

On May 1, 2019, the Nebraska Supreme Court approved the following rule amendments to the local district court rules of the Third Judicial District:

### **District 3**

#### **Rules of the District Court for the Third Judicial District**

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#### **Index of Amendments**

....

| [February 2019 Amendments](#)

| [Rule 3-2 Amended and typographical error corrected](#)

| [Rule 3-6 Deleted](#)

| [Rule 3-6 New rule re attorney attire](#)

| [Rule 3-9 Amended](#)

| [Appendix](#)

| [Form 1 Amended and Renamed](#)

| [Form 2 Amended and Renamed](#)

| [Form 3 Amended and Renamed](#)

| [Form 7 Amended](#)

| [Form 8 Added](#)

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#### **Rule 3-2. Motions and Other Filings**

| A. When any motion requiring a hearing is filed, it shall be filed with a notice of hearing with a date, time, manner of hearing, and certificate of service with the Clerk of the District Court (the Clerk) not less than 5 days prior to hearing, except by permission of the court. ~~Except as otherwise provided by law, pretrial and posttrial motions or similar filings in which a hearing is requested shall be in writing and filed with the Clerk of the District Court (the Clerk) not less than 5 days prior to hearing, except by permission of the court.~~

| B. A time of hearing shall be secured by contacting the judge's bailiff. If it is impossible to secure a time for hearing, the motion may be filed, but a notice of hearing must be filed with a certificate of service promptly thereafter. Failure to file a notice of hearing and certificate of service within 10 days after filing a motion will be deemed an abandonment of the motion without further action by the court.

~~Counsel at the time of making said filing shall obtain a date for hearing thereon from the judge to whom the case is assigned or the judge's bailiff and file a notice of hearing with the filing.~~ Unless approved by the judge, a hearing date must be obtained for each motion, even if motions in the same case are already scheduled.

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F. If a party files a motion under Neb. Ct. R. Pldg. § 6-1112(b)(6) ~~Rule 12 of the Nebraska Rules of Pleading in Civil Actions~~ intended to secure final disposition of the case without a trial, and the motion will require the admission of evidence beyond the pleadings, the moving party shall notify the opposing party of this intention and the parties shall follow the procedures applicable to motions for summary judgment ~~set for in statute and these Rules.~~

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H. Accompanying and separate and distinct from each decree of dissolution of marriage, order of paternity, or other child support order or order of modification of the same shall be an accompanying document in the format provided in Neb. Ct. R. § 6-1521(B) at Appendix 3, which shall contain necessary social security numbers, gender, and birthdates of each party and any minor child affected by the order. The separate filing of social security numbers shall be distributed to the Child Support division of the Nebraska Department of Health and Human Services, but shall not otherwise be made available without further court order. An image of the filing shall not be reproduced into any ~~publically~~ publicly-viewable location in Justice. Social security numbers should not be contained in any other pleading filed with the court. No pleading or other document filed with the court and no exhibit used at trial shall contain a complete account number for any financial accounts or debts of any party. The same shall be redacted to the extent necessary to protect the information from misuse. By agreement of the parties, or as directed by the court, such information shall be identified in such a manner as the parties, counsel, the court, and the jury may be able to distinguish information between similar accounts or debts, or as may be necessary to establish relevance to the matter being litigated.

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### **Rule 3-6. Attorney Attire Summary Judgment Procedure**

Attorneys shall be attired in business wear while present in court, whether in the courtroom or in chambers.

Unacceptable attire includes T-shirts, sleeveless tops such as tank tops, halter tops, spaghetti-strap tops, or any top that does not completely cover the midriff area, clothing which is excessively tight, low-cut, revealing, or sheer, shorts, denim, flip-flop sandals, slippers, Crocs, or tennis shoes (unless medically necessary).

Business wear for women includes suits, dresses, skirts (extending below the fingertip), or dress slacks (Capri pants may be worn if they are no shorter than mid-calf length and are worn in the same manner as dress slacks, i.e., with a jacket or dress shirt). Dress shoes are required.

Business wear for men includes suits, collared shirts and ties, and dress slacks worn with jackets. Dress shoes are required.

~~A. The moving party shall set forth in the brief in support of the motion for summary judgment, the basis for the motion, including the Rule of Procedure or statute under which the motion is filed, and a separate statement of each material fact as to which the moving party contends there is no genuine issue to be tried and as to each shall identify the specific document or portion thereof or discovery response or deposition testimony (by page and line) which it is claimed establishes the fact.~~

~~B. The party opposing a motion for summary judgment shall set forth in its opposing brief a separate statement of each material fact as to which it is contended there exists a genuine issue to be tried and as to each shall identify the specific documents or discovery response or deposition testimony (by page and line) which it is claimed established the fact.~~

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### **Rule 3-9. Domestic Case Progression**

A. Application. This Rule 3-9 shall apply to all cases classified by the State Court Administrator as a domestic case, including, without limitation, divorce; paternity; grandparent visitation; modification actions; any matter ~~within the court's jurisdiction which~~ involving child custody, parenting time, ~~or support~~; or any matter governed by the Parenting Act.

B. Hearings on Motions for Temporary Orders. Hearings on motions for temporary orders will be heard in chambers unless:

(1) Otherwise ordered by the court;

(2) Either party is pro se and present for the hearing; or

(3) Either party or counsel requests the matter be heard in the courtroom.

Whether the hearing is held in chambers or the courtroom:

(1) A court reporter will be provided upon request by the court or either party; and

(2) The hearing will be heard on affidavit(s) only unless otherwise ordered.

CB. Motion to Set for Trial. After defendant has filed a Voluntary Appearance or Answer Except as set forth below, after the case is at issue or answer day has passed without response, either and an Exhibit A has been filed by the moving party, counsel or a party proceeding pro se may file a motion to set the case for trial. The motion shall be set for hearing upon at least 7 days' notice.

In cases involving custody or parenting time, children, a hearing on a motion to set the case for trial may not be set by the court until the moving party shall state in the motion to set for trial that he/she has taken the parenting class required by statute and filed a certificate showing completion of the parenting class, es required by statute and has completed mediation, unless mediation is waived. If the filing party is requesting a waiver of said requirement, he/she shall state the basis for the waiver.

In all cases in which a trial date is sought, the moving party shall state that mediation has been completed unsuccessfully. If the filing party is requesting a waiver of mediation, he/she shall state the basis for the waiver.

A hearing on a motion to set for trial will not be had absent compliance with this rule.

DC. Hearing on "Motion to Set for Trial." Each ~~counsel or party~~ shall ~~proceeding pro se is to~~ bring a completed Pretrial Memorandum (See Appendix Form 1) Exhibit A (See Appendix Form 1) to the hearing. ~~The matters to be covered at the hearing will include:~~

- ~~(1) Objections, if any, to the motion;~~
- ~~(2) Designation of the issues;~~
- ~~(3) Filing and exchange of an Exhibit A by the nonmoving party;~~
- ~~(4) Length of time for trial;~~
- ~~(5) Selecting a day and time for trial; and~~
- ~~(6) Additional mediation.~~

The parties are under a continuing duty to update all information that is required to appear on the Pretrial Memorandum; however, no amendment may be made to a Pretrial Memorandum 5 or less days prior to trial without consent of the other party or leave of the court.

ED. Document exchange prior to trial: Fourteen days prior to ~~t~~trial.

(1) Unless otherwise ordered by the court:

(a) If child support is at issue, each party shall submit to the court his/her proposed child support worksheet.

(b) If custody or parenting time is at issue, each party shall submit to the court his/her proposed parenting plan.

(c) If the division of property/debt is at issue, each party shall submit to the court his/her proposed balance sheet (see Appendix Form 2) identifying the assets and debts, providing a value for each, and his/her proposed division.

(2) If custody or parenting time is at issue, joint physical and legal custody will be considered by the court.

~~(1) If there is no parenting plan to which the parties have agreed, counsel and parties proceeding pro se are to exchange with each other the parenting plan each intends to propose to the court.~~

~~(2) If there is no agreement on child support, counsel and parties proceeding pro se are to exchange with each other the child support calculation each intends to propose to the court together with the financial documents which support the proposed calculation.~~

~~(3) If there is no agreement on the division of assets and debts, counsel and parties proceeding pro se are to confer and jointly prepare a balance sheet or a joint property statement (Appendix Form 2) which shows the assets and debts of the marriage and how each party proposes to divide those assets and debts. If the issues include the division of household goods and furniture, a separate balance sheet or joint~~

~~property statement (using Appendix Form 2) shall also be submitted showing how each party proposes the household goods and furniture be divided.~~

~~The parties are under a continuing duty to update all information that is required to appear on the Exhibit A; however, no amendment may be made to a party's Exhibit A 5 or less days prior to trial without consent of the other party or leave of the court.~~

~~EF. Child Support Guideline Calculations.~~

~~(1) In all matters in which an final order includes the setting of child support, a child support guideline calculation shall be completed *in full* (e.g., showing each party's gross income) by the parties and submitted ing the proposed order and to the court. A copy of said child support guideline calculation shall be attached to the every proposed order ~~submitted to the court~~.~~

~~(2) If a deviation is proposed, pursuant to Neb. Ct. R. § 4-203, ~~to be granted~~, the proposed order shall contain specific findings and/or of fact which support the conclusion that a deviation is warranted, a ~~completed~~ worksheet 5 as specified in Neb. Ct. R. § 4-203, or both.~~

~~FG. Parenting Plan. Each parenting plan submitted to the court shall contain a pParenting tTime sSchedule which complies with the Parenting Act and shall set out, with specificity, the pParenting rResponsibilities and cCooperation ~~terms agreed to by the parties~~.~~

~~(1a) Holiday Parenting Time Schedule. Appendix Form 3 is a holiday parenting time schedule which, absent evidence otherwise, the court finds provides reasonable holiday parenting time ~~for the noncustodial parent~~ in cases in which the parties are unable to agree otherwise.~~

~~(b2) Parenting Responsibilities and Cooperation. Appendix Form 4 contains the minimum parenting responsibilities and cooperation language that must be incorporated into each parenting plan. Additional responsibilities may be added as agreed to by the parties.~~

~~HG. Exhibit 1. In the interests of preserving court time at the final hearing or trial, the parties shall offer evidence in the format of Exhibit 1 (see Appendix Form 78). Nothing in this rule shall be construed to waive the requirement of live testimony, unless otherwise ordered by the court.~~

~~IH. Decrees and Final Orders. All decrees or orders on domestic relations matters that are submitted to the court for signature must contain as the last paragraph of the decree or order AS THE LAST PARAGRAPH OF THE DECREE OR ORDER the following paragraph:~~

To the extent there is any conflict between this Decree (Order) and any attachment or other document incorporated herein by reference, the language of this Decree (Order) shall supersede and control.

~~J. Waiver of Hearing. If permitted by the judge to whom their case has been assigned, the parties may waive a final hearing pursuant to Neb. Rev. Stat. § 42-361 (dissolution) or § 42-361.01 (separation) using the Certificates of Waiver found at Appendix Form 8.~~

~~I. Modification Cases. Progression of modification cases shall proceed as set forth in this Rule 3-9. Trials, hearings and pretrial matters on contested child support issues in which a child support order already exists shall be conducted by the district court referee. This does not apply to motions, applications or petitions in which non-child support issues are also raised. All scheduling matters of cases referred to the referee shall be presented to the referee. Matters assigned to the referee upon which the parties have~~

~~reached written agreement may be submitted directly to the district court judge to whom the case is assigned, accompanied by an appropriate order.~~

~~KJ. Mediation. U~~The court deems mediation to be a useful method to resolve disputes and begin to establish the new relationship the parties will need for the future of their children. Therefore, unless waived by the court, ~~on and after July 1, 2010,~~ in all cases governed by the Parenting Act, except those in which there are allegations of intimate domestic partner abuse or unresolved parental conflict as defined in Neb. Rev. Stat. § 43-2922, parties who have not executed an agreed upon Parenting Plan within 4 months after service of process or the filing of a voluntary appearance shall participate in mediation as set forth in the Parenting Act.

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~~KL. Specialized Alternative Dispute Resolution Process.~~ The specialized alternative dispute resolution process shall begin with each parent meeting individually with a qualified mediator who shall educate each party about the process. The parties shall be allowed to have support persons attend sessions with them. The approved specialized mediator may establish such protocols for the process as he or she deems reasonable to protect the safety of any party, including a requirement that there be separate individual sessions for each party. Specialized alternative dispute resolution shall not proceed unless the parties are informed of the process, including any safety protocols that will be in effect and informed consent to proceed is obtained from both parties in writing.

~~LM. Waiver and Opt-Out.~~ The court may waive the requirement for mediation or permit the parties to opt-out of the specialized alternative dispute resolution process when

(1) there is good cause shown and the parents agree and such parental agreement is bona fide and not an attempt to avoid the purposes of the Parenting Act; or

(2) for good cause shown and when mediation or the specialized alternative dispute resolution process is not possible without undue delay or hardship to either parent.

Upon the filing of a motion for waiver or opt-out, the court shall hold ~~an evidentiary~~ hearing on affidavits. The burden of proof shall be by clear and convincing evidence and rests with the party seeking the waiver or opt-out.

~~NM. Disqualification.~~ If a party believes there is good cause to disqualify or preclude another party from participating in the alternative dispute resolution process, that party may file a motion for disqualification or preclusion. After notice and a hearing on affidavits, the court, for good cause shown, may disqualify or preclude a party from participating.

~~N. Upon the completion or termination of mediation or specialized alternative dispute resolution, the parties shall file a notice of completion or termination with court (See Appendix Form 7).~~

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Appendix Form 1

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Exhibit A Pretrial  
Memorandum

1. **Issues that will be tried are:**
2. **Expected length of ~~t~~rial is \_\_\_\_\_ days.**
3. **Witnesses this party *MAY* call to testify**
  - A. Name
  - B. Address and Telephone Number
  - C. General Topic of Testimony
4. **Exhibits this party *MAY* offer**
  - A. General Description
  - B. Date
  - C. ~~Author and Recipient~~
5. **Real Estate (~~f~~For each parcel of real estate owned)**
  - A. Legal description
  - B. Mortgage or lien (~~Name and amount~~ Creditor and amount)
    - (1) At time of filing Complaint
    - (2) At time of filing Pretrial Memorandum
  - C. Fair market value at time of filing Pretrial Memorandum
6. **Vehicles, including recreational vehicles or boats (~~f~~For each vehicle)**
  - A. Year and make
  - B. Mortgage or lien
    - (1) At time of filing Complaint
    - (2) At time of filing Pretrial Memorandum
  - C. Fair market value at time of filing Pretrial Memorandum
7. **Cash, Checking and Savings Accounts (~~f~~For each account)**
  - A. Name of financial institution/type of account/last 4 digits of account number  
[Warning: Do not provide a complete account number]
  - B. How title held [~~Warning: Do not provide a complete account number~~]
  - C. Amount at time of filing Complaint of petition
  - D. Amount at time of ~~trial~~ filing Pretrial Memorandum
8. **Stocks and Bonds (~~f~~For each stock or bond held)**
  - A. Name and address
  - B. Description of the security [**Warning:** Do not provide complete account numbers or other identifying information]
  - C. Value at time of filing Complaint of petition
  - D. Value at time of ~~trial~~ filing Pretrial Memorandum
9. **Life Insurance (~~f~~For each policy owned or held)**

- A. Name of company
  - B. Policy number [**Warning:** Do not provide complete account numbers or other identifying information]
  - C. Cash surrender value at time of filing Pretrial Memorandum, as close to date of trial as possible
  - D. Loan against policy (~~Date and amount~~)
    - (1) Date incurred
    - (2) Amount owed as of filing of Complaint
    - (3) Amount owed as of filing Pretrial Memorandum
  - E. Owner
  - F. Beneficiary
- 10. Furniture and Personal Effects: List only items that are in dispute or of unusual nature of or value (~~d~~Description and value as of filing Complaint and as of filing Pretrial Memorandum)**
- 11. Other assets and property (~~d~~Description and value as of filing Complaint and as of filing Pretrial Memorandum)**
- 12. Indebtedness (~~f~~For each creditor)**
- A. Name of creditor [**Warning:** Do not provide complete account numbers or other identifying information]
  - B. Amount of debt as of filing Complaint ~~Present amount of indebtedness~~
  - C. Amount of debt as of filing Pretrial Memorandum
  - ~~C.~~D. By whom incurred/when incurred/original amount
  - ~~D.~~E. State whether you claim the debt is marital or nonmarital ~~Purpose~~
  - ~~E.~~F. Amount of ~~installment~~ monthly payment
- 13. Statement of gross income for each party for the three years preceding trial.**
- 14. If support is an issue, list living expenses for you and any minor child(ren) living with you.**
- 15. Pension/Retirement Plans**
- A. Name [**Warning:** Do not provide complete account numbers or other identifying information]
  - B. Participant
  - C. Value at time of filing of ~~petition~~ Complaint
  - D. Value at time of ~~trial~~ filing Pretrial Memorandum
- 16. If you claim any property in which you have an interest is nonmarital Property brought into marriage, or received by gift or inheritance during marriage. (Description and value)**
- A. Identify the property you claim is nonmarital
  - B. State the factual basis for your claim that is nonmarital
  - C. State whether you acquired an interest in property before the marriage or during the marriage
  - D. State the value of the property that you claim is nonmarital

The undersigned acknowledges that:

1. ~~Without request therefor, he or she is under a continuing duty to update all information that is required to appear on this Exhibit A. This Pretrial Memorandum accurately identifies all of the property and debt in which he or she has an interest as of the filing date of the Complaint and as of the date this Pretrial Memorandum is executed (other than personal property about which there is no dispute).~~
2. ~~Within five (5) days of the first day of trial, there may be no changes to information appearing in Exhibit A without the consent of the opposing party or leave of court. Without request therefor, he or she is under a continuing duty to update all information that is required to appear on this Pretrial Memorandum.~~
3. ~~He or she will not be permitted to call witnesses, present exhibits or otherwise produce any evidence unless the witness, exhibit, property and issue timely appear in this Exhibit A. Within five (5) days of the first day of trial, there may be no changes to information appearing in this Pretrial Memorandum without the consent of the opposing party or leave of court.~~
4. ~~Absent leave of court or consent of the opposing party, he or she will not be permitted to call witnesses, present exhibits or otherwise produce any evidence unless the witness, exhibit, property, and issue timely appear in this Pretrial Memorandum.~~

Dated: \_\_\_\_\_ SUBMITTED BY: \_\_\_\_\_, # \_\_\_\_\_  
 \_\_\_\_\_  
 Counsel for Plaintiff/Defendant

STATE OF NEBRASKA )

) ss.

COUNTY OF LANCASTER )

Plaintiff / Defendant, being first duly sworn, states that he/she has read the above and all statements contained herein are true and accurate to the best of his/her knowledge.

\_\_\_\_\_  
Plaintiff/Defendant

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Plaintiff/Defendant

\_\_\_\_\_  
Plaintiff's/Defendant's Counsel



Proposed equalization payment: \$7,500 payable from plaintiff to defendant.

**A. Agreed Distribution of Assets:**

Item	Husband's Value	Wife's Value
A.1. — Property the Parties agree is to belong to the <del>Wife</del> :		
A.2. — Property the Parties agree is to belong to the <del>Husband</del> :		

**B. Property for which Distribution is Disputed:**

Item	Husband's Value	Wife's Value
B.1. <del>Wife's</del> proposal to distribute to <del>Husband</del>		
B.2. <del>Wife's</del> proposal to distribute to <del>Wife</del>		
B.3. <del>Husband's</del> proposal to distribute to <del>Husband</del>		
B.4. <del>Husband's</del> proposal to distribute to <del>Wife</del>		

**C. Debts**

Item	Debt To be paid by Husband	Husband's Monthly Payment	Debt To be paid by Wife	Wife's Monthly Payment
C.1 Agreed Allocation of Debts				
C.2 Debts for which there is dispute on allocation				
C.3 <del>Wife's</del> proposal on Disputed Debts				
C.4 <del>Husband's</del> proposal on Disputed Debts				

**Summary of Proposals:**

	Husband's Proposal		Wife's Proposal	
	Husband	Wife	Husband	Wife
Distribution of Assets				
Debts to be Paid				
Net Property Distribution				

**~~In Completing the Remainder of this Form do not Provide Complete Account Numbers or other Identifying Information~~**

**~~A.1. — Property the Parties agree is to belong to the Wife:~~**

<del>Item Description. (Specific property is not required to be listed.)</del>	<del>Husband's Value</del>	<del>Wife's Value</del>
<del>TOTAL (List on Page 1, Line A.1)</del>		

**~~A.2. — Property the Parties agree is to belong to the Husband:~~**

<del>Item Description. (Specific property is not required to be listed.)</del>	<del>Husband's Value</del>	<del>Wife's Value</del>
<del>TOTAL (List on Page 1, Line A.2)</del>		

**~~B. — Property for which Distribution is Disputed:~~**

<del>Property Description</del>	<del>Nature of Dispute</del>	<del>Husband's Value</del>	<del>Wife's Value</del>

**B.1—Wife’s Proposal of Disputed Property to go to Husband:**

Item	Husband’s Value	Wife’s Value
TOTAL (List on Page 1, Line B.1)		

**B.2—Wife’s Proposal of Disputed Property to go to Wife:**

Item Description	Husband’s Value	Wife’s Value
TOTAL (List on Page 1, Line B.2)		

**B.3—Husband’s Proposal of Disputed Property to go to Husband:**

Item	Husband’s Value	Wife’s Value
TOTAL (List on Page 1, Line B.3)		

**B.4—Husband’s Proposal of Disputed Property to go to Wife:**

Item Description	Husband’s Value	Wife’s Value
TOTAL (List on Page 1, Line B.4)		

**C.1.—Allocation of Debts for which there is Agreement:**

Description of Debt. (Specific debt is not required to be listed.)	To be Paid by Husband	Husband’s Monthly Payment	To be Paid by Wife	Wife’s Monthly Payment
TOTAL (List on Page 1, Line C.1)				

**C.2.—Debts for which there is Dispute as to how much each party pays:**

Debt Description	Nature of Dispute	Agreed Balance	Monthly Payment	If disputed, Husband’s Balance	If disputed, Wife’s Balance
TOTAL (List on Page 1, Line C.2)					

**C.3.—Wife’s Proposal on Disputed Debts:**

Debt Description	To be paid by Husband	Husband’s Monthly Payment	To be paid by Wife	Wife’s Monthly Payment
TOTAL (List on Page 1, Line C.3)				

**C.4.—Husband’s Proposal on Disputed Debts:**

Debt Description	To be paid by Husband	Husband’s Monthly Payment	To be paid by Wife	Wife’s Monthly Payment
TOTAL (List on Page 1, Line C.4)				

The undersigned acknowledge that:

- ~~1.—The foregoing is a true and accurate statement of the agreements and disputes of the parties as they relate to the property belonging to the parties and the debts to which the parties are obligated.~~
- ~~2.—The foregoing statement sets forth honest values of the property and debts in dispute.~~
- ~~3.—Within five (5) days of the first day of trial, there may be no changes to information appearing in this Joint Property Statement without the consent of the opposing party or leave of court.~~
- ~~4.—Witnesses, exhibits or other evidence will not be permitted unless the property issue timely appears in this Joint Property Statement.~~

5. ~~They have met and discussed the possibility of resolving their disputes over the allocation of property and debt and have been unable to do so in spite of good faith efforts to reach compromise.~~

Dated by Plaintiff: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff

\_\_\_\_\_  
Plaintiff's Counsel

Dated by Defendant: \_\_\_\_\_

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Defendant's Counsel

Amended June 23, 2010.

Appendix Form 3

**Parenting Time Schedule**  
**Holiday Parenting Time**  
**Schedule**

~~The (“custodial parent”) shall have legal and physical custody of the minor child(ren) and the (“noncustodial parent”) shall have the right to exercise reasonable parenting time. Except for good cause shown, the 10 day/4 day parenting schedule will not constitute a basis for use of a joint physical custody calculation in determining child support.~~

~~The noncustodial parent should be allowed reasonable~~ Unless otherwise agreed or for good cause shown, the noncustodial parent shall have holiday parenting time with the parties' minor child(ren) that, at a minimum, includes the following:

~~A. **10 day/4 day parenting:** Commencing \_\_\_\_\_, 20\_\_\_\_, every other week beginning on Thursday at 4:30 p.m. (or the conclusion of school or school activities, whichever is later) until the following Monday at 8:00 a.m. (or the commencement of the school day, whichever is earlier.~~

~~B.A.~~ \_\_\_\_\_ **In odd-numbered years:**

1. **Easter(Spring Break):** This holiday shall include that period of time during which the children are excused from school before the Easter holiday, including Easter Sunday, and shall commence at 6:00 p.m. on the day the children are released from school and conclude at 7:00 p.m. on the day before the children return to school.
2. **Thanksgiving:** This holiday shall be defined as that period of time during which the children are excused from school for the Thanksgiving holiday, including Thanksgiving day, and shall commence at 6:00 p.m. on the day the children are released from school and conclude at 7:00 p.m. on the day before the children return to school.
3. **New Year's Day:** This holiday period shall commence at noon on December 27 and conclude at 7:00 p.m. on the day before school is to begin.
4. **The children's birthdays,** from 5:00 p.m. to 8:00 p.m.
5. **July 4th:** This holiday shall commence at 9:00 a.m. on the 4th of July and end at 9:00 a.m. on the 5th of July.

~~C.B.~~ \_\_\_\_\_ **In even-numbered years:**

1. **Memorial Day Weekend:** This holiday shall include only that weekend when Memorial Day is nationally recognized and shall commence at 6:00 p.m. on Friday and conclude at 7:00 p.m. on Monday, Memorial Day.
2. **Labor Day Weekend:** This holiday shall include only that weekend on which Labor Day is

nationally recognized and shall commence at 6:00 p.m. on Friday and conclude at 7:00 p.m. on Monday, Labor Day.

3. **Christmas (Winter Break):** This holiday period shall be defined as that time during which the children are excused from school for the Christmas holiday and shall commence at 6:00 p.m. on the day the children are released from school and conclude at noon on December 27.

~~D.C.~~ **Father's/Mother's Day:** Every year the father shall have the children on Father's Day and the mother shall have the children on Mother's Day. This holiday shall commence at 9:00 a.m. and conclude at 7:00 p.m. on the Sunday on which such holiday is nationally observed. The noncustodial parent is not to be given any substitution for this date.

~~E.D.~~ **Parents' birthdays:** Every year the father shall have the children on his birthday and the mother shall have the children on her birthday. This parenting time shall commence at 9:00 a.m. and conclude at 8:00 p.m. on the birthday. The noncustodial parent is not to be given any substitution for this date.

~~F. **Summer:** Summer is that period beginning at 9:00 a.m. on the 7th day following the last day of school before the summer break and ending at 5:00 p.m. on the 7th day preceding the first day of school in the fall. During the summer, the 10/4 parenting schedule shall be suspended and the noncustodial parent shall have the following periods of parenting time: (a) from 9:00 a.m. on the 21st day following the last day of school for 2 weeks and (b) from 9:00 a.m. on the 21st day prior to the first day of school in the fall for 2 weeks. Each 2-week period shall be uninterrupted. The noncustodial parent shall keep the custodial parent advised where the summer visitation will take place and provide the custodial parent reasonable telephone contact.~~

~~G. **Telephone:** The noncustodial parent shall have telephone parenting time with the children Tuesday or Thursday weekly, between 6:00 p.m. and 8:00 p.m. for a minimum of 30 minutes nightly.~~

~~H.E.~~ **Coordination:** The noncustodial parent shall pick up the children from the custodial parent at the commencement of each parenting time period and return the children to the custodial parent at the conclusion of each parenting time period described herein. The holiday parenting time schedule shall supersede the regular weekend parenting time schedule. Whenever a holiday parenting time period by the noncustodial parent has superseded a regular weekend parenting time period by such parent, the children shall remain with the custodial parent during the first weekend following such holiday parenting time period and the noncustodial parent's regular weekend parenting time schedule shall resume on the second weekend following such holiday schedule and continue thereafter in accordance herewith. Whenever a holiday parenting time period by the custodial parent supersedes a regular weekend parenting time by the noncustodial parent, the first weekend following such holiday parenting time period shall be the noncustodial parent's every other weekend parenting time.

Appendix Form 7

**EXHIBIT NO. 1**

(NOTE: If child support is involved, the appropriate worksheet(s) from the Nebraska Child Support Guidelines must be completed and attached hereto and attached to the proposed decree.)

Case Number: \_\_\_\_\_

Name of Wife Plaintiff (filing party): \_\_\_\_\_

Wife's Plaintiff's Current Address: \_\_\_\_\_

Wife's Plaintiff's Telephone No. \_\_\_\_\_

Wife's Plaintiff's Employer: \_\_\_\_\_

Wife's Plaintiff's Employer's Address: \_\_\_\_\_

Name of Husband Defendant: \_\_\_\_\_

Husband's Defendant's Current Address: \_\_\_\_\_

Husband's Defendant's Telephone No.: \_\_\_\_\_

Husband's Defendant's Employer: \_\_\_\_\_

Husband's Defendant's Employer's Address: \_\_\_\_\_

Where Married: \_\_\_\_\_ Date of Marriage: \_\_\_\_\_

Name(s) of Child(ren) of Marriage Year of Birth:

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

Is the wife plaintiff or defendant pregnant at this time? \_\_\_\_\_

Length of plaintiff's wife's residency in Nebraska at time of filing of complaint: \_\_\_\_\_

County of residency of wife plaintiff when complaint filed: \_\_\_\_\_

Length of husband's defendant's residency in Nebraska at time of filing of complaint: \_\_\_\_\_

County of residency of husband defendant when complaint filed: \_\_\_\_\_

Is any other divorce or separate maintenance action pending in any court? \_\_\_\_\_

Is either party a member of the military service of the U.S.A. or any of its allies? \_\_\_\_\_

Is either party receiving services under Title IV-D of the Social Security Act, as amended (this includes monitoring payments by the County Attorney's Office)? \_\_\_\_\_

Appendix Form 8

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

	)	
<u>Plaintiff,</u>	)	CI _____
	)	
<u>vs.</u>	)	<u>CERTIFICATE OF</u>
	)	<u>WAIVER</u>
	)	<u>(Dissolution - no minor children)</u>
	)	
	)	
<u>Defendant.</u>	)	
	)	

Comes now the plaintiff and defendant pursuant to NEB. REV. STAT. § 42-361 and by the execution of this Certificate of Waiver, being first duly sworn upon oath, state the facts herein are true.

1. At least one of the parties was a resident of the State of Nebraska for more than one year prior to filing the Complaint for Dissolution in this matter.
2. At least one of the parties was a resident of Lancaster County, Nebraska, at the time the Complaint for Dissolution was filed.
3. The defendant filed a Voluntary Appearance or was personally served more than 60 days prior to the filing of this Certificate of Waiver.
4. This court has personal jurisdiction over the parties.
5. **Attached hereto is an Exhibit 1. All of the information contained in Exhibit 1 is true and accurate.**
6. **Attached hereto is a Property Settlement Agreement signed by both parties. This Property Settlement Agreement identifies and provides for the fair and equitable division of the marital property and debt.**



\_\_\_\_\_  
Defendant

STATE OF NEBRASKA    )  
  ) ss.  
COUNTY OF \_\_\_\_\_    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public, personally appeared the defendant above named who executed the Certificate of Waiver, and acknowledged at the time of signing that it was his/her voluntary act and deed.

Witness my hand and seal the day and year last above written.

\_\_\_\_\_  
Notary Public

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

	)	
<u>Plaintiff,</u>	)	CI _____
	)	
<u>vs.</u>	)	<u>CERTIFICATE OF</u>
	)	<u>WAIVER</u>
	)	<u>(Dissolution - with minor children)</u>
	)	
<u>Defendant.</u>	)	
	)	
	)	
	)	
	)	

Comes now the plaintiff and defendant pursuant to NEB. REV. STAT. § 42-361 and by the execution of this Certificate of Waiver, being first duly sworn upon oath, state the facts herein are true.

1. At least one of the parties was a resident of the State of Nebraska for more than one year prior to filing the Complaint for Dissolution in this matter.
2. At least one of the parties was a resident of Lancaster County, Nebraska, at the time the Complaint for Dissolution was filed.
3. Nebraska is the home state of the minor child(ren) as that term is defined by NEB. REV. STAT. § 43-1227(7). No other court in this state or any other state has entered an order concerning the custody of the minor child(ren).
4. This court has personal jurisdiction over the parties.
5. The defendant filed a Voluntary Appearance or was personally served more than 60 days prior to the filing of this Certificate of Waiver.
6. **Attached hereto is an Exhibit 1. All of the information contained in Exhibit 1 is true and accurate.**

7. Attached hereto is a Property Settlement Agreement signed by both parties. This Property Settlement Agreement accurately identifies and provides for the fair and equitable division of the marital property and debt.

8. The following minor child(ren) have been born of the marriage:

<u>Name</u>	<u>Year of Birth</u>
_____	_____
_____	_____
_____	_____

9. Attached is the Parenting Plan signed by both parties. The Parenting Plan complies with the Parenting Act and is in the child(ren)'s best interest.

10. If the Parenting Plan provides for joint physical or joint legal custody, the parties state they will be able to put aside their personal differences when it comes to matters pertaining to the child(ren).

11. A child support worksheet is attached. The parties state:

- a) The income figures used to calculate support accurately represent the incomes or earning capacities of the parties; and
- b) The deductions used to calculate support are accurate.

(Check if applicable):

- A deviation from the guidelines is warranted and in the minor child(ren)'s best interest. **Worksheet 5 is attached.** The reason for the deviation is set forth below:

\_\_\_\_\_  
\_\_\_\_\_

12. Each party understands he/she cannot marry anyone in the world for six months following entry of the Decree for Dissolution.

13. Each party waives further hearing and asks the court to dissolve the marriage.



\_\_\_\_\_  
Defendant

STATE OF NEBRASKA    )  
  ) ss.  
COUNTY OF \_\_\_\_\_    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public, personally appeared the defendant above named who executed the Certificate of Waiver, and acknowledged at the time of signing that it was his/her voluntary act and deed.

Witness my hand and seal the day and year last above written.

\_\_\_\_\_  
Notary Public

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

	)	
<u>Plaintiff,</u>	)	CI _____
	)	
<u>vs.</u>	)	<u>CERTIFICATE OF</u>
	)	<u>WAIVER</u>
	)	<u>(Legal Separation - no minor children)</u>
	)	
	)	
<u>Defendant.</u>	)	
	)	

Comes now the plaintiff and defendant pursuant to NEB. REV. STAT. § 42-361.01 and by the execution of this Certificate of Waiver, being first duly sworn upon oath, state the facts herein are true.

1. At least one of the parties was a resident of Lancaster County, Nebraska, at the time the Complaint for Separation was filed.
2. The defendant filed a Voluntary Appearance or was personally served more than 60 days prior to the filing of this Certificate of Waiver.
3. **Attached hereto is an Exhibit 1. All of the information contained in Exhibit 1 is true and accurate.**
4. **Attached hereto is a Property Settlement Agreement signed by both parties. This Property Settlement Agreement identifies and provides for the fair and reasonable division of the marital property and debt.**
5. No children have been born of the marriage or any child(ren) born of the marriage had reached the age of majority as of the filing of the Complaint for Separation.
6. Each party waives further hearing and asks the court to enter the Order for Legal Separation.
7. Each party understands this document with attachments will be provided to the judge assigned to this matter and thereafter filed with the Lancaster County District Court.



\_\_\_\_\_  
Defendant

STATE OF NEBRASKA    )  
  )ss.  
COUNTY OF \_\_\_\_\_    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public, personally appeared the defendant above named who executed the Certificate of Waiver, and acknowledged at the time of signing that it was his/her voluntary act and deed.

Witness my hand and seal the day and year last above written.

\_\_\_\_\_  
Notary Public

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

	)	
<u>Plaintiff,</u>	)	CI _____
	)	
<u>vs.</u>	)	<u>CERTIFICATE OF</u>
	)	<u>WAIVER</u>
	)	<u>(Legal Separation - with minor children)</u>
	)	
	)	
	)	
<u>Defendant.</u>	)	
	)	
	)	
	)	
	)	

Comes now the plaintiff and defendant pursuant to NEB. REV. STAT. § 42-361.01 and by the execution of this Certificate of Waiver, being first duly sworn upon oath, state the facts here are true.

1. At least one of the parties was a resident of Lancaster County, Nebraska, at the time the Complaint for Separation was filed.
2. Nebraska is the home state of the minor child(ren) as that term is defined by NEB. REV. STAT. § 43-1227(7). No other court in this state or any other state has entered an order concerning the custody of the minor child(ren).
3. The defendant filed a Voluntary Appearance or was personally served more than 60 days prior to the filing of this Certificate of Waiver.
4. This court has personal jurisdiction over the parties.
5. **Attached hereto is an Exhibit 1. All of the information contained in Exhibit 1 is true and accurate.**
6. **Attached hereto is a Property Settlement Agreement signed by both parties. This Property Settlement Agreement accurately identifies and provides for the fair and equitable division of the marital property and debt.**

7. The following minor children have been born of the marriage:

<u>Name</u>	<u>Year of Birth</u>
_____	_____
_____	_____
_____	_____

8. **Attached is the Parenting Plan signed by both parties.** The Parenting Plan complies with the Parenting Act and is in the child(ren)'s best interest.

9. If the Parenting Plan provides for joint physical or legal custody, the parties state they will be able to put aside their personal differences when it comes to matters pertaining to the child(ren).

10. **A child support worksheet is attached.** The parties state:

- a) The income figures used to calculate support accurately represent the incomes or earning capacities of the parties; and
- b) The deductions used to calculate support are accurate.

(Check if applicable):

A deviation from the guidelines is warranted and in the minor child(ren)'s best interest. **Worksheet 5 is attached.** The reason for the deviation is set forth below:

\_\_\_\_\_  
\_\_\_\_\_

11. Each party waives further hearing and asks the court to enter an Order for Legal Separation.

12. Each party understands this document with attachments will be provided to the judge assigned to this matter and thereafter filed with the Lancaster County District Court.



\_\_\_\_\_  
Defendant

STATE OF NEBRASKA    )  
  )ss.  
COUNTY OF \_\_\_\_\_ )

On this            day of            , 20    , before me, a Notary Public, personally  
appeared the defendant above named who executed the Certificate of Waiver, and acknowledged  
at the time of signing that it was his/her voluntary act and deed.

Witness my hand and seal the day and year last above written.

\_\_\_\_\_  
Notary Public