

Nebraska Divorce Information

The material in this handout represents general legal principles. Since the law is continuously changing, some provisions in this pamphlet may change with time. If further assistance is required, consult with an attorney about your legal rights and responsibilities regarding your particular situation.

Divorce in the State of Nebraska

- You or your spouse must be a resident of Nebraska for at least one year before filing your divorce with the court. The one exception is when you were married in Nebraska, have been married less than one year, and have lived in Nebraska the entire time since your marriage.
- You start the process by filing a Complaint for Dissolution with the clerk of the district court in the county where you or your spouse lives.
- *There is a cost to file a Complaint for Dissolution.*
- If you are filing for a divorce without a lawyer, you must complete *all* the necessary forms. The clerk of the district court cannot help you prepare any legal documents and can provide only limited information about the process.
- Once you have filed your Complaint for Dissolution, it is important that you inform the clerk of the district court if your or your spouse's address changes.

Although it is up to you to decide whether and how you use a lawyer in your divorce.

NOTE: If you would like a lawyer you must hire a civilian attorney. **You cannot hire Air Force Judge Advocates to represent you in a divorce proceeding.** Call (402) 280-3603 or visit www.omahalawyerreferral.com to get recommendations for local attorneys.

Visit www.supremecourt.nebraska.gov/self-help/families-children to see forms and more information and complete instructions on how to file.

Custody of Children

Nebraska has adopted the Uniform Deployed Parents Custody and Visitation Act, which can impact active duty service members involved in custody disputes. The two main provisions of the law are:

- 1) Nebraska Statute 43-4607: "In a proceeding for custodial responsibility of a child of a service member, a court may not consider a parent's past deployment or possible future deployment in itself in determining the best interest of the child but may consider any

significant impact on the best interest of the child of the parent's past or possible future deployment."

- 2) Nebraska Statute 43-4618: This sections allows Nebraska State Courts to grant caretaking authority to an *adult nonparent family member* of a deploying parent's child that has a close and substantial relationship with the child upon a motion from the deploying parent.
 - a. NOTE: the age of adulthood in Nebraska is *19 years old*