

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1118

Introduced by Scheer, 19.

Read first time January 22, 2020

Committee:

- 1 A BILL FOR AN ACT relating to infants and juveniles; to amend section
- 2 43-1802, Reissue Revised Statutes of Nebraska; to provide for
- 3 grandparent visitation; and to repeal the original section.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-1802, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 43-1802 (1) A grandparent may seek visitation with his or her minor
4 grandchild if:

5 (a) The child's parent or parents are deceased;

6 (b) The marriage of the child's parents has been dissolved or
7 petition for the dissolution of such marriage has been filed, is still
8 pending, but no decree has been entered; ~~or~~

9 (c) The parents of the minor child have never been married but
10 paternity has been legally established; or ~~or~~

11 (d) The parents of the minor child have denied such grandparent
12 visitation with such child.

13 (2) In determining whether a grandparent shall be granted
14 visitation, the court shall require evidence concerning the beneficial
15 nature of the relationship of the grandparent to the child. The evidence
16 may be presented by affidavit and shall demonstrate that a significant
17 beneficial relationship exists, or has existed in the past, between the
18 grandparent and the child and that it would be in the best interests of
19 the child to allow such relationship to continue. Reasonable rights of
20 visitation may be granted when the court determines by clear and
21 convincing evidence that there is, or has been, a significant beneficial
22 relationship between the grandparent and the child, that it is in the
23 best interests of the child that such relationship continue, and that
24 such visitation will not adversely interfere with the parent-child
25 relationship.

26 (3) The court may modify an order granting or denying such
27 visitation upon a showing that there has been a material change in
28 circumstances which justifies such modification and that the modification
29 would serve the best interests of the child.

30 Sec. 2. Original section 43-1802, Reissue Revised Statutes of
31 Nebraska, is repealed.