Nebraska
Parenting Act
Information Brochure

Information to help parents involved in
divorce, separation and other custody matters
to learn about Nebraska's:

- legal process
- divorce timeline
- requirements of the Parenting Act
- contents of a parenting plan
- mediation process
- helping children during transitions
- resources

Dear Parent:

It is likely that you received this brochure because you are involved in a legal action regarding your child, such as divorce, separation, modification, guardianship, or related cases involving custody, parenting time, visitation, or other access to children matters. This brochure is intended to provide you with some basic information to assist you in making decisions for yourself and for your children's best interests.

In this brochure you will find:

- Table of contents..... page 2
- Important Notice to Parents ..... page 3
- What is the legal process for divorce? ..... page 4
- Timeline in a typical divorce court process ..... page 5
- What is a the purpose of a parenting plan? ..... page 6
- What is included in the parenting plan? ..... page 7
- What are parenting functions? ..... page 7
- What financial arrangements for children are needed? ..... page 7
- Children caught in the middle of divorce ..... page 8
- Placing the child at the center ..... page 9
- What is Parenting Act mediation and SADR? ..... page 10
- Why mediate your parenting plan? ..... page 11
- Reading list for parents ..... page 12
- Reading list for children ..... page 13
- Nebraska network of domestic violence programs ..... page 14
- Nebraska court-connected mediation resources ..... page 15
- Additional resources ..... back cover

It is hoped that you will find this information and the resources useful in your decision-making.

Nebraska State Court Administrator

This brochure is issued to inform, but not to offer legal advice, and has been prepared by the Nebraska State Court Administrator's Office. The brochure is distributed to each parent involved in a court proceeding in which parenting functions are at issue. This brochure meets the requirements of the Nebraska Parenting Act, Neb. Rev. Stat. §43-2925 and 43-2926 (2007 Cum. Supp.)

IMPORTANT NOTICE TO PARENTS:

The Parenting Act requires that parents be notified that when they are involved in court proceedings in which parenting functions for a child are at issue *(custody, parenting time, visitation, access to children matters)* that:

1. A parenting plan is required in all cases.

- Parents are to create a parenting plan and submit it to the court.
- This may be done by parents themselves, through attorneys, or through mediation. If a plan has not been submitted to the court within a specified time frame, the judge will impose a parenting plan for the child.
- The parenting plan is to conform to the provisions in the Parenting Act, Neb. Rev. Stat. §43-2920, et seq.

2. Attendance at a parenting education class is required.

- Each parent must attend an approved basic level class.
- Parenting classes are to be made available for each parent to attend separately.
- A certificate of attendance must be filed with the court.
- A list of approved classes is on the web. See back cover, item C.
- The class provides information and practical tips to help parents with the impact of divorce or separation on children, and provides information about mediation, parenting plans, and the legal process.
- A court may refer parents to a second level class if advisable.
- Participation in the class may be delayed or waived by the court for good cause.

3. Attendance at mediation may be required.

- Courts may order parents to attempt to mediate a parenting plan.
- Court-ordered referral to mediation or specialized alternative dispute resolution will be to a State Court Administrator-approved mediator. The list of approved mediators is on the Nebraska Supreme Court website at: http://supremecourt.ne.gov/parenting-act-mediators
- Courts shall order parents to try mediation or specialized alternative dispute resolution if a parenting plan has not been submitted by the time specified by court rule. See local court rules at: http://www.supremecourt.ne.gov/rules/external

What is the legal process for a divorce or separation?*

What is a divorce? A divorce is a dissolution of marriage. It is granted by a court on the basis of a showing by either spouse that the marriage is "irretrievably broken." The standard issues that need to be decided in a divorce include:

- Division of property and debts
- Determination of spousal support (alimony)
- Parenting - custody, residence, parenting time, visitation, other access with children
- Child support according to the Nebraska Child Support Guidelines, found at www.supremecourt.ne.gov/rules/

What is a legal separation? A court order which addresses all the above issues, but does not dissolve the marriage.

What is the lawyer's role? A lawyer:

- Represents the client's best interests
- Serves as an advocate and negotiator
- Follows court procedures
- Drafts and files legal documents
- Gives practical and legal advice on rights and obligations
- Represents the client in court
- Can represent only one of the two parties as a client in a divorce action; however, may be involved in assisting that particular client in drawing up papers for the couple

In an uncontested divorce with children, what final documents are usually submitted to the court with the final decree?

- Parenting plan
- Financial arrangements for the children - including child support
- Property settlement agreement

Is having a lawyer required? Individuals should consult a lawyer to assist them with the legal process. However, anyone may decide to handle the legal procedure on their own; this is called "self-help" or "pro se." For individuals who are unable to hire an attorney for an uncontested divorce, sample forms are available on the forms page of the Nebraska Supreme Court website: www.supremecourt.ne.gov.

*Reference: With permission from the Nebraska State Bar Association

Timeline in a typical divorce court process

> **File a Complaint for Divorce** — *Date of filing*
(Along with other required documents)

> **Serving Notice to Spouse of Court Filing** — *0—6 months*
(If Notice is not accomplished within six (6) months of filing, the divorce complaint will be dismissed)

> **Spouse Files Answer with Court** — *Within 30 days of receipt of Notice*

> **Attendance at Parenting Education Class** — *Before hearing*

Voluntary Negotiation or Mediation May Be Tried to Create a Parenting Plan

> **Request *Hearing* Date if *Not* Contested**
- or -
> **Request *Trial* Date if Contested** — *No earlier than 60 days after spouse served*

> **Proposed Parenting Plan Submitted to Court** — *Before hearing*

Court Shall Mandate Attendance at Mediation If Parenting Plan Not Submitted Within Local Court Rule's Timeline

> **Hearing or Trial** — *No earlier than 60 days after spouse served*

> **Divorce Decree**

The divorce is final 30 days after the decree is signed and filed for purposes of finance and appeal; however, neither party can remarry for 6 months plus one day after decree signed and filed with the district court clerk's office.

What is the purpose of creating a *parenting plan*?

The purpose of creating a *parenting plan* is to help parents and children experience a healthy adjustment to the changes experienced with separation. The effort made by parents to create a plan helps put the child at the center of the parents' decisions.

Simply put, a *parenting plan* is a . . .

"blueprint" for how children are going to be parented after their parents have separated.

In addition to indicating how the day-to-day time with the children will be shared, and how holidays and vacation time will be determined, a parenting plan can also include decisions on *parenting functions* such as:

- Which parent cares for the children on unexpected snow days, teacher workshop days?
- How will it be decided which school the children will attend?
- Who will pick up and drop off children at day care?
- What are the transition (pick up and drop off) plans for the children going back and forth between Mom's house and Dad's house?
- How will the parents talk with each other about the children's needs and concerns?
- How will the parents ensure the safety of the children?
- How can parents keep parental conflict away from the children?

A *parenting plan* may be created by the parents themselves, or with assistance from lawyers or mediators.

A *parenting plan* is required by the court. It is a separate document filed with the court along with the child's **financial arrangements** and **property settlement agreement.**

What is included in the *parenting plan*?

This plan, filed with the court and approved by the judge, should include decisions about parenting functions and the following essential elements:

- Legal custody (decision-making authority for children)
- Physical custody (residence of children)
- Parenting time, holidays, vacations
- Notifying the other parent if the child's residence will change for more than 30 days
- Transition plan for exchange of the child(ren)
- Optional items such as safety plans; other individualized items
- Remediation (re-negotiation with a mediator) if needed

What are *parenting functions*?

The term "parenting functions" refers to those basic everyday activities and decisions that parents do in raising a child, such as:

- Maintaining a safe, stable, consistent, nurturing environment
- Meeting the child's needs such as food, clothing, health, supervision, emotional stability
- Attending to the child's education, including remedial or other special education
- Minimizing the child's exposure to harmful parental conflict
- Assisting the child to maintain a safe, positive, appropriate relationship with each parent and others
- Giving appropriate support for social, academic, athletic, or other special interests of the child within the family's means

What kind of financial arrangements for children need to be included in the final divorce decree? The Parenting Act (2007, 2008) states that the final decree of dissolution, legal separation or order establishing paternity shall include financial arrangements for each parent's responsibility for:

- Reasonable and necessary medical, dental, and eye care
- Medical reimbursements
- Day care
- Extracurricular activity
- Education
- Other extraordinary expenses of the child
- Calculation of child support expenses—Child Support Worksheet

Children Caught in the Middle of the Parents' Divorce: How Parents Can Help

Divorce in the United States:

- One out of two marriages end in divorce.
- Divorcing parents tend to provide less time, less discipline, and tend to be less sensitive to the child as they are caught up in their own divorce struggles and the aftermath.
- Many parents find it difficult to separate their needs from the child's need.
- Divorce is an "adult-centered vision;" children get caught in the middle of conflict.
- Parents' relationships range from "cooperative," to "business-like," to "angry" to "toxic;" and these can either help or harm children.

What does this mean?

- Family disruption can create a lack of crucial parental support for the child.
- The child can experience difficulty thriving or even surviving in school, with friends, family, and at work and in the community.
- While separating, many parents experience a sense of chaos and disorganization and are unable to parent as effectively as before.
- If diminished parenting continues, it disrupts the child's once normal emotional and developmental growth and functioning.
- Children often don't feel safe or secure and can be fearful of their place in the family and in life. They are without clear guidance on what is right and wrong. They are more apt to struggle with loss, isolation, loneliness and suffering. The children often struggle with feeling divided between two homes with different values.

Is there good news?

- Studies show that children of divorce tend to do well if mothers and fathers resume parenting roles, put differences aside, and allow children to continue having relationships with each parent.

- Most children do reasonably well within two years of the divorce. It is period of the separation and divorce itself which is most traumatic for children.
- Research by Robert Emery, Ph.D. shows that parents who choose to mediate their parenting decisions rather than litigate have a much higher long-term level of parental access to the children, including time spent with each parent, more frequent time with the children, and much higher participation in the child's discipline, special events, school and church functions, holidays and vacations.

Placing the Child at the Center of Parents' Lives

Placing the child at the center includes:

- Giving the children extra attention, extra hugs.
- Explaining the divorce or separation to the child.
- Letting the children know that the divorce is not their fault.
- Reassuring the children that both parents still love them.
- Giving your child permission to ask questions.
- Telling the child it's okay to love "the other parent."
- Allowing the child to express feelings—it's OK.
- Reassuring children that they will always be cared for, and then follow through.
- Describing what they can expect (court, living arrangements, etc).
- Providing familiar surroundings and routines.
- Following similar routines for meals, bedtime, homework.
- Handling rules and discipline in similar ways.
- Allowing the child to carry important items such as clothing, toys, security blankets with them between the parents' homes.
- Being flexible so the child can share in special events.
- Giving as much advance notice to the other parent about special occasions.
- Using mediation or specialized ADR as a way to work through children's schedules, living arrangements, and future plans with the other parent.
- Contacting community resources and using the legal system if concerned about your child's safety while with the other parent.
- Participating in a divorcing parents education class.
- Listening to your child.

A child is harmed when parents:

- Pretend the separation/divorce has no effect on the child.
- Use the child as emotional support.
- Ask the child to deliver messages to the other parent.
- Ask the child questions about the other parent's life.
- "Puts down" the other parent in front of the child.
- Make the child choose between mom and dad.
- Discuss their personal problems (money, sexual issues, etc) with the child or within the child's range of hearing.
- Withhold access to the child because child support has not been paid.

What is Parenting Act mediation and specialized ADR?

What is Parenting Act mediation? Parenting Act mediation is an informal problem solving process in which an experienced, impartial mediator meets with parents in a joint session to assist them in creating a parenting plan. The mediator does not make parenting decisions, but helps *both* parents to:

- Talk jointly about the child and the decisions needed for the parenting plan
- Reduce conflict or friction between the parents
- Provide a convenient, confidential place to talk
- Identify the child's needs as they relate to both current and future parenting functions
- Make mutual decisions for their child
- Create a final parenting plan that can be reviewed by lawyers, if engaged, and submitted to the court

What is specialized ADR? Specialized *alternative dispute resolution (SADR)* is a problem solving process with a goal similar to mediation. As in mediation, the facilitator does not make parenting decisions. The difference is that the SADR facilitator works with each parent individually and privately, rather than in joint session. This allows *each* parent to:

- Meet individually with the facilitator to talk about the child and their needs
- Identify issues and areas of concern regarding the best interests of the child
- Develop clear, safe plans for future communication, transition (exchange) of the child, and related matters
- Create a final parenting plan that satisfies each parent to be reviewed by lawyers and submitted to the court

⇒ *The mediation center, the conciliation office, or private mediator will assist parents to select the best process.*

Why mediate your parenting plan?

- Parents can simply and directly make decisions about custody, parenting time, holidays, the child's activities and daily care
- The mediation meeting is informal, comfortable, and is courteously guided by experienced family mediators
- The sessions help parents work through divorce's difficult emotions so that the focus can be on the child's future
- Participating in mediation improves communication and problem solving
- Avoids costly and drawn out legal battles
- Improves long term benefits to the child and parents
- Timely and economical
- Confidential

How long will mediation take and what is the cost?

- Each case is unique, but on average, one to three sessions lasting two to four hours each
- A mediation session fee is charged per person; sliding fee scale including waiver is available if financially eligible

What are the qualifications of a Parenting Act mediator?

In Nebraska, Parenting Act mediators are required to have a minimum of 60 hours of mediation training, including how to mediate parenting plans, how to work with emotions, how to assess participants' ability to negotiate and safety, and basic financial and property issues. Specialized ADR facilitators have an additional training.

How do I request mediation or specialized ADR? A request to mediate a parenting plan can be made at any time. A person can contact:

- For residents of Nebraska's 92 counties other than Douglas County: contact one of the six statewide ODR-approved mediation centers *(see page 15)*
- For residents of Douglas County: contact the Douglas County District Court Conciliation and Mediation Office *(see page 15)* or Concord Mediation Center.
- Statewide residents: contact a private sector mediator—see yellow pages or web
- List of State Court Administrator-approved Parenting Act mediators: http://www.supremecourt.ne.gov/parenting-act-mediators

Suggested Reading List for Parents

Ahrons, Constance - *The Good Divorce: Keeping Your Family Together When Your Marriage Comes Apart*

Baris, Mitchell & Carla Garrity - *Children of Divorce: A Developmental Approach to Residence and Visitation*

Emery, Robert - *The Truth About Children and Divorce*

Long, Nicholas & Rex Forehand - *Making Divorce Easier on Your Child: 50 Effective Ways to Help Children Adjust*

Garon, Risa - *Stop! In the Name of Love for Your Children: A Guide to a Healthy Divorce*

Garrity, Carla & Mitchell Baris - *Caught in the Middle: Protecting the Children of High Conflict Divorce*

Knox, David & Kermit Leggett - *Divorced Dad's Survival Book*

Lewis, Jennifer & William Sammons - *Don't Divorce Your Children: Protecting Their Rights and Your Happiness*

Margulies, Sam - *Getting Divorced Without Ruining Your Life*

Newman, George - *101 Ways to be a Long-Distance SuperDad...Or Mom!*

Ricci, Isolina - *Mom's House Dad's House*

Ross, Julie & Judy Corcoran - *Joint Custody With a Jerk: Raising a Child With an Uncooperative Ex*

Schneider, Meg & Joan Zuckerberg - *Difficult Questions Kids Ask and Are Afraid to Ask About Divorce*

Thayer, Elizabeth - *The Co-Parenting Survival Guide: Letting Go of Conflict After a Difficult Divorce*

Trafford, Abigail - *Crazy Time: Surviving Divorce and Building a New Life*

Triere, Lynette & Richard Peacock - *Learning to Leave: A Woman's Guide*

Wittman, Jeffery - *Custody Chaos, Personal Peace: Sharing Custody With an Ex Who Is Driving You Crazy*

Suggested Reading List for Children

Blume, Judy - *It's Not the End of the World*

Brown, Laurene Krasny and Marc Brown - *Dinosaurs Divorce*

Casely, Judith - *Priscilla Twice*

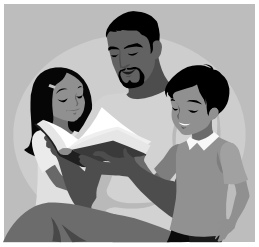
Gardner, Richard - *The Boys and Girls Book About Divorce*

Krementz, Jill - *How It Feels When Parents Divorce*

Lansley, Vicki - *It's Not Your Fault, Koko Bear*

Masurel, Claire - *Two Homes*

Mayle, Peter - *Why Are We Getting A Divorce?*



Neuman, M. Gary - *Helping Your Kids Cope With Divorce the Sandcastles Way*

Park, Barbara - *Don't Make Me Smile*

Ransom, Jeanie - *I Don't Want to Talk About It*

Ricci, Isolina - *Mom's House, Dad's House for Kids*

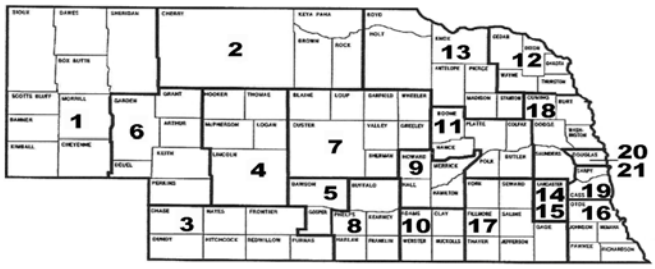
Rosenberg, Maxine - *Living With A Single Parent*

Simoneau, DK - *We're Having A Tuesday*

Spelman, Corniela - *Mama and Daddy Bear's Divorce*

DVD: *Taking the "Duh" Out of Divorce*

Nebraska's Network of Domestic Violence Sexual Assault Programs

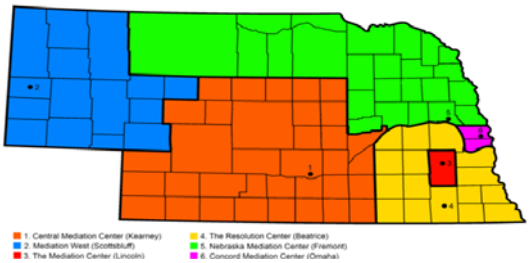


Program Name	Crisis Line #
1) DOVES, Gering	866-95-DOVES
2) North Central Quad County Task Force, Valentine	877-376-2080
3) Domestic Abuse/Sexual Assault Services, McCook	877-345-5534
4) Rape/Domestic Abuse Program, North Platte	888-534-3495
5) Parent-Child Center, Lexington	800-215-3040 or
En Español	866-351-9594
6) Sandhills Crisis Intervention Program, Ogallala	308-284-6055
7) Healing Hearts and Families, Broken Bow *(formerly CEDARS Family Violence Services)*	800-942-4040
8) The S.A.F.E. Center, Kearney	877-237-2513
9) The Crisis Center, Grand Island	866-995-4422
10) Spouse Abuse/Sexual Assault Crisis Cntr, Hastings	877-322-7272
11) Center for Survivors, Columbus	800-658-4482
12) Haven House, Wayne	800-440-4633
13) Bright Horizons, Norfolk	877-379-3798
14) Voices of Hope, Lincoln *(formerly Rape/Spouse Abuse Crisis Center)*	402-475-7273
15) Friendship Home, Lincoln	402-437-9302
16) Project Response, Auburn	800-456-5764
17) Hope Crisis Center, Fairbury *(formerly Blue Valley Crisis Intervention)*	877-388-4673
18) The Bridge, Fremont	888-721-4340
19) Heartland Family Service Program, Papillion	800-523-3666
20) WCA-Women Against Violence, Omaha	402-345-7273
21) Catholic Charities—The Shelter, Omaha	402-558-5700

In Nebraska, call 1-800-876-6238 to reach the nearest program.
En Español: 1-877-215-0167

Nebraska's Court-Connected Mediation Resources

A. <u>Douglas County Conciliation and Mediation Office</u>: district court-based mediation office in the Hall of Justice, 1701 Farnam Street, 1st floor, Omaha, 402-444-7168; www.dc4dc.com/conciliation-a-mediation



B. **<u>Nebraska Office of Dispute Resolution-approved Mediation Centers</u>.** Contact the center listed below that serves your county to schedule mediation at the location most convenient to you.

Mediation West, Scottsbluff **800-967-2115**
info@mediationwest.org **or** **308-635-2002**
Arthur, Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Grant, Hooker, Keith, Kimball, Morrill, Scotts Bluff, Sheridan, Sioux

Central Mediation Center, Kearney **800-203-3452**
info@centralmediationcenter.com **or** **308-237-4692**
Adams, Blaine, Buffalo, Chase, Clay, Custer, Dawson, Dundy, Franklin, Frontier, Furnas, Garfield, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Kearney, Lincoln, Logan, Loup, McPherson, Merrick, Nuckolls, Perkins, Phelps, Red Willow, Sherman, Thomas, Valley, Webster, Wheeler

Concord Mediation Center, Omaha **402-345-1131**
contact@concord-center.com
Douglas and Sarpy Counties

Nebraska Mediation Center, Fremont **866-846-5576**
jmarhof@qwestoffice.net **or** **402-753-9415**
Antelope, Boone, Boyd, Brown, Burt, Cedar, Cherry, Colfax, Cuming, Dakota, Dixon, Dodge, Holt, Keya Paha, Knox, Madison, Nance, Pierce, Platte, Rock, Stanton, Thurston, Washington, Wayne

The Mediation Center, Lincoln **402-441-5740**
info@themediationcenter.org
Lancaster County

The Resolution Center, Beatrice **800-837-7826**
trc@bvca.net **or** **402-223-6061**
Butler, Cass, Fillmore, Gage, Jefferson, Johnson, Nemaha, Otoe, Pawnee, Polk, Richardson, Saline, Saunders, Seward, Thayer, York

Additional Resources for Parents and Children

Below are resources for parents involved in legal matters such as divorce, separation, or modification of custody, parenting time, visitation, or access issues:

A. Lawyers: phone book yellow pages; web directories; the Nebraska State Bar Association Lawyer Referral at 800-927-0117; NSBA Volunteer Lawyer Project at 800-742-3005; Legal Aid Society at 877-250-2016.

B. Legal Self-Help Desks: sample uncontested divorce documents with instructions; Self-Help Desks in Omaha, Lincoln, Madison, Kearney, and Grand Island; and other web-based resources at http://court.nol.org/self-help/

C. Parenting Education Classes: lists of approved classes in the local area are available from the district court clerk, county courthouse or at http://www.supremecourt.ne.gov/parenting-education-providers

D. Douglas County Conciliation and Mediation Office: district court-connected mediation office providing Parenting Act mediation, in the Hall of Justice, 1701 Farnam Street, 1st floor, Omaha, 402-444-7168; www.dc4dc.com/conciliation-a-mediation

E. ODR-approved Mediation Centers: six statewide regional mediation centers providing Parenting Act mediation: http://supremecourt.ne.gov/5682/odr-overview for the list of centers or see page 15 of this brochure.

F. ODR-approved Parenting Mediators: http://supremecourt.ne.gov/parenting-act-mediators

G. Parenting Plans: available at http://court.nol.org/self-help/#families; through mediation offices; books; libraries and web.

H. Domestic Violence Service Agencies: Nebraska Domestic Violence and Sexual Assault Coalition (NDVSAC), www.ndvsac.org, 402-476-6256; or see page 14.

I. Batterer's Intervention Programs: Omaha: http://dvccomaha.org/; statewide: contact Family Violence Council, 402-489-9292.

J. Hotline Numbers and Web-based Resources: Abuse/Neglect Hotline (for either child or elderly adult abuse) 800-652-1999; NE Resource and Referral System: http://nrrs.ne.gov; Child Support Hotline: 800-831-4573; statewide Domestic Violence Hotline: 800-876-6238; parenting: www.helpstartshere.org; search web or libraries for children of divorce resources; check local community listings.

Nebraska State Court Administrator
State Capitol—Room 1213
P. O. Box 98910
Lincoln, NE 68509-8910
402-471-3730
www.supremecourt.ne.gov

This brochure may be reprinted with the permission from the Nebraska State Court Administrator's Office. Rev. 05/2013

For persons with disabilities, this brochure will be made available in other formats upon request. Call the Office of the State Court Administrator, 402-471-3730.