money judgments;

22 ~~(2) (a) (2)~~ The judgment creditor may execute a partial or
23 total release of the judgment or a document subordinating the lien of
24 the judgment to any other lien, generally or on specific real or
25 personal property. ~~(b)~~ Release of a judgment for child support or

1 spousal support or subordination of a lien of a judgment for child
2 support or spousal support may, if all such payments are current and
3 not delinquent or in arrears, be released or subordinated by a
4 release or subordination document executed by the judgment creditor,
5 and such document shall be sufficient to remove or subordinate the
6 lien. A properly executed, notarized release or subordination
7 document explicitly reciting that all child support payments or
8 spousal support payments are current is prima facie evidence that
9 such payments are in fact current. For purposes of this section, any (12)
10 delinquency or arrearage of support payments shall be determined as
11 provided in subsection (2) of section 42-358.02;

12 ~~(c) Release of a judgment for child support or spousal~~
13 ~~support or subordination of a lien of a judgment for child support or~~
14 ~~spousal support shall be approved by the court which rendered the~~ (13)
15 ~~judgment if all such payments are not current. The judgment debtor~~
16 ~~may file a motion in the court which rendered the original judgment~~
17 ~~for an order releasing or subordinating the lien as to specific real~~
18 ~~or personal property. The court shall grant such order upon a showing~~
19 ~~by the judgment debtor that sufficient real or personal property or~~
20 ~~property interests will remain subject to the lien or will maintain~~
21 ~~priority over other liens sufficient to cover all support due and~~
22 ~~which may become due;~~

23 (3) ~~Whenever~~ If a judgment creditor refuses to execute a
24 release of the judgment or subordination of a lien as provided in
25 subdivision (2) of this section or the support payments are not (14)

1 current, the person desiring such release or subordination may file
2 an application for the relief desired in the court which rendered the
3 original judgment. A copy of the application and a notice of hearing
4 shall be served on the judgment creditor either personally or by
5 registered or certified mail no later than ten days before the date
6 of hearing. If the court finds that the release or subordination is
7 not requested for the purpose of avoiding payment and that the
8 release or subordination will not unduly reduce the security, the
9 court may issue an order releasing real or personal property from the
10 judgment lien or issue an order subordinating the judgment lien. As a
11 condition for such release or subordination, the court may require
12 the posting of a bond with the clerk in an amount fixed by the court,
13 guaranteeing payment of the judgment. If the court orders a release
14 or subordination, the court shall order a judgment creditor who,
15 without a good faith reason, refused to execute a release or
16 subordination to pay the judgment debtor's court costs and attorney's
17 fees involved with the application brought under this subdivision. A
18 showing that all support payments are current shall be prima facie
19 evidence that the judgment creditor did not have a good faith reason
20 to refuse to execute such release or subordination. For purposes of
21 this section, a current certified copy of support order payment
22 history from the Title IV-D Division of the Department of Health and
23 Human Services setting forth evidence that all support payments are
24 current is prima facie evidence that such payments are in fact
25 current and is valid for thirty days after the date of certification;

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1 (4) Full faith and credit shall be accorded to a lien
2 arising by operation of law against real and personal property for
3 amounts overdue relating to a support order owed by an a judgment (17)
4 debtor or obligor who resides or owns property in this state when
5 another state agency, party, or other entity seeking to enforce such
6 lien complies with the procedural rules relating to the filing of the
7 lien in this state. The state agency, party, or other entity seeking
8 to enforce such lien shall send a certified copy of the support order
9 with all modifications, the notice of lien prescribed by 42 U.S.C.
10 652(a)(11) and 42 U.S.C. 654(9)(E), and the appropriate fee to the
11 clerk of the district court in the jurisdiction within this state in
12 which the lien is sought. Upon receiving the appropriate documents
13 and fee, the clerk of the district court shall accept the documents
14 filed and such acceptance shall constitute entry of the foreign
15 support order for purposes of this section only. Entry of a lien
16 arising in another state pursuant to this section shall result in
17 such lien being afforded the same treatment as liens arising in this
18 state. The filing process required by this section shall not be
19 construed as requiring an application, complaint, answer, and hearing
20 as might be required for the filing or registration of foreign
21 judgments under the Nebraska Uniform Enforcement of Foreign Judgments
22 Act or the Uniform Interstate Family Support Act;

23 (5) Support order judgments shall cease to be liens on
24 real or registered personal property ten years from the date (a) the
25 youngest child becomes of age or dies or (b) the most recent

1 execution was issued to collect the judgment, whichever is later, and
2 such lien shall not be reinstated;

3 (6) Alimony and property settlement award judgments, if
4 not covered by subdivision (5) of this section, shall cease to be a
5 lien on real or registered personal property ten years from the date
6 (a) the judgment was entered, (b) the most recent payment was made,
7 or (c) the most recent execution was issued to collect the judgment,
8 whichever is latest, and such lien shall not be reinstated;

9 (7) The court may in any case, upon application or its
10 own motion, after notice and hearing, order a person required to make
11 payments to post sufficient security, bond, or other guarantee with
12 the clerk to insure payment of both current and any delinquent
13 amounts. Upon failure to comply with the order, the court may also
14 appoint a receiver to take charge of the debtor's property to insure
15 payment. Any bond, security, or other guarantee paid in cash may,
16 when the court deems it appropriate, be applied either to current
17 payments or to reduce any accumulated arrearage;

18 (8)(a) The lien of a mortgage or deed of trust which
19 secures a loan, the proceeds of which are used to purchase real
20 property, and (b) any lien given priority pursuant to a subordination
21 document under this section shall attach prior to any lien authorized
22 by this section. Any mortgage or deed of trust which secures the
23 refinancing, renewal, or extension of a real property purchase money
24 mortgage or deed of trust shall have the same lien priority with
25 respect to any lien authorized by this section as the original real

1 property purchase money mortgage or deed of trust to the extent that
2 the amount of the loan refinanced, renewed, or extended does not
3 exceed the amount used to pay the principal and interest on the
4 existing real property purchase money mortgage or deed of trust, plus
5 the costs of the refinancing, renewal, or extension; and

6 (9) Any lien authorized by this section against personal
7 property registered with any county consisting of a motor vehicle or
8 mobile home shall attach upon notation of the lien against the motor
9 vehicle or mobile home certificate of title and shall have its
10 priority established pursuant to the terms of section 60-164 or a
11 subordination document executed under this section.

12 Sec. 7. Section 43-1412.01, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 43-1412.01 An individual may file a complaint for relief
15 and the court may set aside a final judgment, court order,
16 administrative order, obligation to pay child support, or any other
17 legal determination of paternity if a scientifically reliable genetic
18 test performed in accordance with sections 43-1401 to 43-1418
19 establishes the exclusion of the individual named as a father in the
20 legal determination. The court shall appoint a guardian ad litem to
21 represent the interest of the child. The filing party shall pay the
22 costs of such test. A court that sets aside a determination of
23 paternity in accordance with this section shall order completion of a
24 new birth record and may order any other appropriate relief. Such
25 relief may include ~~, including~~ setting aside an obligation to pay

(18)
cont. ↓

1 child support or awarding court costs and attorney's fees to the
2 plaintiff if the defendant unreasonably refused to cooperate in the
3 suit after the results of genetic testing were known by both parties.

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Stop

4 No support order may be retroactively modified, but may be modified
5 with respect to any period during which there is a pending complaint
6 for relief from a determination of paternity under this section, but
7 only from the date that notice of the complaint was served on the
8 nonfiling party. A court shall not grant relief from determination of
9 paternity if the individual named as father (1) completed a notarized
10 acknowledgment of paternity pursuant to section 43-1408.01, (2)
11 adopted the child, or (3) knew that the child was conceived through
12 artificial insemination.

13 Sec. 8. Section 43-2922, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 43-2922 For purposes of the Parenting Act:

16 (1) Appropriate means reflective of the developmental
17 abilities of the child taking into account any cultural traditions
18 that are within the boundaries of state and federal law;

19 (2) Approved mediation center means a mediation center
20 approved by the Office of Dispute Resolution;

21 (3) Best interests of the child means the determination
22 made taking into account the requirements stated in section 43-2923;

23 (4) Child means a minor under nineteen years of age;

24 (5) Child abuse or neglect has the same meaning as in
25 section 28-710;

1 (6) Court conciliation program means a court-based
2 conciliation program under the Conciliation Court Law;

3 (7) Custody includes legal custody and physical custody;

4 (8) Domestic intimate partner abuse means an act of abuse
5 as defined in section 42-903 and a pattern or history of abuse
6 evidenced by one or more of the following acts: Physical or sexual
7 assault, threats of physical assault or sexual assault, stalking, or
8 harassment, mental cruelty, emotional abuse, intimidation, isolation, 19
9 economic abuse, or coercion against any current or past intimate
10 partner, or an abuser using a child to establish or maintain power
11 and control over any current or past intimate partner, and, when they 20
12 contribute to the coercion or intimidation of an intimate partner,
13 acts of child abuse or neglect or threats of such acts, cruel
14 mistreatment or cruel neglect of an animal as defined in section
15 28-1008, or threats of such acts, and other acts of abuse, assault,
16 or harassment, or threats of such acts against other family or
17 household members. A finding by a child protection agency shall not
18 be considered res judicata or collateral estoppel regarding an act of
19 child abuse or neglect or a threat of such act, and shall not be
20 considered by the court unless each parent is afforded the
21 opportunity to challenge any such determination;

22 ~~(9) Economic abuse means causing or attempting to cause~~
23 ~~an individual to be financially dependent by maintaining total~~
24 ~~control over the individual's financial resources, including, but not~~
25 ~~limited to, withholding access to money or credit cards, forbidding~~

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Cont.
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1 ~~attendance at school or employment, stealing from or defrauding of~~ (21)
2 ~~money or assets, exploiting the victim's resources for personal gain~~
3 ~~of the abuser, or withholding physical resources such as food,~~
4 ~~clothing, necessary medications, or shelter;~~

5 ~~(10) Emotional abuse means a pattern of acts, threats of~~
6 ~~acts, or coercive tactics, including, but not limited to, threatening~~
7 ~~or intimidating to gain compliance, destruction of the victim's~~
8 ~~personal property or threats to do so, violence to an animal or~~
9 ~~object in the presence of the victim as a way to instill fear,~~
10 ~~yelling, screaming, name calling, shaming, mocking, or criticizing~~
11 ~~the victim, possessiveness, or isolation from friends and family.~~
12 ~~Emotional abuse can be verbal or nonverbal;~~ Stop

13 ~~(11) (9)~~ Joint legal custody means mutual authority and
14 responsibility of the parents for making mutual fundamental decisions
15 regarding the child's welfare, including choices regarding education
16 and health and change of residence if such change would materially (22)
17 impact either parent's parenting time;

18 ~~(12) (10)~~ Joint physical custody means mutual authority
19 and responsibility of the parents regarding the child's place of
20 residence and the exertion of continuous blocks of parenting time by
21 both parents over the child for significant periods of time;

22 ~~(13) (11)~~ Legal custody means the authority and
23 responsibility for making fundamental decisions regarding the child's
24 welfare, including choices regarding education and health;

25 ~~(14) (12)~~ Mediation means a method of nonjudicial

1 intervention in which a trained, neutral third-party mediator, who
2 has no decisionmaking authority, provides a structured process in
3 which individuals and families in conflict work through parenting and
4 other related family issues with the goal of achieving a voluntary,
5 mutually agreeable parenting plan or related resolution;

6 ~~(15) Mediator means a mediator meeting the qualifications~~
7 ~~of section 43-2938 and acting in accordance with the Parenting Act;~~

23

8 ~~(16)~~ (13) Office of Dispute Resolution means the office
9 established under section 25-2904;

10 ~~(17)~~ (14) Parenting functions means those aspects of the
11 relationship in which a parent or person in the parenting role makes
12 fundamental decisions and performs fundamental functions necessary
13 for the care and development of a child. Parenting functions include,
14 but are not limited to:

15 (a) Maintaining a safe, stable, consistent, and nurturing
16 relationship with the child;

17 (b) Attending to the ongoing developmental needs of the
18 child, including feeding, clothing, physical care and grooming,
19 health and medical needs, emotional stability, supervision, and
20 appropriate conflict resolution skills and engaging in other
21 activities appropriate to the healthy development of the child within
22 the social and economic circumstances of the family;

23 (c) Attending to adequate education for the child,
24 including remedial or other special education essential to the best
25 interests of the child;

1 (d) Assisting the child in maintaining a safe, positive,
2 and appropriate relationship with each parent and other family
3 members, including establishing and maintaining the authority and
4 responsibilities of each party with respect to the child and honoring
5 the parenting plan duties and responsibilities;

6 (e) Minimizing the child's exposure to harmful parental
7 conflict;

8 (f) Assisting the child in developing skills to maintain
9 safe, positive, and appropriate interpersonal relationships; and

10 (g) Exercising appropriate support for social, academic,
11 athletic, or other special interests and abilities of the child
12 within the social and economic circumstances of the family;

13 ~~(18)~~—(15) Parenting plan means a plan for parenting the
14 child that takes into account parenting functions;

15 ~~(19)~~—(16) Parenting time, visitation, or other access
16 means communication or time spent between the child and parent, the
17 child and a court-appointed guardian, or the child and another family
18 member or members;

19 ~~(20)~~—(17) Physical custody means authority and
20 responsibility regarding the child's place of residence and the
21 exertion of continuous parenting time for significant periods of
22 time;

23 ~~(21)~~—(18) Provisions for safety means a plan developed to
24 reduce risks of harm to children and adults who are victims of child
25 abuse or neglect, domestic intimate partner abuse, or unresolved

1 parental conflict;

2 ~~(22)~~ (19) Remediation process means the method
3 established in the parenting plan which maintains the best interests
4 of the child and provides a means to identify, discuss, and attempt
5 to resolve future circumstantial changes or conflicts regarding the
6 parenting functions and which minimizes repeated litigation and
7 utilizes judicial intervention as a last resort;

8 ~~(23)~~ (20) Specialized alternative dispute resolution
9 means a method of nonjudicial intervention in high conflict or
10 domestic intimate partner abuse cases in which ~~an approved a~~
11 specialized mediator facilitates voluntary mutual development of and
12 agreement to a structured parenting plan, provisions for safety, a
13 transition plan, or other related resolution between the parties;

14 ~~(24)~~ (21) Transition plan means a plan developed to
15 reduce exposure of the child and the adult to ongoing unresolved
16 parental conflict during parenting time, visitation, or other access
17 for the exercise of parental functions; and

18 ~~(25)~~ (22) Unresolved parental conflict means persistent
19 conflict in which parents are unable to resolve disputes about
20 parenting functions which has a potentially harmful impact on a
21 child.

22 Sec. 9. Section 43-2923, Revised Statutes Cumulative
23 Supplement, 2010, is amended to read:

24 43-2923 (1) The best interests of the child require:

25 ~~(1)~~ (a) A parenting arrangement and parenting plan or

24

1 other court-ordered arrangement which provides for a child's safety,
2 emotional growth, health, stability, and physical care and regular
3 and continuous school attendance and progress for school-age
4 children;

5 ~~(2) When a preponderance of the evidence indicates~~
6 ~~domestic intimate partner abuse, a parenting and visitation~~
7 ~~arrangement that provides for the safety of a victim parent;~~

25

8 ~~(3)~~ (b) That the child's families and those serving in
9 parenting roles remain appropriately active and involved in parenting
10 with safe, appropriate, continuing quality contact between children
11 and their families when they have shown the ability to act in the
12 best interests of the child and have shared in the responsibilities
13 of raising the child;

14 ~~(4)~~ (c) That even when parents have voluntarily
15 negotiated or mutually mediated and agreed upon a parenting plan, the
16 court shall determine whether it is in the best interests of the
17 child for parents to maintain continued communications with each
18 other and to make joint decisions in performing parenting functions
19 as are necessary for the care and healthy development of the child.
20 If the court rejects a parenting plan, the court shall provide
21 written findings as to why the parenting plan is not in the best
22 interests of the child;

23 ~~(5)~~ (d) That certain principles provide a basis upon
24 which education of parents is delivered and upon which negotiation
25 and mediation of parenting plans are conducted. Such principles shall

1 include: To minimize the potentially negative impact of parental
2 conflict on children; to provide parents the tools they need to reach
3 parenting decisions that are in the best interests of a child; to
4 provide alternative dispute resolution or specialized alternative
5 dispute resolution options that are less adversarial for the child
6 and the family; to ensure that the child's voice is heard and
7 considered in parenting decisions; to maximize the safety of family
8 members through the justice process; and, in cases of domestic
9 intimate partner abuse or child abuse or neglect, to incorporate the
10 principles of victim safety and sensitivity, offender accountability,
11 and community safety in parenting plan decisions; and

12 ~~(c)~~ (e) In determining custody and parenting
13 arrangements, the court shall consider the best interests of the
14 minor child, which shall include, but not be limited to,
15 consideration of the foregoing factors and:

16 ~~(a)~~ (i) The relationship of the minor child to each
17 parent prior to the commencement of the action or any subsequent
18 hearing;

19 ~~(b)~~ (ii) The desires and wishes of the minor child, if of
20 an age of comprehension but regardless of chronological age, when
21 such desires and wishes are based on sound reasoning;

22 ~~(c)~~ (iii) The general health, welfare, and social
23 behavior of the minor child;

24 ~~(d)~~ (iv) Credible evidence of abuse inflicted on any
25 family or household member. For purposes of this subdivision, abuse

1 and family or household member shall have the meanings prescribed in
2 section 42-903; and

3 ~~(e)~~ (v) Credible evidence of child abuse or neglect or
4 domestic intimate partner abuse. For purposes of this subdivision,
5 the definitions in section 43-2922 shall be used.

6 (2) A party's absence, relocation, or failure to comply
7 with custody, parenting time, visitation, or other access orders
8 shall not, by itself, be sufficient to justify a modification of an
9 order if the reason for the absence, relocation, or failure to comply
10 is the party's activation to military service and deployment out of
11 state.

12 Sec. 10. Section 43-2926, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 43-2926 The State Court Administrator shall create an
15 information sheet for parties in a proceeding in which parenting
16 functions for a child are at issue under the Parenting Act that
17 includes information regarding parenting plans, child custody,
18 parenting time, visitation, and other access and that informs the
19 parties that they are required to attend a basic level parenting
20 education course if they have children under sixteen years of age and
21 they have not agreed to joint physical custody. The information sheet
22 shall also state (1) that the parties have the right to agree to a
23 parenting plan arrangement, (2) that before July 1, 2010, if they do
24 not agree, they may be required, and on and after July 1, 2010, if
25 they do not agree, they shall be required to participate in parenting

1 plan mediation, and (3) that if mediation does not result in an
2 agreement, the court will be required to create a parenting plan. The
3 information sheet shall also provide information on how to obtain
4 assistance in resolving a custody case, including, but not limited
5 to, information on finding an attorney, information on accessing
6 court-based self-help services if they are available, information
7 about domestic violence service agencies, information about
8 mediation, and information regarding other sources of assistance in
9 developing a parenting plan. The State Court Administrator shall
10 adopt this information sheet as a statewide form and take reasonable
11 steps to ensure that it is distributed statewide and made available
12 to parties in parenting function matters.

13 Sec. 11. Section 43-2928, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 43-2928 (1) ~~The court shall order all~~ For parties to a
16 proceeding under the Parenting Act who have children under sixteen
17 years of age and who have not agreed to joint physical custody, the
18 court shall order the parties to attend a basic level parenting
19 education course. Participation in the course may be delayed or
20 waived by the court for good cause shown. Failure or refusal by any
21 party to participate in such a course as ordered by the court shall
22 not delay the entry of a final judgment or an order modifying a final
23 judgment in such action by more than six months and shall in no case
24 be punished by incarceration.

25 (2) The court may order parties under the act to attend a

28

1 second-level parenting education course subsequent to completion of
2 the basic level course when screening or a factual determination of
3 child abuse or neglect, domestic intimate partner abuse, or
4 unresolved parental conflict has been identified.

5 (3) The State Court Administrator shall approve all
6 parenting education courses under the act.

7 (4) The basic level parenting education course pursuant
8 to this section shall be designed to educate the parties about the
9 impact of the pending court action upon the child and appropriate
10 application of parenting functions. The course shall include, but not
11 be limited to, information on the developmental stages of children,
12 adjustment of a child to parental separation, the litigation and
13 court process, alternative dispute resolution, conflict management,
14 stress reduction, guidelines for parenting time, visitation, or other
15 access, provisions for safety and transition plans, and information
16 about parents and children affected by child abuse or neglect,
17 domestic intimate partner abuse, and unresolved parental conflict.

18 (5) The second-level parenting education course pursuant
19 to this section shall include, but not be limited to, information
20 about development of provisions for safety and transition plans, the
21 potentially harmful impact of domestic intimate partner abuse and
22 unresolved parental conflict on the child, use of effective
23 communication techniques and protocols, resource and referral
24 information for victim and perpetrator services, batterer
25 intervention programs, and referrals for mental health services,

1 substance abuse services, and other community resources.

2 (6) Each party shall be responsible for the costs, if
3 any, of attending any court-ordered parenting education course. At
4 the request of any party, or based upon screening or recommendation
5 of a mediator, the parties shall be allowed to attend separate
6 courses or to attend the same course at different times, particularly
7 if child abuse or neglect, domestic intimate partner abuse, or
8 unresolved parental conflict is or has been present in the
9 relationship or one party has threatened the other party.

10 Sec. 12. Section 43-2929, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 43-2929 (1) In any proceeding in which parenting
13 functions for a child are at issue under Chapter 42, a parenting plan
14 shall be developed and shall be approved by the court. Court rule may
15 provide for the parenting plan to be developed by the parties or
16 their counsel, a court conciliation program, an approved mediation
17 center, or a private mediator. When a parenting plan has not been
18 developed and submitted to the court, the court shall create the
19 parenting plan in accordance with the Parenting Act. A parenting plan
20 shall serve the best interests of the child pursuant to sections
21 42-364 and 43-2923 and shall:

22 (a) Assist in developing a restructured family that
23 serves the best interests of the child by accomplishing the parenting
24 functions; and

25 (b) Include, but not be limited to, determinations of the

1 following:

2 (i) Legal custody and physical custody of each child;

3 (ii) Apportionment of parenting time, visitation, or
4 other access for each child, including, but not limited to, specified
5 religious and secular holidays, birthdays, Mother's Day, Father's
6 Day, school and family vacations, and other special occasions,
7 specifying dates and times for the same, or a formula or method for
8 determining such a schedule in sufficient detail that, if necessary,
9 the schedule can be enforced in subsequent proceedings by the court,
10 and set out appropriate times and numbers for telephone access;

11 (iii) Location of the child during the week, weekend, and
12 given days during the year;

13 (iv) A transition plan, including the time and places for
14 transfer of the child, method of communication or amount and type of
15 contact between the parties during transfers, and duties related to
16 transportation of the child during transfers;

17 (v) Procedures for making decisions regarding the day-to-
18 day care and control of the child consistent with the major decisions
19 made by the person or persons who have legal custody and
20 responsibility for parenting functions;

21 (vi) Provisions for a remediation process regarding
22 future modifications to such plan;

23 (vii) Arrangements to maximize the safety of all parties
24 and the child;

25 (viii) Provisions to ensure regular and continuous school

1 attendance and progress for school-age children of the parties; and
2 (ix) Provisions for safety when a preponderance of the
3 evidence establishes child abuse or neglect, domestic intimate
4 partner abuse, unresolved parental conflict, or criminal activity
5 which is directly harmful to a child.

6 ~~(2) A parenting plan shall require that the parties~~
7 ~~notify each other of a change of address, except that the address or~~
8 ~~return address shall only include the county and state for a party~~
9 ~~who is living or moving to an undisclosed location because of safety~~
10 ~~concerns.~~

29

11 (2) A parenting plan shall require that a party provide
12 notification if the party plans to change the residence of the child
13 for more than thirty days and the change would affect any other
14 party's custody, parenting time, visitation, or other access. The
15 notice shall be given before the contemplated move, by mail, return
16 receipt requested, postage prepaid, to the last-known address of the
17 party to be notified; except that the address or return address shall
18 only include the county and state for a party who is living or moving
19 to an undisclosed location because of safety concerns. A copy of the
20 notice shall also be sent to the affected party's counsel of record.
21 To the extent feasible, the notice shall be provided within a minimum
22 of forty-five days before the proposed change of residence so as to
23 allow time for mediation of a new agreement concerning custody,
24 parenting time, visitation, or other access. A parent who violates
25 this section may be found in contempt of court.

30

1 (3) When safe and appropriate for the best interests of
2 the child, the parenting plan may encourage mutual discussion of
3 major decisions regarding parenting functions including the child's
4 education, health care, and spiritual or religious upbringing.
5 However, when a prior factual determination of child abuse or
6 neglect, domestic intimate partner abuse, or unresolved parental
7 conflict has been made, then consideration shall be given to
8 inclusion of provisions for safety and a transition plan that
9 restrict communication or the amount and type of contact between the
10 parties during transfers.

11 (4) Regardless of the custody determinations in the
12 parenting plan, unless parental rights are terminated, both parents
13 shall continue to have the rights stated in section 42-381.

14 (5) In the development of a parenting plan, consideration
15 shall be given to the child's age, the child's developmental needs,
16 and the child's perspective, as well as consideration of enhancing
17 healthy relationships between the child and each party.

18 Sec. 13. Section 43-2930, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 43-2930 (1) Each party to a contested proceeding for a
21 temporary order relating to parenting functions or custody, parenting
22 time, visitation, or other access shall offer a child information
23 affidavit as an exhibit at the hearing before the court. The child
24 information affidavit shall be verified to the extent known or
25 reasonably discoverable by the filing party or parties and may

1 include the following:

2 (a) The name, address, and length of residence with any
3 adults with whom each child has lived for the preceding twelve
4 months; except that the address shall only include the county and
5 state for a parent who is living in an undisclosed location because
6 of safety concerns;

7 (b) The performance by each parent or person acting as
8 parent for the preceding twelve months of the parenting functions
9 relating to the daily needs of the child;

10 (c) A description of the work and child care schedules
11 for the preceding twelve months of any person seeking custody,
12 parenting time, visitation, or other access and any expected changes
13 to these schedules in the near future; and

14 (d) A description of the current proposed work and child
15 care schedules, ~~and~~

16 ~~(e) A description of the child's school and~~
17 ~~extracurricular activities, including who is responsible for~~
18 ~~transportation of the child.~~

31

19 The child information affidavit may also state any
20 circumstances of child abuse or neglect, domestic intimate partner
21 abuse, or unresolved parental conflict that are likely to pose a risk
22 to the child and that warrant limitation on the award of temporary
23 custody, parenting time, visitation, or other access to the child
24 pending entry of a permanent parenting plan, including any
25 restraining orders, protection orders, or criminal no-contact orders

1 against either parent or a person acting as a parent by case number
2 and jurisdiction.

3 (2) After a contested hearing by live testimony or
4 affidavit, the court shall enter a temporary parenting order that
5 includes:

6 (a) Provision for temporary legal custody;

7 (b) Provisions for temporary physical custody, which
8 shall include either:

9 (i) A parenting time, visitation, or other access
10 schedule that designates in which home each child will reside on
11 given days of the year; or

12 (ii) A formula or method for determining such a schedule
13 in sufficient detail that, if necessary, the schedule can be enforced
14 in subsequent proceedings by the court;

15 (c) Designation of a temporary residence for the child;

16 (d) Reference to any existing restraining orders,
17 protection orders, or criminal no-contact orders as well as
18 provisions for safety and a transition plan, consistent with any
19 court's finding of child abuse or neglect, domestic intimate partner
20 abuse, or unresolved parental conflict in order to provide for the
21 safety of a child and custodial parent necessary for the best
22 interests of the child; and

23 (e) If appropriate, a requirement that a parent complete
24 a program of intervention for perpetrators of domestic violence, a
25 program for drug or alcohol abuse, or a program designed to correct

1 another factor as a condition of parenting time.

2 (3) A party may move for an order to show cause, and the
3 court may enter a modified temporary parenting order.

4 (4) The State Court Administrator's office shall create a
5 form that may be used by the parties to create a child information
6 affidavit setting forth the elements identified in this section.

7 (5) Provisions for temporary support for the child and
8 other financial matters may be included in the temporary parenting
9 order.

10 Sec. 14. Section 43-2932, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 43-2932 (1) When the court is required to develop a
13 parenting plan:

14 (a) If a preponderance of the evidence demonstrates, the
15 court shall determine whether a parent who would otherwise be
16 allocated custody, parenting time, visitation, or other access to the
17 child under a parenting plan:

18 (i) Has committed child abuse or neglect;

19 (ii) Has committed child abandonment under section
20 28-705;

21 (iii) Has committed domestic intimate partner abuse; or

22 (iv) Has interfered persistently with the other parent's
23 access to the child, except in the case of actions taken for the
24 purpose of protecting the safety of the child or the interfering
25 parent or another family member, pending adjudication of the facts

1 underlying that belief; and

2 (b) If a parent is found to have engaged in any activity
3 specified by subdivision (1)(a) of this section, limits shall be
4 imposed that are reasonably calculated to protect the child or
5 child's parent from harm. The limitations may include, but are not
6 limited to:

7 (i) An adjustment of the custody of the child, including
8 the allocation of sole legal custody or physical custody to one
9 parent;

10 (ii) Supervision of the parenting time, visitation, or
11 other access between a parent and the child;

12 (iii) Exchange of the child between parents through an
13 intermediary or in a protected setting;

14 (iv) Restraints on the parent from communication with or
15 proximity to the other parent or the child;

16 (v) A requirement that the parent abstain from possession
17 or consumption of alcohol or nonprescribed drugs while exercising
18 custodial responsibility and in a prescribed period immediately
19 preceding such exercise;

20 (vi) Denial of overnight physical custodial parenting
21 time;

22 (vii) Restrictions on the presence of specific persons
23 while the parent is with the child;

24 (viii) A requirement that the parent post a bond to
25 secure return of the child following a period in which the parent is

1 exercising physical custodial parenting time or to secure other
2 performance required by the court; or

3 (ix) Any other constraints or conditions deemed necessary
4 to provide for the safety of the child, a child's parent, or any
5 person whose safety immediately affects the child's welfare.

6 (2) A court determination under this section shall not be
7 considered a report for purposes of inclusion in the central register
8 of child protection cases pursuant to the Child Protection Act.

9 (3) If a parent is found to have engaged in any activity
10 specified in ~~subsection (1) subdivision (1)(a)(i), (1)(a)(ii), or (1)~~
11 ~~(a)(iv)~~ of this section, the court shall not order legal or physical
12 custody to be given to that parent without making special written
13 findings that the child ~~and other parent~~ can be adequately protected (32)
14 from harm by such limits as it may impose under such subsection. The
15 parent found to have engaged in the behavior specified in ~~subsection~~
16 ~~(1) of this section~~ such subdivisions has the burden of proving that
17 legal or physical custody, parenting time, visitation, or other
18 access to that parent will not endanger the child. ~~or the other~~ (33)
19 ~~parent.~~

20 Sec. 15. Section 43-2938, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 43-2938 ~~(1)~~ A mediator under the Parenting Act may be a
23 court conciliation program counselor, a court conciliation program
24 mediator, an approved mediation center affiliated mediator, or a
25 mediator in private practice.

1 ~~(2) To qualify as a Parenting Act mediator, a person~~
2 ~~shall have basic mediation training and family mediation training,~~
3 ~~approved by the Office of Dispute Resolution, and shall have served~~
4 ~~as an apprentice to a mediator as defined in section 25 2903. The~~
5 ~~training shall include, but not be limited to:~~
6 ~~(a) Knowledge of the court system and procedures used in~~
7 ~~contested family matters;~~
8 ~~(b) General knowledge of family law, especially regarding~~
9 ~~custody, parenting time, visitation, and other access, and support,~~
10 ~~including calculation of child support using the child support~~
11 ~~guidelines pursuant to section 42 364.16;~~
12 ~~(c) Knowledge of other resources in the state to which~~
13 ~~parties and children can be referred for assistance;~~
14 ~~(d) General knowledge of child development, the potential~~
15 ~~effects of dissolution or parental separation upon children, parents,~~
16 ~~and extended families, and the psychology of families;~~
17 ~~(e) Knowledge of child abuse or neglect and domestic~~
18 ~~intimate partner abuse and their potential impact upon the safety of~~
19 ~~family members, including knowledge of provisions for safety,~~
20 ~~transition plans, domestic intimate partner abuse screening~~
21 ~~protocols, and mediation safety measures; and~~
22 ~~(f) Knowledge in regard to the potential effects of~~
23 ~~domestic violence on a child, the nature and extent of domestic~~
24 ~~intimate partner abuse, the social and family dynamics of domestic~~
25 ~~intimate partner abuse, techniques for identifying and assisting~~

34

Cont.

34

1 ~~families affected by domestic intimate partner abuse, interviewing,~~
2 ~~documentation of, and appropriate recommendations for families~~
3 ~~affected by domestic intimate partner abuse; and availability of~~
4 ~~community and legal domestic violence resources.~~

5 ~~(3) To qualify as an approved specialized mediator for~~
6 ~~parents involved in high conflict and situations in which abuse is~~
7 ~~present, the mediator shall apply to an approved mediation center or~~
8 ~~court conciliation program for consideration to be listed as an~~
9 ~~approved specialized mediator. The approved mediation center or court~~
10 ~~conciliation program shall submit its list of approved specialized~~
11 ~~mediators to the Office of Dispute Resolution on an annual basis.~~
12 ~~Minimum requirements to be listed as an approved specialized mediator~~
13 ~~include:~~

14 ~~(a) Affiliation with a court conciliation program or an~~
15 ~~approved mediation center;~~

16 ~~(b) Meeting the minimum standards for a Parenting Act~~
17 ~~mediator under this section;~~

18 ~~(c) Meeting additional relevant standards and~~
19 ~~qualifications as determined by the State Court Administrator; and~~

20 ~~(d) Satisfactorily completing an additional minimum~~
21 ~~twenty four hour specialized alternative dispute resolution domestic~~
22 ~~mediation training course developed by entities providing domestic~~
23 ~~abuse services and mediation services for children and families and~~
24 ~~approved by the State Court Administrator. This course shall include~~
25 ~~advanced education in regard to the potential effects of domestic~~

Cont.

1 ~~violence on the child; the nature and extent of domestic intimate~~
2 ~~partner abuse; the social and family dynamics of domestic intimate~~
3 ~~partner abuse; techniques for identifying and assisting families~~
4 ~~affected by domestic intimate partner abuse; and appropriate and safe~~
5 ~~mediation strategies to assist parties in developing a parenting~~
6 ~~plan, provisions for safety, and a transition plan, as necessary and~~
7 ~~relevant.~~

34

Stop

8 Sec. 16. Original sections 42-353, 42-357, 42-359,
9 42-364.17, 42-371, 43-1412.01, 43-2922, 43-2926, 43-2928, 43-2929,
10 43-2930, 43-2932, and 43-2938, Reissue Revised Statutes of Nebraska,
11 and sections 42-364 and 43-2923, Revised Statutes Cumulative
12 Supplement, 2010, are repealed.

1. Yes
2. No; not consistent with other counties; yes if 3 days or 5 days
3. Yes
4. No
5. No
6. Yes
7. Yes
8. Yes
9. Yes
10. Yes
11. No; yes if add counseling
12. Yes
13. Yes
14. Yes
15. Yes
16. No as is; yes if payor also furnishes payee a financial statement showing a subordination or release will not unduly reduce the security
17. Yes
18. Yes
19. No
20. No
21. No
22. No
23. Yes
24. Yes
25. No
26. No
27. No
28. No
29. Yes
30. Yes but doesn't the "To the extent feasible, the notice shall be provided within a minimum of 45 days..." render the threat of contempt in the last sentence unenforceable?
31. No
32. No
33. No
34. Yes