

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 879

Introduced by Ebke, 32.

Read first time January 08, 2018

Committee:

1 A BILL FOR AN ACT relating to the Vital Statistics Act; to amend section
2 71-601, Reissue Revised Statutes of Nebraska, and section 71-615,
3 Revised Statutes Cumulative Supplement, 2016; to provide for a
4 parenting time summary report; to provide duties for district court
5 clerks and the Department of Health and Human Services; to harmonize
6 provisions; and to repeal the original sections.

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

1 Section 1. Section 71-601, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 71-601 Sections 71-601 to 71-649 and section 3 of this act shall be
4 known and may be cited as the Vital Statistics Act.

5 Sec. 2. Section 71-615, Revised Statutes Cumulative Supplement,
6 2016, is amended to read:

7 71-615 (1) On or before the fifth day of each month, the clerk of
8 the district court of each county shall make and return to the
9 department, upon suitable forms furnished by the department, a statement
10 of each action for annulment or dissolution of marriage granted in the
11 court of which he or she is clerk during the preceding calendar month.
12 The information requested by the department shall be furnished by the
13 plaintiff or his or her legal representative and presented to the clerk
14 of the court with the complaint. If, after reasonable attempts are made
15 by the plaintiff or his or her legal representative to attain such
16 information, the information is unavailable, the designation unknown
17 shall be accepted by the department. If no annulments or dissolutions of
18 marriage were granted in the county during the preceding month, a card
19 furnished by the department indicating such information shall be
20 submitted on or before the fifth day of each month to the department.

21 (2)(a) The department shall adopt a parenting time summary report
22 form, substantially in the form set forth in section 3 of this act.

23 (b) A parenting time summary report shall be filed with the clerk of
24 the court in every case in which parenting time with children is
25 established or modified. The party who initiated the case shall complete
26 and file the form. The clerk of the court shall forward all completed
27 parenting time summary reports to the department on at least a monthly
28 basis.

29 (c) The department shall compile the information in the parenting
30 time summary reports for purposes of tracking parenting time awards by
31 parent and by judge, the representation status of the parties, the

1 existence of domestic violence, child abuse, chemical dependency, or
2 mental health issues, and whether the matter was agreed or contested.

3 (d) The department shall publish the compiled information, organized
4 by judge, on at least an annual basis. Such published reports shall be
5 made publicly available and shall not contain any personal identifying
6 information of the parents or children in the proceedings.

7 Sec. 3. The parenting time summary report form required by section
8 71-615 shall contain the names of the parties, the court in which the
9 case originated, the case number, and the name of the judge presiding in
10 the case. The report form shall also contain at least the following:

11 (1) A notice indicating that the form must be completed and filed
12 with the final parenting plan in every case in which parenting time is
13 established or modified and that the form is for statistical reporting
14 purposes only;

15 (2) The amount of time the child or children are scheduled to spend
16 with each parent, measured by the percentage of overnight stays per year.
17 If the same schedule does not apply to all children, a separate report
18 for each child shall be completed;

19 (3) The legal representation status of each party;

20 (4) Whether formal mediation was attempted for the issue of
21 parenting time and, if so, whether mediation was either partially or
22 fully successful;

23 (5) The legal custody status for each child involved in the case,
24 whether sole legal custody, joint legal custody, or split legal custody;

25 (6) The physical custody status for each child involved in the case
26 and the parent to whom the court awarded physical custody;

27 (7) Whether domestic violence, abuse, or neglect of one or more of
28 the children, chemical dependency, or mental illness was identified in a
29 settlement agreement, decree, or other court order as a basis for custody
30 or parenting time decisions and, if so, the parent as to whom they were
31 identified;

1 (8) Whether custody and parenting time were resolved by agreement of
2 the parties, by mediation, or after a contested trial; and

3 (9) In the case of a request for modification of a prior order,
4 whether parenting time, legal custody, or physical custody was changed as
5 a result.

6 Sec. 4. Original section 71-601, Reissue Revised Statutes of
7 Nebraska, and section 71-615, Revised Statutes Cumulative Supplement,
8 2016, are repealed.