

NEBRASKA PARENTING ACT INFORMATION BROCHURE

*For when you are going through divorce, paternity,
separation, or other child custody matters.*



STATE OF
NEBRASKA
JUDICIAL BRANCH

CONTENTS:

Pg. 2 Getting Started

Pg. 6 Parent Education

Pg. 10 Creating a Parenting Plan

Pg. 14 Additional Resources

GETTING STARTED

Most likely you received this brochure from court staff because you are involved in a child custody court case. You may be going through a divorce, legal separation, paternity action, or modifying a court order or parenting plan. The following information will take you through the court process and directs you to more information.



When you see this symbol there is more information available through a web link or a QR code. These codes can be scanned with your smartphone and you will be taken directly to the webpage.

COURT STAFF

Are able to:

- Provide anyone that asks with information on court procedures, terminology, filing and e-filing, and forms.
- Review your forms for completeness.
- Inform about resources or services available outside of the court process.

Are not:

- Lawyers and can't provide legal advice. Court staff cannot tell you what your legal rights are, make recommendations nor give an opinion about your case.
- Responsible for the outcome of your case. They are not the judge assigned to your case.
- Investigators to support your case.

DO I NEED A LAWYER?

You don't need a lawyer and may choose to handle the legal procedure on your own. However, it is your choice if you want to consult with or hire a lawyer. A lawyer has the necessary experience to give you advice on the legal process, help you understand your rights, and navigate the legal issues.

SELF-HELP RESOURCES

If you decide to work through the court process on your own, there is an online self-help center that you may find useful. While the instructions and forms on this website were developed to help you better understand the legal process, it is recommended that you consider talking to a lawyer.



<https://supremecourt.nebraska.gov/self-help>



FINDING A LAWYER

A lawyer can provide guidance as you work through the court process. There are different ways to find a lawyer, such as through a referral from a friend or family. You can also go online to find a lawyer to help you throughout the process, or one to help on a limited basis. This is called limited scope representation. There are also options if you cannot afford a lawyer. Unlike other case types, the court does not appoint a lawyer in divorce cases.



<https://supremecourt.nebraska.gov/self-help/legal-resources-information>

ONLINE FORMS

The Administrative Office of the Courts and Probation has forms available online with tips on how to find (filter) the forms that you are looking for.



<https://supremecourt.nebraska.gov/forms>

WHAT IS A DIVORCE?

A divorce is the legal process that ends, or dissolves, a marriage. A divorce has to be granted by a court and requires one spouse to say that the marriage is “irretrievably broken.” The standard issues that the court will decide include:

- Division of property and debts
- Deciding if any spousal support, also called alimony, is appropriate
- Parenting issues, such as custody, where your child will live, parenting time, and decision making
- Child support according to the Nebraska Child Support Guidelines



<http://supremecourt.nebraska.gov/supreme-court-rules/chapter-4-children-families/article-2-child-support-guidelines>

WHEN BOTH PARENTS AGREE

When both parents agree on all of the issues, it is called an uncontested divorce. In these cases, a hearing is held. The final documents that are usually submitted to the court for the hearing are:

- Parenting plan
- Financial plan for the children, including child support
- Property settlement agreement that also addresses debt

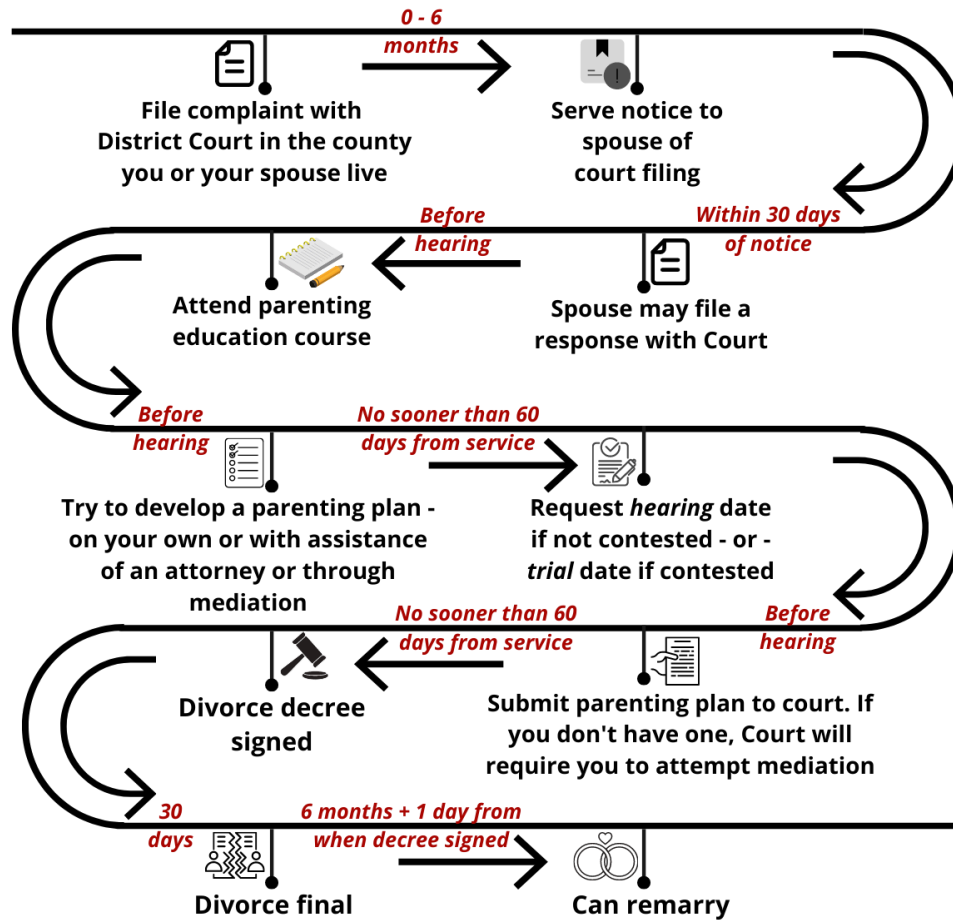
WHEN PARENTS DON'T AGREE

When you don't agree on a parenting plan, the division of property and debts, or child support, then the court will hold a trial. At the trial, you will need to testify, there may be witnesses, and evidence will be presented. The judge will then make decisions based on the evidence.

HOW IS A LEGAL SEPARATION DIFFERENT?

With a legal separation, the court deals with the same issues as with a divorce, but does not formally end the marriage.

TYPICAL DIVORCE TIMELINE



COURT TERMS AND DEFINITIONS

- **Complaint:** Filing with the court to explain the reasons for the court action.
- **Notice:** To make information known to the person named in the complaint.
- **Response:** Opportunity to respond to information outlined in the complaint.
- **Hearing:** A proceeding with written evidence for the judge to base a decision.
- **Trial:** A proceeding with evidence given under oath as well as written for the judge to base a decision.
- **Decree:** A decision or order of the court.

Raising a child can be hard. Resources are available.

Family Helpline



<https://dhhs.ne.gov/Pages/Nebraska-Family-Helpline.aspx>

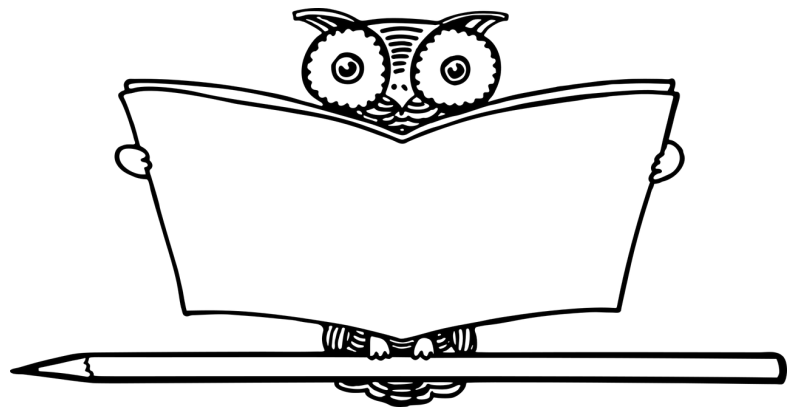
Community Collaboratives



<https://bringupnebraska.org/who-we-are/collaboratives/community-collaboratives.html>

PARENT EDUCATION

While for some children, divorce is a tough time, several studies have shown that children of divorce tend to do well when both parents stay involved as supportive co-parents. This is especially important during the first two years following a divorce, custody modification, or separation. The first two years is a period in which the divorce is most traumatic for children. Children appreciate when co-parents participate in their discipline, social/school events, spiritual/church functions, holidays and vacations. Parents can help reinforce that while some things will change, others will not – such as the love for their child.



THE DO'S AND DON'TS OF DIVORCE



DO:

1. Explain the divorce to your child. Use simple language no matter their age such as *"We have made a difficult decision to get a divorce. This decision has nothing to do with you, or our love for you. It is not your fault."* Being clear lets children know that both parents love them and that they will always be cared for and supported.
2. Give you and your child permission to ask questions or help. If you do not know the answer, simply state *"I do not know the answer, but I do know that you are loved."* If appropriate, you can follow up with *"Give me some time to find out."*
3. Maintain a similar routine as best as possible with the flexibility for both coparents to connect in person or by phone, text, social networks, email, or mail.
4. Provide consistent discipline, familiar surroundings and schedules for meals, bedtime, homework, and fun. Allow your child to bring important items such as toys or clothes back and forth.
5. Contact community resources for mediation or other specialized Alternative Dispute Resolution (ADR) services as a way to work through living arrangements and other plans. Use the legal system if there are safety concerns.



DON'T:

1. Don't place your child in the middle by asking them to relay messages or ask questions about the other parent.
2. Don't assume based on your child's age the separation/divorce has no effect on them. Children tend to show their grief based on their age and personality.
3. Don't discuss personal problems (money, custody schedules, sexual issues, etc.) with or within your child's range of hearing.
4. Don't withhold access to your child because of conflict between each other, or if child support has not been paid. Putting down the other parent is harmful and hurtful because children identify with their parents.
5. Don't use your child as emotional support or place pressure on them to choose between their parents. Without clear boundaries and support children are more apt to struggle and experience conflict loyalty between two homes.

CO-PARENTS, CHILDREN, AND CONFLICT

The number one problem for kids of separation, divorce, and custody modification is conflict. While conflicts naturally occur in all family types unfortunately, conflict between the parents takes a huge toll on children (and you).

When parents are experiencing custody and divorce issues, conflict may reach a higher level because divorce is “adult-centered.” It is not unusual for parents to find it difficult to separate their needs from the child’s needs during this time. This means children can unintentionally, or intentionally, be caught in the middle of the conflict.



<https://go.unl.edu/conflict>

When conflicts are addressed respectfully, children feel better and are less likely to get upset. If the conflict continues, be responsive but direct by using an “I” message such as *“I feel concerned when voices start to escalate because we can’t discuss this while angry in front of the children. Let’s have this discussion another time.”* Protecting your health and the health of your child is a good reason to address and stop the conflict. Negative remarks about each other, the situation, or raised voices can increase confusion and fear. Mediation may be a possible solution too because a neutral setting and a neutral mediator can help both parents focus on the best interests of the child.



<https://supremecourt.nebraska.gov/programs-services/children-families/divorce-parenting-support>

SUGGESTED BOOKS AND RESOURCES FOR CHILDREN

- The Family Book
- Invisible String
- My Family Is Changing
- Two-Hug Day
- The Way I Feel
- Sesame Street Divorce Toolkit
- Surviving Divorce, Teens Talk
- Split: A Film for Kids of Divorce
- Helping Your Kids Cope with Divorce
- The Bright Side, Surviving Your Parents’ Divorce



<https://go.unl.edu/books>

PARENTING EDUCATION CLASSES

Parenting education classes provide information and practical tips to help parents with the impact of divorce or separation on children, and provide information about mediation, parenting plans, and the legal process.

As a parent, you will need to attend a **basic level parenting education class**. You will learn about:

- The developmental stages of children
- Helping your child adjust to the changes
- The court process
- Mediation
- Conflict management
- Stress reduction
- Parenting time
- Transitions between parents
- Information about child abuse or neglect, domestic intimate partner abuse, and unresolved parental conflict

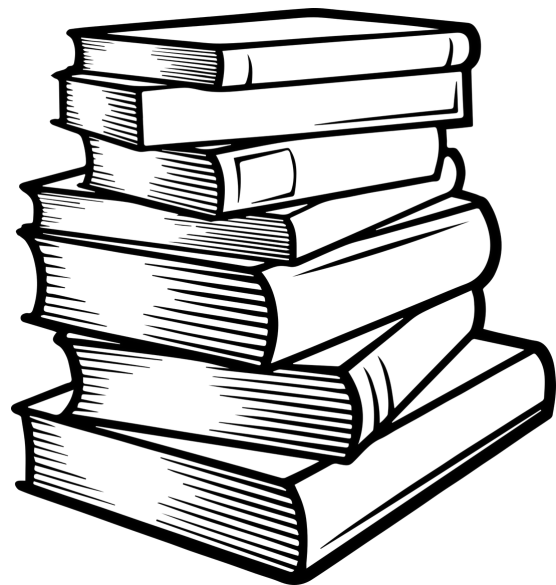
APPROVED PARENTING EDUCATION PROVIDERS



[https://supremecourt.nebraska.gov/
parent-ed](https://supremecourt.nebraska.gov/parent-ed)

A court may also order you to attend a **2nd level parenting education class** when child abuse or neglect, domestic intimate partner abuse, or unresolved parental conflict has been identified through screening or a factual determination. The 2nd level class teaches about:

- How to safely transition your child between parents
- The potentially harmful impact of domestic intimate partner abuse and unresolved parental conflict on children
- Communication techniques
- Resource and referral information for victim and perpetrator services, batterer intervention programs, and referrals for mental health services, substance abuse services and other community resources.



CREATING A PARENTING PLAN

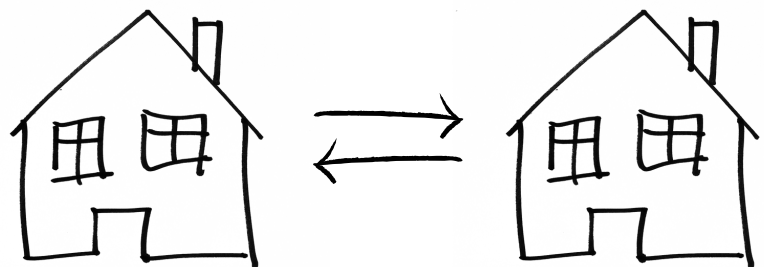
WHY IS A PARENTING PLAN NEEDED?

A parenting plan lays out how you will continue parenting from separate homes. You have an opportunity to decide how to be there for your child so that they feel safe and loved. Think of it as a road map. It will provide a structure for your child to grow and thrive.

CREATING A PARENTING PLAN

You as parents are the experts about your child. You know schedules, interests, personality, and all those things that make your child unique. Because of that, you are encouraged to create a plan, along with the other parent. Once you have a plan, or even part of a plan, the judge will look at it to make sure everything is covered.

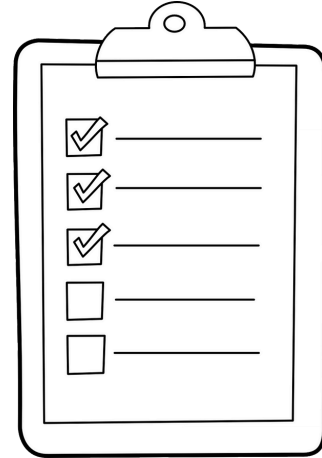
Just like the court process, you and the other parent can work together without help from anyone else to develop your parenting plan. You can also use a lawyer to help negotiate a parenting plan. Or, you can participate in mediation.



WHAT IS IN A PARENTING PLAN?

A parenting plan outlines **parenting functions** – those everyday activities and decisions that need to be made as you raise your child. These include how you will:

- Provide a safe and nurturing home
- Meet your child’s needs such as food, health, supervision, and emotional support
- Make sure your child goes to school and help them with learning
- Help your child develop safe and positive relationships
- Give support for your child’s interests
- Keep your child out of any conflicts you may have with the other parent



A parenting plan has a lot of specifics about what is needed as you raise your child, such as:

- When your child will be with each parent — on a daily basis, for holidays and special days, and longer stretches of time during school breaks.
- How your child will move back and forth between you and the other parent.
- How certain decisions will be made. For example, decisions about medical care, school, daycare, and religion.
- When you can talk with your child when they are not with you.
- How you and the other parent will talk about things related to your child.

WHAT IS MEDIATION?

In mediation, a trained mediator will assist both parents in developing your parenting plan. A mediator:

- Takes you through a process so that you can make decisions – the mediator does not make any decisions
- Listens to you and the other parent to understand what is important to everyone, including your child
- Asks hard questions to make sure that any decisions you make will work

STEPS TO A MEDIATION

The first thing a mediator will do is have a private session with just you. The mediator will also meet privately with the other parent. During these private meetings, the mediator will ask questions to learn about your situation, including asking:

- About your child and how they are doing
- About your child's relationship with you and their other parent
- About your relationship with the other parent
- How well you talk and make decisions with the other parent
- How parenting is currently going

After the private meetings, the mediator will decide on a mediation process that, based on their experience, is most likely to help you develop a parenting plan. Options include working through the process while:

- Both parents are in the same room as the mediator;
- Parents are in separate rooms and the mediator goes back and forth; or
- Parents meet with the mediator at different times and different days.

It is the responsibility of the mediator to provide a process that allows you to be able to say what you need to say to develop the best plan possible.

FIND A MEDIATOR



[https://supremecourt.nebraska.gov/
programs-services/mediation-
restorative-justice/parenting-act-
family/approved-mediators-list](https://supremecourt.nebraska.gov/programs-services/mediation-restorative-justice/parenting-act-family/approved-mediators-list)

NEBRASKA'S COURT-CONNECTED MEDIATION RESOURCES

Douglas County Conciliation and Mediation: Mediation office within the Douglas County District Court; 402-444-7062; ConciliationCourt@dc4dc.com;
<https://www.dc4dc.com/conciliation-a-mediation>

Nebraska Office of Dispute Resolution (ODR)
Approved Mediation Centers: Contact information for each center is listed below. The centers schedule mediations throughout their area as well as online. Call your center to learn more about what is available to you.



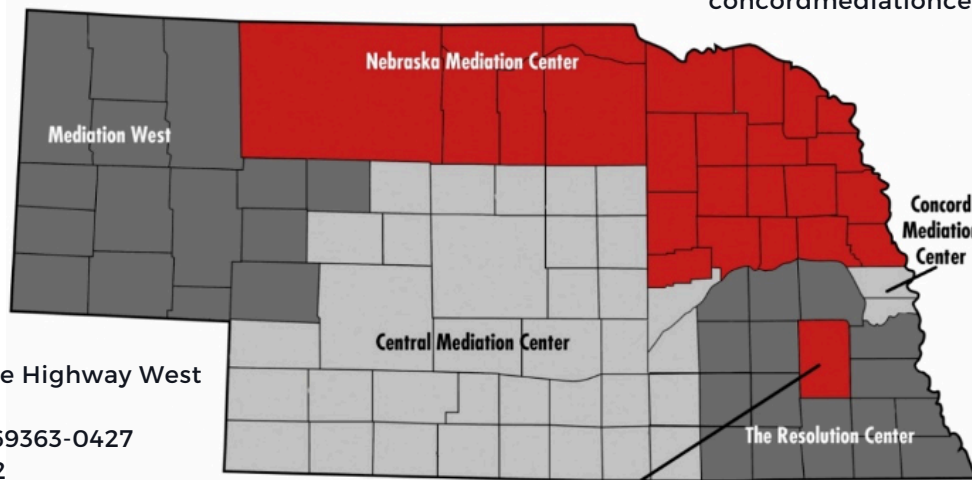
supremecourt.nebraska.gov/programs-services/mediation-restorative-justice/odr-approved-mediation-centers

Nebraska Mediation Center

Dodge County Courthouse, 4th Floor
P.O. Box 1062, Fremont, NE 68026
TEL 402.753.9415
Email: nmc@nebraskamediationcenter.com
nebraskamediationcenter.com

Concord Mediation Center

2910 South 84th Street
Omaha, NE 68134
TEL 402.345.1131
Email: contact@concord-center.com
concordmediationcenter.com



Mediation West

615 South Beltline Highway West
P.O. Box 427
Scottsbluff, NE 69363-0427
TEL 308.635.2002
Email: info@mediationwest.org
mediationwest.org

Central Mediation Center

412 W. 48th Street, Suite 22
Kearney, NE 68845
TEL 308.237.4692
Email: info@centralmediationcenter.com
centralmediationcenter.com

The Resolution Center

120 South 5th Street
Beatrice, NE 68310
TEL 402.223.6061
Email: info@theresolutioncenter.org
theresolutioncenter.org

The Mediation Center

610 J Street, Suite 100
Lincoln, NE 68508
TEL 402.441.5740
Email: info@themediationcenter.org
themediationcenter.org

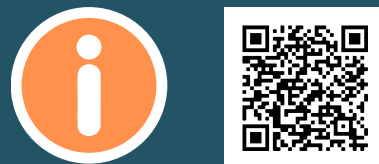
ADDITIONAL RESOURCES

- **National Domestic Violence Hotline:**
1-800-799-SAFE (7233)
- **National Teen Dating Abuse Helpline:**
1-866-331-9474
- **Rape, Abuse, Incest National Network (RAINN):**
1-800-656-HOPE (4673)
- **Strong Hearts Native Helpline:**
1-844-7NATIVE (762-8483)

Victim advocacy information is available
through the Nebraska Coalition to End
Sexual and Domestic Violence



You can also get information on healthy
relationships, relationships based on power
and control, and help for abusive partners.



[https://www.nebraskacoalition.org/get
_informed/domestic_violence.html](https://www.nebraskacoalition.org/get_informed/domestic_violence.html)

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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 given to each parent involved in a court proceeding in which parenting functions are at issue, and meets statutory requirements. (Neb. Rev. Stat. §43-2925 and 43-2926)

This brochure can be viewed online.



[https://supremecourt.nebraska.gov
/sites/default/files/PAinfo.pdf](https://supremecourt.nebraska.gov/sites/default/files/PAinfo.pdf)