

RULES OF THE DISTRICT COURT OF  
THE NINTH JUDICIAL DISTRICT

SCOPE AND EFFECTIVE DATE

These rules for the district court of the Ninth Judicial District 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.

Approved effective October 27, 1995.

RULE 9-1

TERM OF COURT

One annual term of court will be held in each district court in the Ninth Judicial District. The term will commence on January 1 and expire on December 31 of each year.

Approved effective October 27, 1995; amended September 9, 2010.

RULE 9-2

CONTINUANCES

In addition to the requirements set forth in Neb. Rev. Stat. § 25-1148, a motion for continuance shall set forth whether the opposing party has any objection.

If the opposing party does not object to the continuance, the party filing the motion shall be responsible for arranging, as soon as practical, a new date and time with all opposing parties and the court. If the opposing party does object, it is the responsibility of the party filing the motion to set the motion for hearing. Except for exigent circumstances, a motion for a continuance shall be made at least 5 working days prior to the hearing for which the continuance is requested.

Stipulations for continuances are subject to the approval of the court based upon the reasons given, the progression schedule, and the availability of an alternate date. All orders for a continuance of a hearing will specify the date and time of the rescheduled hearing. Upon the filing of a motion for continuance, absent a prompt request for hearing by another party, the court may grant or deny the motion for continuance ex parte.

Approved effective October 27, 1995; amended September 9, 2010.

RULE 9-3

JOURNAL ENTRIES

It shall be the duty of the party directed by the court to promptly prepare a proper journal entry, order, judgment, or decree. The proposed journal entry shall be submitted to opposing counsel or party for approval as to form and content and then submitted to the court for its signature within 10 days after the decision or order is announced. Should a party or attorney object to the form or content of the journal entry, he or she should notify the court immediately of any requested change. The court will determine the final language of the order. As to all journal entries which constitute a judgment within the meaning of Neb. Rev. Stat. § 25-1301.01, the clerk shall file a certificate in the court file showing that a notice has been mailed to all parties of record or their attorneys. The clerk shall refuse to issue execution, order of the sale, fee bill, or other final process founded upon such decision or order in any case until the same is properly journalized and signed.

Approved effective October 27, 1995; amended September 9, 2010.

RULE 9-4

PLEADINGS

- A. Pro se litigants may submit handwritten pleadings. Such pleadings shall be in ink and shall not contain erasures or interlineations materially defacing the pleading.
- B. All pleadings shall have a 1½-inch margin at the top of each page.
- C. Pleadings submitted by a pro se party shall contain the name, address, and telephone number of the pro se party offering the pleading.
- D. After filing of the initial pleading, copies of all other pleadings shall be served upon all parties of record or, if represented, upon the attorney, and the pleading shall contain proof of service.
- E. Proof of Service of Papers. Except as otherwise provided by statute, or by order of the court, proof of service of any pleading, motion, or other paper required to be served shall be made by (1) a certificate by or on behalf of counsel showing the name and address of any party on whom service was had, (2) written receipt of the opposing party or his or her attorney, (3) affidavit of the person making service, (4) return of the county sheriff, or (5) other proof satisfactory to the court. Failure to make proof of service will not affect the validity of the service, and the court may at any time allow the proof of service to be amended or supplied unless it clearly appears that to do so would result in material prejudice to substantial rights of any party.
- F. Additional Parties. In no case after the complaint or other pleading has been filed shall any party, plaintiff or defendant, be added to such action without first obtaining an order of the court granting such leave.

G. Amendments. Other amendments to pleadings made after the answer is filed may be allowed within the discretion of the court. In no instance shall an amendment of a pleading be made by erasure, substitution, interlineations, or otherwise except by leave of the court. A party who has obtained leave to amend a pleading but fails to do so within the time allowed shall be considered as electing to abide by the former pleading. In no case of amendment shall the original pleading be withdrawn from the file or obliterated.

H. Pleadings in Default. A party in default of a pleading may, before judgment, on motion, notice, and good cause shown, file the same within such time and upon such terms as the court shall allow.

I. Costs. Except for criminal cases and proceedings wherein a poverty affidavit is filed and approved by the court, court costs shall be paid when actions are commenced and thereafter when liability for additional costs accrues. An attorney is responsible to the clerk for costs incurred at the attorney's request and shall immediately pay the same upon receipt of the clerk's statement of such fees.

Approved effective October 27, 1995; amended September 9, 2010.

#### RULE 9-5

#### WITHDRAWAL OF COUNSEL

In addition to the requirements of the Uniform District Court Rules, counsel may be permitted to withdraw from a matter upon filing a motion which:

- A. Recites a reason for withdrawal and that the motion to withdraw has been served upon the client and all parties of record;
- B. Provides the client's last known mailing address; and
- C. Recites whether there is a hearing currently scheduled in the case.

Approved September 9, 2010.

#### RULE 9-6

#### ATTIRE AND DECORUM

- A. Ordinary business attire for male attorneys shall include a jacket and tie. Ordinary business attire for female attorneys shall include a jacket.
- B. Absent court permission, no person shall use a recording device, photo imaging device, or a cellular telephone for any purpose, including the taking of pictures in the courtroom. Recording devices, cameras, and cellular telephones are subject to confiscation for violation of the rule.

C. Upon order of the court, any person may be subjected to a search of his or her person for possession of recording devices, photo imaging devices, cellular telephones, and weapons.

D. Litigants, witnesses, counsel, and spectators shall not mingle or converse with jurors.

Approved September 9, 2010.

#### RULE 9-7

#### JURY TRIALS

A. Availability of Counsel During Jury Deliberations. Counsel and parties shall be available on such notice, as ordered by the court during jury deliberations. In civil cases, in the event of a verdict or a question by the jury, parties and counsel shall be present within 15 minutes of notification. Failure of a party or counsel to appear will constitute a waiver of appearance. The clerk or bailiff should be kept informed of where counsel will be at all times when the jury is deliberating, unless excused by the court.

B. Absence of Counsel on Receipt of Verdict. In civil cases, the court will not deem it necessary that any party or any counsel be present or represented when the jury returns to the courtroom with its verdict.

Approved September 9, 2010.

#### RULE 9-8

#### DEPOSITIONS, INTERROGATORIES, REQUESTS FOR ADMISSIONS FILED, AND PLEADINGS

A. Pursuant to discovery rules of the Supreme Court, depositions will not be filed with the clerk of the court but delivered by the reporter to the possession of the attorney taking such deposition. The reporter shall, however, file with the clerk of the court a certificate confirming that such deposition was taken, naming the witness, the date and place of the deposition, the person to whom the deposition was delivered, the date of delivery, and the cost of the deposition. The certificate shall be filed prior to the trial or other disposition of the case.

B. When it becomes necessary or appropriate to introduce any pleading or file from another case into evidence, it will be received into evidence by the court only upon the condition that copies be substituted for the originals offered. Copies must be of a permanent type and of a quality acceptable to the reporter for use in any record on appeal.

C. At no time shall any original pleading or filing be incorporated into any transcript or bill of exceptions. It shall at all times remain in the custody of the clerk of the court unless otherwise ordered by the court.

D. Interrogatories and requests for admissions shall not be filed as pleadings in any case but may be submitted as exhibits for motions to compel or other motions addressed to the performance or limitation of discovery.

E. Interrogatories or requests for admissions shall have sufficient space below the interrogatory or request for the responding party to answer. Answers to interrogatories or requests for admissions shall be typed with the answers following the question. If there is insufficient space, or if preferred by the responding party, the responding party may duplicate all of the questions and provide the answers in the appropriate places within the new document.

F. Requests for relief under the Nebraska discovery rules must be supported by a representation by the moving party that good faith efforts have been made to resolve the differences before seeking the relief.

Approved September 9, 2010.

## RULE 9-9

### WITHDRAWAL OF FILES

A. An attorney or bonded abstractor shall be permitted to withdraw a nonpending civil action file from the custody of the clerk. The clerk shall take a receipt from the attorney or abstractor removing the file giving the title of the cause on the appearance docket, number of the case, the date when taken, and the date on which the file will be returned. The file shall be returned immediately upon the filing of any pleading in the case or within 3 days after withdrawal, whichever is earlier. Failure to return a file promptly in accordance with the receipt will result in suspension of the right to withdraw files.

B. No person shall be granted permission to withdraw original bonds or files pertaining to inquests, insanity proceedings, or mental health proceedings.

C. No active file may be withdrawn without specific written approval of the district judge or clerk of the court.

D. No criminal file may be withdrawn at any time.

Approved September 9, 2010.

## RULE 9-10

### CORRESPONDENCE WITH THE COURT

All correspondence with the court regarding pending litigation shall refer to the subject case by case title, number, and county, and a copy of the correspondence shall be mailed to the opposing counsel or party if not represented. If the correspondence requests the court's transmittal of

documents, a self-addressed, stamped envelope shall be enclosed by the requesting party or counsel.

Approved September 9, 2010.

## RULE 9-11

### CASE PROGRESSION

#### A. Pretrial and Post Trial Motions.

(1) Unless otherwise ordered by the court, all pretrial and post trial motions or similar filings which require a hearing shall be in writing and shall be filed prior to hearing unless waived by opposing counsel. The attorney at the time of filing shall obtain a date for hearing from the judge, the judge's bailiff, or the judge's scheduling secretary. Notice of hearing shall be mailed or personally delivered to the opposing counsel or party, if not represented by counsel, as provided in Rule 9-11(B). The use of ordinary mail shall constitute sufficient compliance with this rule except as otherwise specifically required by statute or rule of the Supreme Court.

(2) Any motion related to a pleading may be filed only once with respect to such pleading. Any motion filed in violation of this rule may be stricken from the file by the court.

(3) When a motion is overruled and a party is required to plead further, the pleading shall be filed within 10 days unless otherwise ordered by the court.

(4) The court may, in its discretion, assess attorney fees to parties or their counsel on motion hearings.

B. The following schedule denotes the number of days prior to the date of hearing that a notice of such hearing shall be served upon a party to constitute a prima facie proof of "reasonable notice" unless a longer period is required by a specific statute;

(1) Five working days for all temporary hearings and restraining orders in dissolution actions, motions in civil actions, and all motions or arraignments in criminal actions;

(2) Ten calendar days for contempt hearings (order to show cause and appointment of attorney) and pretrials in civil actions;

(3) Fourteen calendar days for release of liens, consent to adoption, modification, pretrials, and final hearings in dissolution actions or temporary injunctions; and

(4) Twenty days for permanent injunctions and trials in civil and criminal actions.

When notice is given by U.S. mail rather than by personal service, add 1 day for addressee in the same city, 2 days for addressee in state but outside the city, and 3 days for addressee outside the state. The court may approve notices served or mailed not meeting the above guideline

requirements where the court determines from the facts that “reasonable notice” has been given. Period of service will be considered waived when the party to be served appears in person or by attorney without making specific objection to the period of service.

C. When directed by the court, the clerk shall prepare a list of pending civil cases in which no action has been taken for 6 months prior thereto. An order shall then be entered requiring that cause be shown, within 30 days from entry of order, as to why said case should not be dismissed for lack of prosecution. Notice of said order shall be sent to all attorneys of record and pro se parties. If good cause is not shown, such cases shall be dismissed.

Approved September 9, 2010.

## RULE 9-12

### SUMMARY JUDGMENT PROCEDURE

A. Hearings on a motion for summary judgment shall not be scheduled less than 30 days after the motion is filed.

B. The moving party shall file a brief in support of the motion with the motion. The brief shall set forth the basis of the motion, including rules of procedure and statutory and case law. The brief shall set forth the elements of the claim, set forth each material fact for which the party contends there is no genuine issue to be tried, and identify the specific document, discovery response, or deposition testimony (by page and line) which is claimed to be an established fact.

C. The party opposing the motion shall file an opposing brief within 20 days setting forth a statement of the elements of the claim, setting forth each material fact the party contends establishes a genuine issue of fact to be tried, and identifying the specific document, discovery response, or deposition testimony (by page and line) which is claimed to establish a factual issue.

Approved September 9, 2010.

## RULE 9-13

### LAW LIBRARY

Where available, persons who are not practicing attorneys may use a county law library only with court approval. No books shall be removed from a library unless signed for in the office of the clerk or other custodian. All books must be returned to the library within 1 week from the date taken and returned to their proper places by library users. The bar association of each county shall select one or more of its members to advise and consult with the court on matters pertaining to library maintenance and regulation for that county. Additional library rules may be ordered by the court and conspicuously posted in the office of the clerk and the library.

Approved September 9, 2010.

RULE 9-14

STIPULATIONS

All stipulations shall be made in open court and recorded by the reporter or reduced to writing and signed by the parties or counsel and filed with the court.

Approved September 9, 2010.

RULE 9-15

TELEPHONIC HEARINGS

A. No matter will be heard telephonically unless consent is obtained from the court.

B. Telephonic hearings requested by the moving party shall be arranged prior to the filing of the motion, and the notice of hearing shall clearly state that the hearing will be held by telephonic conference call. Telephonic hearings requested by a party other than the moving party shall be arranged prior to the hearing, and notice shall be filed by the party requesting the hearing, together with proof of service on all opposing parties.

C. Telephonic hearings involving evidentiary matters require a verbatim record, and exhibits shall be provided to the court and opposing parties at least 24 hours prior to the hearing.

D. Parties to a hearing not involving evidentiary matters are deemed to have waived a verbatim record unless request is made in writing prior to the commencement of the hearing.

E. Initiation of the Telephonic Conference Call.

(1) The party requesting the telephonic conference call shall be responsible for initiating the call and shall provide for all expenses of the call.

(2) If the court determines that the sound quality or volume is insufficient, the court will require the hearing to be continued and reschedule the hearing with parties and counsel appearing.

Approved September 9, 2010.

RULE 9-16

RULES APPLICABLE TO CRIMINAL CASES

A. Informations shall be filed within 7 working days after a defendant is bound over for trial. The information shall have noted thereon the statute under which each count of the complaint is

brought, the class of offense, and the penalty. The county attorney shall attach to the information, memorandum showing where the defendant may be served, either at his or her place of residence or place of employment, together with the name of the attorney for the defendant at preliminary hearing. The clerk will make two copies of the information, delivering the original and one copy to the sheriff with instructions for service upon the defendant. The other copy shall remain in the court file until the original is returned. Upon return of service of the information, the bailiff or clerk will fix and calendar a date for arraignment and notify the county attorney's office and the attorney for the defendant. If the defendant waives service of the information, he or she shall do so in writing and the waiver shall be filed with the information.

B. If the defendant is confined in jail, it is the duty of the county attorney to notify the sheriff and have the defendant before the court promptly at the time fixed by the court.

C. If the defendant is released on bond, it is the duty of the defense counsel to notify the defendant to be present before the court promptly at the time fixed by the court.

D. It shall be the duty of the defense counsel to arrange for the initial presentence interview of the defendant with the probation officer. The probation officer shall have no responsibility to search for the defendant, and if the defendant fails to present himself or herself promptly for the presentence interview, such failure shall be reported to the court and may result in revocation of bond.

E. It is the duty of counsel offering evidence through a witness requiring an interpreter to timely notify the court. It is the duty of defense counsel to timely notify the court of the defendant's need for an interpreter.

Approved September 9, 2010.

## RULE 9-17

### APPOINTMENT OF COUNSEL FOR INDIGENT PARTIES

A. Applicability. This rule shall apply in every proceeding in which the laws of the United States or the laws of the State of Nebraska establish a right to be represented by counsel. All parties who have a right to be represented by an attorney shall have their eligibility for appointment of an attorney at public expense determined in conformity with this rule.

B. Application. An individual requesting an appointment of an attorney at public expense shall complete and file with the court a notarized financial affidavit provided by the clerk of the district court setting forth the defendant's income, assets, and obligations.

C. Determination of Indigency. After reviewing the information contained in the affidavit and, if applicable, the party's testimony, the court will determine whether the party is indigent. An indigent party is one whom the court determines is unable to retain legal counsel without prejudicing the party's ability to provide economic necessities for the party or the party's family based on a comparison of the party's available funds and the anticipated cost of counsel.

D. Review of Indigency Determination. A party's indigency status may be reviewed in a formal hearing at any stage of a court proceeding if additional information regarding financial circumstances becomes available to the court. A party has the right for reconsideration in a formal hearing of the findings and conclusions regarding the party's indigency.

E. Inadmissibility of Information. No information provided by a party pursuant to this rule may be used in any criminal or civil proceeding against the party except, in a prosecution for perjury or contempt committed in providing such information or in an attempt to enforce an obligation to reimburse the State for the cost of counsel.

F. Fees. Court-appointed counsel shall be paid an hourly fee established by the court. Fee requests shall be verified and shall itemize the service provided, time involved, and expenses incurred.

Approved September 9, 2010.

#### RULE 9-18

##### DISMISSAL OF CRIMINAL APPEAL

A. In cases where a penalty of confinement has been ordered by the county court, no appeal shall be dismissed upon the motion of the defendant unless he or she appears personally before the district court to request such dismissal.

B. In cases where a fine has been imposed by the county court, no appeal shall be dismissed upon the motion of the defendant unless the defendant appears personally before the district court to request such dismissal and a showing is made that all fines and costs have been paid.

Approved September 9, 2010.

#### RULE 9-19

##### LIMITED SCOPE REPRESENTATION

All lawyers providing limited scope representation to a client shall do so pursuant to the terms of Neb. Ct. R. of Prof. Cond. § 3-501.2. If such representation is done pursuant to Neb. Ct. R. of Prof. Cond. § 3-501.2(d), the lawyer shall file a "Limited Appearance." The "Limited Appearance" shall contain (1) a written acceptance by the client setting forth the client's understanding of the scope, nature, and acceptance of the representation; and (2) a statement that all pleadings, motions, and notices should be sent to the lawyer entering the "Limited Appearance." When the representation is complete, the lawyer shall file within 10 days a "Certificate of Completion of Limited Representation" with the court. The certificate shall

contain a statement that all future pleadings, motions, and notices should be sent directly to the pro se litigant. An order of the court allowing the lawyer to withdraw is not required.

Approved September 9, 2010.

## RULE 9-20

### INTERPRETERS

It is the duty of a pro se party needing an interpreter or counsel for a party needing an interpreter to notify the clerk of the district court 10 days prior to any hearing of the need for an interpreter. It shall be specified whether an interpreter is needed for one of the parties and/or one or more witnesses. It is not permissible for the parties to use a friend or relative as an interpreter. The cost for an interpreter is not assessed to the parties.

Approved September 9, 2010.

## RULE 9-21

### DOMESTIC RELATIONS CASES

#### A. Filings.

(1) Every party in a dissolution case involving minor children shall file a complaint containing all matters required by statute and court rule. The complaint must contain the name and address of the plaintiff and his or her attorney, except that a plaintiff living at an undisclosed location for safety concerns is only required to disclose the county and state of his or her residence and provide an alternative address for the mailing of notice.

(2) Unless a plaintiff has requested to proceed in forma pauperis, the statutory filing fee must accompany the complaint.

(3) A properly completed Department of Health Bureau of Vital Statistics form shall be filed in each dissolution of marriage or annulment action, and no decree will be entered unless the form is completed in full.

(4) Each complaint must be accompanied, when filed, with a fully completed Confidential Party Information Form, including Social Security numbers and a statement of gender and birthdays.

(5) If the parties have developed a parenting plan, the complaint shall so plead. If there are issues of custody, parenting time, or other matters that are not contested, those items should be pled as well.

(6) All complaints for dissolution of marriage involving children must be accompanied by an affidavit from the plaintiff's counsel stating that counsel has provided the plaintiff the Nebraska Parenting Act Information Brochure and has had a copy of the brochure served with summons upon the defendant or has provided a copy of the brochure to a pro se defendant who has submitted a voluntary appearance. For all other defendants, counsel for the plaintiff shall serve a copy of the Nebraska Parenting Act Information Brochure with summons with verification of service contained in the return.

(7) The court, on its own motion and after hearing, may strike and dismiss at the plaintiff's costs any complaint for dissolution where there is a failure to comply with any of the rules set forth above.

#### B. Property Division and Property Statements.

(1) When the action involves the division of property by the court or by property settlement, both parties shall file a property statement. The only form accepted shall be the form attached to these rules. See Appendix 1.

(2) To avoid problems in identification of specific property, the party filing the action shall have 60 days from the date of filing of the complaint to prepare and file a property statement, furnishing a copy to the defendant, if pro se, or to defendant's attorney of record.

(3) The defendant must then complete the property statement by adding any additional property and inserting estimates of value. The defendant's completed property statement must be filed within 90 days after the filing of the complaint and a copy furnished to the plaintiff, if pro se, or to the plaintiff's attorney of record. Either party may receive an extension of time for filing or completing the property statement upon written motion and good cause shown.

(4) Failure to timely file a property statement by the plaintiff in accordance with these rules may result in the court's dismissing the action after notice by the court. Failure of the defendant to timely file a property statement in accordance with these rules may result in the court's accepting the plaintiff's property statement and prevent the defendant from disputing the plaintiff's property statement after notice by the court. Final hearing or a pretrial conference will not be scheduled until one completed property statement is on file.

(5) When property division is contested at final hearing, the parties shall prepare a combined property statement for use as an exhibit. Either party may receive an extension of time for filing or completing property statements on written motion and good cause shown. Under no circumstances will the court allow more than one property statement to be used, except for the purposes of impeachment.

(6) Amendments to property statements or values thereon shall not be permitted unless filed at least 10 days before trial, except by agreement of the parties or special permission of the court. Parties will, however, be permitted to correct amounts for bank accounts and debts at the time of trial.

### C. Temporary Hearing.

(1) In all cases where a party seeks a temporary order relating to custody, parenting time, visitation, or other access, that party shall file and offer a Temporary Child Information Affidavit verified to the extent known or reasonably discoverable by the filing party or parties. Parties responding to such affidavits shall ensure their affidavits conform to the same format. No temporary orders for custody or parenting time will be considered unless such an affidavit is completed and provided to the court.

(2) The court may require either party to exercise the option to obtain health insurance available through an employer or other organization which may extend coverage to children affected by the decree. Availability of insurance shall be disclosed in the parties' initial pleadings or affidavits. In the absence of disclosure, the court may presume that full coverage is available through the nondisclosing party. Each party has a continuing duty to disclose available insurance.

(3) All applications for temporary allowances (child support/ alimony) shall include a fully completed Financial Affidavit for Child Support and a proposed child support calculation using Worksheet 1 of the Nebraska Child Support Guidelines and such other worksheets as the parties' circumstances may require. Parties responding to such affidavits shall follow the same format. All child support calculations shall be accompanied by the tax returns, current wage stubs, and other information concerning the resources of the parties as required by the Nebraska Child Support Guidelines.

(4) All Temporary Child Information Affidavits, financial affidavits for child support, and other affidavits offered in support of custody, child support, parenting time, and alimony shall not be filed in the main court file but shall be offered at the temporary hearing, and retained by the court reporter. No affidavits will be e-filed. It is the obligation of attorneys submitting affidavits to redact from the affidavits all irrelevant material and hearsay prior to them being offered.

(5) All applications for temporary orders shall be heard solely upon affidavits, proposed calculations of child support obligations under the Nebraska Child Support Guidelines, and the arguments of counsel, except ex parte hearings as provided by statute. Initial affidavits shall not be considered unless they are served upon the opposing party 5 working days prior to the temporary hearing. Responsive affidavits shall be served upon the opposing party at least 1 working day prior to hearing. Absent prior approval by the court, no more than 5 affidavits, totaling 20 affidavit pages exclusive of exhibits, will be considered by the court. Temporary orders shall include all matters required by Neb. Rev. Stat. § 43-2930(2).

D. Ex Parte Custody Orders. No ex parte order shall be entered in a domestic relations case without one or more supporting affidavits from a party or his or her witnesses. Except for good cause shown, no ex parte temporary order shall be entered in a pending case if the opposing party is represented by counsel or a guardian ad litem has been appointed. If an ex parte order is issued, it shall be served upon the opposing party or counsel forthwith, and a temporary hearing

shall be held forthwith. Ex parte orders for temporary custody of children require a showing of a substantial risk of harm to the child(ren).

E. Contested Custody/Guardian Ad Litem. If an issue of custody of minor child(ren) is present, the court may appoint a guardian ad litem for the minor child(ren) involved. The court will order an initial deposit for fees to be paid by the parties into court within 20 days. Initial fees shall be allocated between the parties in the discretion of the court subject to modification and the assessment of additional fees at the time of final hearing. Those claiming indigence may apply to the court with an accompanying affidavit for waiver of such fee assessment.

F. Notice.

(1) If temporary support is requested, a notice of hearing shall be served on the other party. If the defendant seeks temporary support, the defendant shall serve notice of hearing on the plaintiff or the plaintiff's attorney. The moving party shall file a financial affidavit for child support prior to scheduling the date of hearing. The notice shall schedule the hearing not less than 3 days after service.

(2) In all cases notice of final hearing is required, except when service was completed by publication.

G. Voluntary Appearance. The voluntary appearance must contain the defendant's address to which any notices may be mailed and the telephone number where the defendant may be reached. To comply with the statutes, it shall also contain a receipt for a copy of the complaint and the Nebraska Parenting Act Information Brochure. If no receipt is included, the clerk of the district court shall mail a copy of the brochure to the defendant.

H. Restraining Orders. Temporary restraining orders shall be limited to the three items enumerated in Neb. Rev. Stat. § 42-357.

I. Parenting Education Courses.

(1) Parties to a domestic relations proceeding involving child(ren) are required to attend a parenting education program approved by the Administrative Office of the Courts. Attendance of the program by both parties shall be completed within 60 days from the service of process. This requirement includes filings for dissolution of marriage and determination of paternity cases which involve issues of custody, parenting time, visitation, or other access with the child. The court may also require completion of a parenting education course in contempt proceedings to compel compliance with existing orders involving parenting issues, applications to modify decrees of dissolution which involve parenting issues, and applications to modify decrees of paternity which involve parenting issues, unless all issues are resolved by agreement and entry of a stipulated order. Participation in a course may be delayed or waived by the court for good cause shown.

(2) Failure or refusal by any party to participate in the required course shall not delay the entry of final judgment or order modifying a final judgment in such action by more than 6 months and shall in no case be punished by incarceration.

(3) Each party shall be responsible for his or her own costs in attending a parenting education course.

(4) At the request of either party, or based upon screening or recommendation of an attorney or mediator, the parties shall be allowed to attend separate courses or to attend the same course at different times, particularly if child abuse or neglect, domestic intimate partner abuse, or unresolved parental conflict is or has in the past been present in the relationship, or if one party has threatened the other.

(5) As used in the context of this rule, the term “facilitator” shall mean persons qualified as approved specialized mediators and the term “specialized alternative dispute resolution” shall also be referred to as “facilitation.”

#### J. Mediation.

(1) Except as otherwise provided in Neb. Rev. Stat. § 43-2937(4), when the parties or their counsel are unable to negotiate a parenting plan which satisfies the requirements of the Parenting Act, then the parties are required to meet and confer with a mediator or facilitator to complete the parenting plan and to resolve all issues of child custody, parenting time, visitation, grandparent visitation, other access, or specialized alternative dispute resolution process.

(2) Prior to commencing an initial mediation session, the mediator shall provide an initial, individual screening session with each party to assess the presence of child abuse or neglect, unresolved parental conflict, domestic intimate partner abuse, or other forms of intimidation or coercion, or a parties’ inability to negotiate freely and make informed decisions. If any of these conditions exists, the mediator shall direct the parties to a specialized alternative dispute resolution facilitator to address the mediator’s concerns.

(3) When there are allegations of domestic intimate partner abuse or unresolved parental conflict between the parties in any proceeding, or when screening by a mediator or mediation center identifies the presence of child abuse or neglect, unresolved parental conflict, domestic intimate partner abuse, other forms of intimidation or coercion, or the parties’ inability to negotiate and make informed decisions, then the mediation shall not be required; however, the parents shall then be required to meet with a facilitator to initiate a specialized dispute resolution process.

(4) The specialized alternative dispute resolution process will begin with each parent meeting individually with the qualified facilitator to provide an opportunity for the facilitator to educate each party about the process, obtain informed consent from each party in order to proceed, establish safety protocols, allow support persons to attend sessions, and consider a request to opt out for a cause. Any party may terminate after initial, individual screening sessions and once specialized alternative dispute resolution sessions begin. The primary consideration in each

specialized alternative dispute resolution session shall be the safety of each party and each child. The facilitator of the process has a duty to determine whether to proceed in individual sessions or caucus sessions in order to address safety and freedom to negotiate. Joint sessions shall not be used unless, after a safety assessment by the facilitator, all parties agree to a joint session to be conducted at a location where appropriate safety measures can be in place.

(5) No trial date or other dispositive hearing will be scheduled until attendance at the required parent education seminar has been completed and mediation or another specialized alternative dispute resolution process has been attempted to resolve the necessary issues. Failure or refusal of a party to participate shall not delay entry of the final judgment for more than 6 months. Notwithstanding the language in this rule, issues of domestic violence, domestic intimate partner abuse, or child abuse or neglect, may upon consideration by the trial court, disqualify the parties from parent education, mediation, or the specialized alternative dispute resolution process.

(6) To the extent that the matters set forth below are not addressed in the Parenting Act notification currently provided by the clerk of the district court to the parties, the clerk of the district court shall provide a statement to the parties that their attendance at an approved parenting education class is mandatory and must be completed within the timeframe specified in this rule. The notice shall also notify the parties and counsel that the parenting plans and issues of child custody, parenting time, visitation, or other access with the child will be referred for mediation or specialized alternative dispute resolution if the parties are unable to arrive at an appropriate and agreed upon plan; that no trial or other seminar has been completed and mediation or specialized alternative dispute resolution to resolve issues of custody, parenting, visitation, or other access has been attempted; that failure or refusal to participate by any party shall not delay entry of a final judgment for more than 6 months; and that issues of domestic violence, domestic intimate partner abuse, or child abuse or neglect may, upon consideration by the trial court, disqualify the parties from parent education, mediation, or the specialized alternative dispute resolution process. This notification shall be included in the initial service packets distributed by the clerk.

(7) The clerk of the district court shall maintain a list of mediators and facilitators approved by the district court judges and the Administrative Office of the Courts. All mediators and facilitators must meet the standards set by the State of Nebraska for training in order to qualify. All participating mediators and facilitators are allowed to determine their own fees and to provide a copy of the fee schedule to the clerk of the district court.

(8) Mediators and facilitators shall participate in training to enable them to recognize child abuse or neglect, domestic intimate partner abuse, and unresolved parental conflict and its potential impact upon children and families. Mediators and facilitators shall also comply with all qualification requirements established by the Administrative Office of the Courts and the statutes of the State of Nebraska.

(9) A judge may refer a case or a portion of a case to mediation or to the specialized alternative dispute resolution process. If such referrals are made by the court, the court will indicate the particular issues that are the subject of the mediation and dispute resolution process.

(10) If the parties reach an agreement through mediation or its specialized alternative dispute resolution process, the agreement shall be reduced to writing. The mediator or the facilitator shall provide copies of the agreement to the parties and their attorneys, together with a notice informing the parties and their attorneys of their right to express their objections to the written agreement. The notice shall inform the parties and their attorneys that they have 14 days from the date of the notice to notify the mediator or facilitator of any objection. Such objection shall be specific but shall not violate the statutory protections of confidentiality or privilege of the parties, and the written objection shall be specific and shall not be filed with the clerk of the district court or in any way be communicated in violation with the statutory protections of confidentiality or privilege.

(11) Upon filing of an objection to the mediation, the mediator or facilitator shall schedule a remediation or refacilitation session on the disputed issues identified in the written objection. The mediator or facilitator may charge additional fees for the remediation or refacilitation session. At such time as the agreement becomes final or the remediation session becomes final, counsel or the mediator or facilitator shall send a final copy of the agreement to the trial judge.

(12) At trial, parties shall not present evidence intended to object to a provision in an approved parenting plan or to show a material change in circumstances subsequent to the filing of the final agreement, unless a written motion asking leave of court to present such evidence at trial, accompanied by a notice of hearing, has been filed with the court and has been heard and granted prior to the trial.

(13) Evidentiary hearings requesting that mediation be waived shall be heard on affidavits or as otherwise directed by the court.

K. Final Hearings/Pretrial Conferences. Final hearings in all dissolution cases shall be set by the court for 15 minutes unless the court is notified by either party that 15 minutes is not sufficient. When notified the trial will be excess of 1 hour, the court shall set the matter for pretrial conference and notify the parties of the date and time. Parties shall fully comply with the requirements of the court's pretrial order. In disputed custody cases, no pretrial shall be scheduled until mediation has been attempted.

L. Child Support and Other Financial Matters. All parties seeking an order for child support and/or apportionment of expenses for medical support, including provisions for medical, dental and eye care, medical reimbursement, daycare, and extraordinary expenses of the child shall submit a final Financial Affidavit for Child Support and a final proposed calculation of the parties' child support obligations using Worksheet 1 of the Nebraska Child Support Guidelines and such other worksheets as the parties' circumstances may require.

M. Leaving the State. Every temporary or permanent order awarding child custody shall contain language substantially as follows:

A party exercising custody of a minor child is ordered not to move the child outside the State of Nebraska. Anyone intending such a move must first (1) make written application to the court, including proposed changes in the visitation schedule and costs of transportation; (2) obtain

service of the application and give notice of the hearing to the other party; and (3) establish that the move is in the child's best interests.

N. Termination of Representation and Postjudgment Notices. Employment of attorneys shall be deemed to have terminated after judgment. Except for motions for new trial, it is not sufficient to serve a party's attorney for postjudgment proceedings. Complaints for modification of a child support decree or custody decree require the issuance and service of summons as in a new action.

O. Social Security Numbers and Account Numbers. Social Security numbers should not be contained in any pleadings filed in the court file. 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 so the parties, counsel, and court can distinguish information between similar accounts or debts.

Approved September 9, 2010.

**Appendix 1**

**PROPERTY STATEMENT**

\_\_\_\_\_ vs. \_\_\_\_\_

CASE NO. \_\_\_\_\_

<b>ASSETS</b>	<b>POSSESSION OF H OR W</b>	<b>H'S PRESENT VALUE</b>	<b>W'S PRESENT VALUE</b>
<b>A. HOUSEHOLD FURNISHINGS AND EQUIPMENT</b>			
1. _____	_____	\$ _____	\$ _____
2. _____	_____	\$ _____	\$ _____
3. _____	_____	\$ _____	\$ _____
4. _____	_____	\$ _____	\$ _____
5. _____	_____	\$ _____	\$ _____
6. _____	_____	\$ _____	\$ _____
7. _____	_____	\$ _____	\$ _____
8. _____	_____	\$ _____	\$ _____
9. _____	_____	\$ _____	\$ _____
10. _____	_____	\$ _____	\$ _____
11. _____	_____	\$ _____	\$ _____
12. _____	_____	\$ _____	\$ _____
13. _____	_____	\$ _____	\$ _____
14. _____	_____	\$ _____	\$ _____
15. _____	_____	\$ _____	\$ _____
<b>B. CHECKING &amp; SAVING ACCOUNTS (MUST INCLUDE ACCOUNT NUMBERS)</b>	<b>POSSESSION OF H OR W</b>	<b>H'S PRESENT VALUE</b>	<b>W'S PRESENT VALUE</b>
1. _____	_____	\$ _____	\$ _____
2. _____	_____	\$ _____	\$ _____
3. _____	_____	\$ _____	\$ _____

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

5. \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

**C. AUTOMOBILES (MUST INCLUDE VIN #'S) POSSESSION OF H OR W H'S PRESENT VALUE W'S PRESENT VALUE**

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

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

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

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

5. \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

**D. FARM OR BUSINESS EQUIPMENT, INVENTORY, AND SUPPLIES POSSESSION OF H OR W H'S PRESENT VALUE W'S PRESENT VALUE**

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

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

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

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

5. \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

**E. REAL ESTATE (MUST INCLUDE LEGAL DESCRIPTION) POSSESSION OF H OR W H'S PRESENT VALUE W'S PRESENT VALUE**

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

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

**F. LIFE INSURANCE AND RETIREMENT PLANS OWNED BY H OR W VESTED OR UNVESTED H'S PRESENT VALUE W'S PRESENT VALUE**

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

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

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

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

<b>G. MISCELLANEOUS</b>	<b>POSSESSION OF H OR W</b>	<b>H'S PRESENT VALUE</b>	<b>W'S PRESENT VALUE</b>
1. _____	_____	\$ _____	\$ _____
2. _____	_____	\$ _____	\$ _____
3. _____	_____	\$ _____	\$ _____

**LIABILITIES**

<b>H. MORTGAGES OR CONTRACTS ON REAL ESTATE</b>	<b>LIEN ON PROPERTY NO. _____</b>	<b>H'S PRESENT VALUE</b>	<b>W'S PRESENT VALUE</b>
1. _____	_____	\$ _____	\$ _____
2. _____	_____	\$ _____	\$ _____
3. _____	_____	\$ _____	\$ _____
4. _____	_____	\$ _____	\$ _____

<b>I. SECURED CREDITORS (DEBTS)</b>	<b>LIEN ON PROPERTY NO. _____</b>	<b>H'S PRESENT VALUE</b>	<b>W'S PRESENT VALUE</b>
1. _____	_____	\$ _____	\$ _____
2. _____	_____	\$ _____	\$ _____
3. _____	_____	\$ _____	\$ _____
4. _____	_____	\$ _____	\$ _____
5. _____	_____	\$ _____	\$ _____

<b>J. UNSECURED CREDITORS (DEBTS)</b>	<b>PURPOSE</b>	<b>H'S PRESENT VALUE</b>	<b>W'S PRESENT VALUE</b>
1. _____	_____	\$ _____	\$ _____
2. _____	_____	\$ _____	\$ _____
3. _____	_____	\$ _____	\$ _____
4. _____	_____	\$ _____	\$ _____
5. _____	_____	\$ _____	\$ _____

6.	_____	_____	\$ _____	\$ _____
7.	_____	_____	\$ _____	\$ _____
8.	_____	_____	\$ _____	\$ _____
9.	_____	_____	\$ _____	\$ _____
10.	_____	_____	\$ _____	\$ _____

**K. ASSETS OF HUSBAND ON DATE OF THIS MARRIAGE**

<b>H'S</b>	<b>W'S</b>
<b>VALUE</b>	<b>VALUE</b>

1.	_____	_____	\$ _____	\$ _____
2.	_____	_____	\$ _____	\$ _____
3.	_____	_____	\$ _____	\$ _____
4.	_____	_____	\$ _____	\$ _____
5.	_____	_____	\$ _____	\$ _____

**L. ASSETS OF WIFE ON DATE OF THIS MARRIAGE**

<b>H'S</b>	<b>W'S</b>
<b>VALUE</b>	<b>VALUE</b>

1.	_____	_____	\$ _____	\$ _____
2.	_____	_____	\$ _____	\$ _____
3.	_____	_____	\$ _____	\$ _____
4.	_____	_____	\$ _____	\$ _____
5.	_____	_____	\$ _____	\$ _____

**M. DEBTS OF HUSBAND ON DATE OF THIS MARRIAGE**

<b>H'S</b>	<b>W'S</b>
<b>VALUE</b>	<b>VALUE</b>

1.	_____	_____	\$ _____	\$ _____
2.	_____	_____	\$ _____	\$ _____
3.	_____	_____	\$ _____	\$ _____
4.	_____	_____	\$ _____	\$ _____
5.	_____	_____	\$ _____	\$ _____

**N. DEBTS OF WIFE ON DATE OF THIS MARRIAGE**

<b>H'S</b>	<b>W'S</b>
<b>VALUE</b>	<b>VALUE</b>

1.	_____	_____	\$ _____	\$ _____
2.	_____	_____	\$ _____	\$ _____

3. _____	\$ _____	\$ _____
4. _____	\$ _____	\$ _____
5. _____	\$ _____	\$ _____

**O. GIFTS OR INHERITANCES RECEIVED  
BY HUSBAND SINCE DATE OF  
MARRIAGE (NOT INCLUDING GIFTS FROM WIFE)**

	<b>H'S VALUE</b>	<b>W'S VALUE</b>
1. _____	\$ _____	\$ _____
2. _____	\$ _____	\$ _____
3. _____	\$ _____	\$ _____

**P. GIFTS OR INHERITANCES RECEIVED  
BY WIFE SINCE DATE OF MARRIAGE  
(NOT INCLUDING GIFTS FROM HUSBAND)**

	<b>H'S VALUE</b>	<b>W'S VALUE</b>
1. _____	\$ _____	\$ _____
2. _____	\$ _____	\$ _____
3. _____	\$ _____	\$ _____

STATE OF NEBRASKA            )  
  ) ss.  
COUNTY OF                    )

The undersigned (petitioner/respondent), having been duly sworn, states that the above contains a complete and accurate list of all property in which either party has any interest and a complete and accurate list of their debts.

\_\_\_\_\_  
Signature of Party

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

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

Approved September 9, 2010.