



Nebraska Mediation Statutes, Standards, Policies

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- ❑ **Labor Contract Negotiations: Neb.Rev.Stat. §81-1381 (1987)**; provides that if parties in labor contract negotiations do not reach agreement, the dispute may be referred to a mediator mutually selected or appointed by the Federal Mediation and Conciliation Office.
- ❑ **Nebraska Farm Mediation Act: Neb.Rev.Stat. §2-4801, et seq. (1988)**; establishes the farm mediation service in the Nebraska Department of Agriculture; describes mediation and mediator ethics, practice; reporting; financial, legal, and mediation services; authorizes contracts to provide.
- ❑ **Nebraska Dispute Resolution Act: Neb.Rev.Stat. §25-2901, et seq. (1991)**; establishes the Office of Dispute Resolution within the Administrative Office of the Courts; mediator training and ethical requirements for affiliated mediators; establishes approval, granting, and reporting process for regional non-profit mediation centers; creates an Advisory Council appointed by the Nebraska Supreme Court.
- ❑ **ODR Policy Manual (1993, 2007)**: www.supremecourt.ne.gov/mediation; sets forth policies for ODR and ODR-approved mediation centers; Advisory Council; grievance procedures; mediator competency.
- ❑ **Equal Opportunity Commission: Neb.Rev.Stat. §48-1118 (1993)**; provides that the commission shall endeavor to resolve claims through informal methods, including mediation or arbitration.
- ❑ **Nebraska Constitution: Article I-13 (1996)**: states: *All courts shall be open, and for every person . . . shall have a remedy by due course of law and justice administered without denial or delay, except that the Legislature may provide for the enforcement of mediation, binding arbitration agreements, and other forms of dispute resolution which are entered into voluntarily and which are not revocable other than upon such grounds as exist at law or in equity for the revocation of any contract.*
- ❑ **Water disputes: Neb.Rev.Stat. §46-2,117 (1997)**; provides that the director of the Department of Natural Resources shall not conduct a contested case hearing on an instream appropriation filed after 1-1-97 until parties have completed mediation or nonbinding arbitration. Costs to be shared by parties.
- ❑ **Commission on Industrial Relations: Neb.Rev.Stat. §48-816 (1997)**; provides that upon request of either party, the commission shall require the parties to an industrial dispute to submit to mediation or factfinding, or to a special master.
- ❑ **Nebraska Juvenile Code: Neb.Rev.Stat. §43-245; 274; 276 (1998)**; county attorney may offer mediation to the juvenile and victim, if both parties agree and it is a nonviolent act. Minimum training requirement for juvenile mediation; juvenile pays fees.
- ❑ **Nebraska Uniform Mediation Act: Neb.Rev.Stat. §25-2930, et seq. (2003)**; applies to mediation and mediation communications covered under the Act; privilege; confidentiality; exceptions; mediator's disclosure of conflicts of interest; background.
- ❑ **Specific Powers of Trustee: Neb.Rev.Stat. §30-3881(2003)**; allows a trustee to resolve a dispute concerning the interpretation of a trust or its administration by mediation, arbitration, or other procedure for alternative dispute resolution.
- ❑ **Interstate Compact for Adult Offender Supervision: Neb.Rev.Stat. §29-2640(2003)**; authorizes the Governor to enter into such a compact; terms include addressing mediation, arbitration, and dispute resolution.
- ❑ **Fence Dispute Mediation: Neb.Rev.Stat. §34-112.02 (2007)**; sets forth that in any court proceeding regarding fence disputes, mediation information will be given to the parties by the Clerk; Farm Mediation and ODR-approved mediation centers named; costs to be shared by the parties.
- ❑ **Limited Cooperative Association: Neb.Rev.Stat. §21-2989 (2007)**; sets forth mediation or arbitration as ways to settle disputes during the winding up of activities.
- ❑ **Nebraska Parenting Act: Neb.Rev.Stat. §43-2920, et seq. (2007, 2008)**; requires the State Court Administrator to adopt uniform standards of practice for mediation of cases under the Parenting Act; provides for both traditional mediation of parenting cases as well as "specialized alternative dispute resolution" (SADR) for parties in domestic intimate partner abuse; sets forth mediator training and ethics requirements; requires the State Court Administrator to approve court-referred mediators under the Act; new definitions of mediation and domestic intimate partner abuse; new definition of best interests of the child; states that all trial courts shall have a court rule on or before July 1, 2010 to mandate referral to mediation if parties have not developed a parenting plan by a date certain.
- ❑ **Nebraska Dissolution Statutes: Neb.Rev.Stat. §42-364 (2007, 2008)**; reiterates referral of parenting time, child custody, etc.
- ❑ **Referral of Civil Court Cases to Mediation: Neb.Rev.Stat. §25-2943 (2008)**; authorizes courts to refer civil cases to mediation or another form of alternative dispute resolution; requires voluntary agreements; provides that trial or appellate courts may adopt rules of practice governing the procedures for referral of cases; states that services may be provided by approved centers on a sliding scale of fees under the Dispute Resolution Act.
- ❑ **Family Group Conferencing and Pre-hearing Conference Facilitation: Neb.Rev.Stat. §43-2404.02 (2008)**; authorizes funding for family group conferencing from the County Juvenile Services Aid Program; **Neb.Rev.Stat. §43-247.01 (2008)**; defines family group conferencing and prehearing conference; provides for confidentiality and privileged communications.
- ❑ **Nebraska Standards and Ethics for Family Mediators (2008)**; www.supremecourt.ne.gov/mediation; sets forth standards and ethics for family mediators, specifically pursuant to the Nebraska Parenting Act; based on the model standards adopted by the American Bar Association (ABA) and the Association of Family and Conciliation Courts (AFCC).
- ❑ **Policy for Approval of Parenting Act Mediators (2008)**; www.supremecourt.ne.gov/mediation; provides for the approval; training and education; and grievance procedures for parenting act mediators.