

On September 21, 2022, the Nebraska Supreme Court approved the following rule amendments to the Rules of the District Court for the Third Judicial District:

District 3

Rules of the District Court for the Third Judicial District

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Index of Amendments

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July 2022 Amendments

Rule 3-2(C) Amended

Rule 3-2(G) Amended

Rule 3-2(H) Amended

Rule 3-2(I) Added

Rule 3-11(G) Amended

Rule 3-14 Amended

Rule 3-15 Amended

Rule 3-18(5) Amended

Rule 3-21 Added

Appendix 8 Amended

Scope and Effective Date

These rules for the District Court of the Third Judicial District (the court) shall become effective upon approval by the Supreme Court ~~and publication in the Nebraska Advance Sheets and shall supplement the Uniform District Court Rules of Practice and Procedure adopted by the Supreme Court.~~ and such approved rules shall be published on the Nebraska Judicial Branch website consistent with the Nebraska Supreme Court Rules.

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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 (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. Unless approved by the judge, a hearing date must be obtained for each motion, even if motions in the same case are already scheduled.

C. Notice of said hearing shall be served at least three full days prior to said hearing. The notice may be served in any manner permitted by the rules of the Supreme Court. .

D. When the court is acting as an appellate court, a motion to dismiss for lack of jurisdiction may be filed at any time after an appeal has been docketed.

E. The inclusion of abusive or profane language in any petition or other pleading shall be considered by the court as "malicious" and result in the striking of such pleading, together with other sanctions which may include the denial or revocation of in forma pauperis status in the case and dismissal of the case.

F. If a party files a motion under Neb. Ct. R. Pldg. § 6-1112(b)(6) 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.

~~G. The margin at the bottom of the first page of any pleading or other document filed with the Clerk of the District Court shall be at least 2 ¼ inches. This area is reserved for court use to permit affixing a filing stamp, bar code, exhibit identification markings and other official uses. No image, printing or marking of any nature may appear within the bottom margin except as made or authorized by the court or the court clerk.~~

G.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 shall not be made available by the parties without further court order. An image of the filing shall not be reproduced into any 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.

H. Once counsel is appointed by any court, or enters an appearance on behalf of a party, all filings and other communications with the court shall be through counsel, unless the court permits otherwise. Any documents or communications submitted to the court by a party who has counsel may be (a) returned unfiled to the sending party or (b) forwarded unfiled to the sending party's counsel.

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Rule 3-11. Child Support Referee

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G. Judicial Review. In all cases referred to a referee, the parties shall have the right to file an exception within 14 days of the date of the referee's Findings and Recommendations. The exception shall be accompanied by a praecipe requesting the preparation of the bill of exceptions of the proceedings before the referee. The hearing before the court on the exception to the referee's Findings and Recommendations shall be de novo on the record before the referee. The court may ratify or modify the recommendations of the referee and enter judgment based thereon. If no exception is filed, the court shall proceed to consider the referee's Findings and Recommendations and render a final order without further notice or hearing.

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Rule 3-14. Payment of Court-Appointed Counsel and Guardians Ad Litem

Before the claim of any attorney appointed by the court in a criminal matter is allowed, such attorney shall make a written application as provided in Neb. Ct. R. § 6-1525(D). Before the claim of any court appointed guardian ad litem is allowed, such guardian ad litem shall make a written motion that complies with Neb. Ct. R. § 6-1525(D). If the purpose of the motion is to secure an order requiring Lancaster County to compensate the guardian ad litem, the motion shall be set for hearing with notice given to the Lancaster County Attorney as it is given to any other party.

Rule 3-15. Courtroom Media Coverage

Please see Neb. Ct. R. §§ 6-2001 through 6-2005.

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Rule 3-18. Problem-Solving Courts

A. Rules for operation of problem-solving courts in the Third Judicial District.

(1) All problem-solving courts, also denominated as specialty courts, and alternative disposition courts, shall be operated pursuant to and in compliance with chapter 6, article 12, of the Nebraska Supreme Court Rules regarding trial courts.

(2) Before commencing any operations, all problem-solving courts to be operated in the Third Judicial District shall be approved by the Nebraska Supreme Court.

B. Presiding judge; assignment of judges; and succession plan for problem-solving court judges.

(1) The Third Judicial District's Problem-Solving Court programs shall be presided over by a district judge selected by the district court judges of the Third Judicial District.

(2) The presiding judges so appointed shall serve in any or all of the divisions of the problem-solving court and may serve under a temporary or permanent assignment. A permanently assigned judge shall serve a term of not less than 3 consecutive years. A temporary judge assignment shall not exceed 1 year and shall be a transitional or interim position.

(3) Prior to assuming the position of a problem-solving court judge, or as soon thereafter as is practical, the assigned judge shall attend a judicial training program administered by the National Drug Court Institute or other training program approved by the State's Problem-Solving Court Coordinator. At least every 3 years after the initial training, each problem-solving court judge shall attend training events complying with the Nebraska Problem-Solving Court standards.

(4) On or before May 1, 2017, and every 3 years thereafter, the district court judges of the Third Judicial District, with the consent of the assigned judge, shall designate a successor judge who shall immediately succeed the presiding judge in the event of the presiding judge's death, disability, retirement, resignation, removal, elevation to another court, or failure to be retained. Such successor judge shall attend training in advance of service, pursuant to subsection (4) above, in order to allow the successor judge to immediately assume the position of presiding problem-solving court judge upon the occurrence of a vacancy.

(5) As of the date of adoption, the following judges shall preside in the district's problem-solving courts:

(a) Adult Drug Court

(i) Presiding judge(s): Andrew R. Jacobsen and (retired judge) John Colborn.

(ii) Successor judge(s): Lori A. Maret, Susan I. Strong, Kevin R. McManaman, or Ryan S. Post

(b) Veterans Treatment Court

(i) Presiding judge(s): Robert R. Otte, and (retired judge) John A. Colborn

(ii) Successor judge(s): Lori A. Maret, Susan I. Strong, Kevin R. McManaman, or Ryan S. Post

(c) DUI Court

(i) Darla S. Ideus and (retired judge) John A. Colborn

(ii) Successor judge(s): Lori A. Maret, Susan I. Strong, Kevin R. McManaman, or Ryan S. Post

(d) Reentry Courts: none in operation

(e) Mental Health Courts: none in operation

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Rule 3-21. Appeals

The following rule sets out procedures in this district governing appeals from the county court and proceedings for review under the Administrative Procedure Act.

A. Briefs

(1) Unless otherwise ordered by the court, the briefs listed below must be filed within the times stated in these rules. Requests for additional time to file briefs shall be supported by a showing of good cause.

(a) Appellant's or Petitioner's brief must be served and filed within 30 days after the date the bill of exceptions is filed in the district court as provided in Neb. Ct. R. § 6-1518. If no request for preparation of a bill of exceptions is filed, Appellant's or Petitioner's briefs must be served and filed within 30 days after the transcript is filed in the district court, unless the court directs otherwise.

(b) Appellee's or Respondent's brief must be served and filed within 30 days after the Appellant or Petitioner has served and filed briefs.

(c) Appellant's or Petitioner's reply brief must be served and filed within 10 days after Appellee or Respondent has served and filed briefs.

B. Oral argument.

(1) A time of hearing shall be secured by contacting the judge's bailiff. Notice of said hearing shall be mailed or personally delivered to opposing counsel or party, if not represented by counsel, on or before the date Appellant's or Petitioner's brief is served and filed.

(2) Unless ordered by the court, no oral argument is allowed in any appeal from the county court in any criminal case:

(a) Where the accused entered a plea of guilty or no contest; or

(b) Where the sole allegation of error is that the sentence imposed was excessive or excessively lenient or the trial court refused to reduce the sentence upon application of the defendant.

(3) Cases to be submitted without argument may be submitted at any time after the time for filing the Appellant's reply brief has expired.

(4) Unless otherwise ordered by the court, oral argument shall not exceed 10 minutes per side in any civil or criminal case. On the court's own motion or on motion by a party, additional time may be granted by a showing of good cause.

(5) Unless otherwise directed by the court, the parties may elect to waive oral argument and submit a case solely on the briefs. Such notice to waive oral argument shall be filed with the Clerk of the District Court and separately communicated to the judge's bailiff at least 3 days prior to the date of hearing.

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Appendix Form 8

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

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

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 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.

7. No children have been born of the marriage or any children born of the marriage had reached the age of majority as of the filing of the Complaint for Dissolution.
8. Each party understands he/she cannot marry anyone in the world for six months following entry of the Decree for Dissolution.
9. Each party waives further hearing and asks the court to dissolve the marriage.
10. Each party understands this document with attachments will be filed in accordance with Neb. Ct. R. § 2-202. ~~provided to the judge assigned in this matter and thereafter filed with the Lancaster County District Court.~~
11. Pursuant to NEB. REV. STAT. § 42-361, each party certifies that:
 - a. The marriage is irretrievably broken.
 - b. The parties have made every reasonable effort at reconciliation and no further efforts would benefit the marriage.
 - c. All documents required by the court and statute have been filed.
 - d. The parties have entered into a written agreement signed by both parties, under oath, resolving all issues presented by the pleadings in this dissolution action.

(Check if applicable):

- The plaintiff in the Complaint or the defendant in the Counter-Complaint asked for the restoration of the maiden name _____.

Plaintiff

STATE OF NEBRASKA)
) ss.
COUNTY OF _____)

On this _____ day of _____, 20____, before me, a Notary Public, personally appeared the plaintiff 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

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

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

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 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:

Name	Year of Birth
_____	_____
_____	_____
_____	_____

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.

14. Each party understands this document with attachments will be filed in accordance with Neb. Ct. R. § 2-202. ~~provided to the judge assigned in this matter and thereafter filed with the Lancaster County District Court.~~
15. Pursuant to NEB. REV. STAT. § 42-361, each party certifies that:
- a. The marriage is irretrievably broken.
 - b. The parties have made every reasonable effort at reconciliation and no further efforts would benefit the marriage.
 - c. All documents required by the court and statute have been filed.
 - d. The parties have entered into a written agreement signed by both parties, under oath, resolving all issues presented by the pleadings in this dissolution action.

(Check if applicable):

- The plaintiff in the Complaint or the defendant in the Counter-Complaint asked for the restoration of the maiden name:_____.

Plaintiff

STATE OF NEBRASKA)
) ss.
COUNTY OF _____)

On this _____ day of _____, 20____, before me, a Notary Public, personally appeared the plaintiff 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

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

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

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

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 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:

Name	Year of Birth
_____	_____
_____	_____
_____	_____

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 filed in accordance with Neb. Ct. R. § 2-202. ~~provided to the judge assigned in this matter and thereafter filed with the Lancaster County District Court.~~

13. Pursuant to NEB. REV. STAT. § 42-361.01, each party certifies that:
- a. Hereafter, they shall live separate and apart.
 - b. They have made every reasonable effort at reconciliation.
 - c. All documents required by the court and statute have been filed.
 - d. The parties have entered into a written agreement signed by both parties, under oath, resolving all issues presented by the pleadings in this action for Legal Separation.

Plaintiff

STATE OF NEBRASKA)
) ss.
COUNTY OF _____)

On this _____ day of _____, 20____, before me, a Notary Public, personally appeared the plaintiff 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

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