

LEGISLATIVE BILL 544

Approved by the Governor May 24, 1995

Introduced by Beutler, 28

AN ACT relating to marriage; to amend section 42-372, Reissue Revised Statutes of Nebraska; to change the time when a divorce decree becomes final; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 42-372, Reissue Revised Statutes of Nebraska, is amended to read:

42-372. (1) A decree dissolving a marriage shall become ~~becomes~~ final and operative, except for the purpose of review by appeal, at the time specified in section 2 of this act, without any further action of the court on (a) the date of death of one of the parties to the dissolution or (b) six months after the decree is rendered, whichever occurs first. If the decree becomes final and operative upon the date of death of one of the parties to the dissolution, the decree shall be treated as if it became final and operative the date it was rendered.

(2) For the purpose of review by appeal, the decree shall be treated as a final order as soon as it is rendered. If an appeal is instituted within thirty days of after the date the decree is rendered, such decree shall does not become final until such proceedings are finally determined or the date of death of one of the parties to the dissolution, whichever occurs first. If no such proceedings have been instituted within such thirty-day period, the court may, at any time within such six months, vacate or modify its decree.

Sec. 2. (1) Except for purposes of appeal as prescribed in section 42-372, for purposes of remarriage as prescribed in subsection (2) of this section, and for purposes of continuation of health insurance coverage as prescribed in subsection (3) of this section, a decree dissolving a marriage becomes final and operative thirty days after the decree is rendered or on the date of death of one of the parties to the dissolution, whichever occurs first. If the decree becomes final and operative upon the date of death of one of the parties to the dissolution, the decree shall be treated as if it became final and operative the date it was rendered.

(2) For purposes of remarriage, a decree dissolving a marriage becomes final and operative six months after the decree is rendered or on the date of death of one of the parties to the dissolution, whichever occurs first. If the decree becomes final and operative upon the date of death of one of the parties to the dissolution, the decree shall be treated as if it became final and operative the date it was rendered.

(3) For purposes of continuation of health insurance coverage, a decree dissolving a marriage becomes final and operative six months after the decree is rendered.

(4) A decree dissolving a marriage rendered prior to the effective date of this act which is not final and operative becomes operative pursuant to the provisions of section 42-372 as such section existed immediately preceding the effective date of this act.

Sec. 3. Original section 42-372, Reissue Revised Statutes of Nebraska, is repealed.