

AMENDMENTS TO LB714

(Amendments to Standing Committee amendments, AM1754)

Introduced by Howard, 9.

1 1. Insert the following new sections:

2 Sec. 4. Upon the filing of a petition for emancipation, the court
3 shall fix a time for a hearing on the petition. The hearing shall be held
4 not less than forty-five days and not more than sixty days after the
5 filing of such petition unless any party for good cause shown requests a
6 continuance of the hearing or all parties agree to a continuance.

7 Sec. 5. (1) Upon filing a petition pursuant to section 4 of this
8 act, and at least thirty days prior to the hearing date, the petitioner
9 shall serve a notice of filing, together with a copy of the petition for
10 emancipation and a summons to appear at the hearing, upon:

11 (a) The parents or legal guardian of the minor or, if the parents or
12 legal guardian cannot be found, the nearest known relative of the minor
13 residing within the state, if any; and

14 (b) The legal custodian of the minor, if any.

15 (2) Service and summons shall be made in accordance with section
16 25-505.01.

17 (3) Upon a motion and showing by affidavit that service cannot be
18 made with reasonable diligence by any other method provided by statute,
19 the court may permit service to be made (a) by leaving the process at the
20 party's usual place of residence and mailing a copy by first-class mail
21 to the party's last-known address, (b) by publication, or (c) by any
22 manner reasonably calculated under the circumstances to provide the party
23 with actual notice of the proceedings and an opportunity to be heard.

24 Sec. 13. Section 25-307, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 25-307 Except as provided by the Nebraska Probate Code and sections

1 1 to 12 of this act, the action of an infant shall be commenced,
2 maintained, and prosecuted by his or her guardian or next friend. Such
3 actions may be dismissed with or without prejudice by the guardian or
4 next friend only with approval of the court. When the action is commenced
5 by his or her next friend, the court has power to dismiss it, if it is
6 not for the benefit of the infant, or to substitute the guardian of the
7 infant, or any person, as the next friend. Any action taken pursuant to
8 this section shall be binding upon the infant.

9 Sec. 14. Original section 25-307, Reissue Revised Statutes of
10 Nebraska, is repealed.

11 2. On page 1, line 25, strike "and"; and in line 26 after "(8)"
12 insert "That the minor is filing the petition as a free and voluntary
13 act; and

14 (9)".

15 3. On page 4, strike lines 29 through 31 and insert the following
16 new subsection:

17 "(4) Unless otherwise provided in the judgment of emancipation, the
18 judgment of emancipation shall explicitly suspend any order regarding
19 custody, parenting time, or support of the minor and be reported by the
20 district court clerk to the jurisdiction that issued such order.".

21 4. On page 5, strike lines 1 through 5; and strike lines 25 through
22 31 and insert the following new subsections:

23 "(3) Upon the filing of a motion for rescission, the court shall fix
24 a time for a hearing on the motion. The hearing shall be held not less
25 than forty-five days and not more than sixty days after the filing of
26 such motion unless any party for good cause shown requests a continuance
27 of the hearing or all parties agree to a continuance.

28 (4)(a) Upon filing a motion pursuant to subsection 3 of this
29 section, and at least thirty days prior to the hearing date, the movant
30 shall serve a notice of filing, together with a copy of the motion for
31 rescission and a summons to appear at the hearing, upon:

1 (i) The emancipated person;
2 (ii) The parents or the person who was the legal guardian of the
3 emancipated person or, if the parents or legal guardian cannot be found,
4 the nearest known relative of the emancipated person residing within the
5 state, if any; and
6 (iii) The legal custodian of the emancipated person prior to
7 emancipation, if any.

8 (b) Service and summons shall be made in accordance with section
9 25-505.01.

10 (c) Upon a motion and showing by affidavit that service cannot be
11 made with reasonable diligence by any other method provided by statute,
12 the court may permit service to be made (i) by leaving the process at the
13 party's usual place of residence and mailing a copy by first-class mail
14 to the party's last-known address, (ii) by publication, or (iii) by any
15 manner reasonably calculated under the circumstances to provide the party
16 with actual notice of the proceedings and an opportunity to be heard.

17 (d)".

18 5. On page 6, after line 21, insert the following new subsection:

19 "(6) If a prior order regarding custody, parenting time, or support
20 of the minor was suspended by the judgment of emancipation, the order
21 rescinding the judgment of emancipation shall be reported by the district
22 court clerk to the jurisdiction that issued such order and shall serve to
23 reinstate such prior order of custody, parenting time, or support."; in
24 line 22 strike "(6)" and insert "(7)"; and in line 25 strike "(7)" and
25 insert "(8)".

26 6. On page 6, strike beginning with line 1 through "(b)" in line 13.

27 7. Renumber the remaining sections and correct internal references
28 accordingly.