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1904 FARNAM STREET. • SUITE 500 • OMAHA, NE • 68102

(402) 348-1060 • (877) 250-2016 • FAX (402) 348-1065

Over 60 Years • (402) 827-5656 • (800) 527-7249

LSC

Matthew Dunning Board of Directors President
Dave Pantos Executive Director

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Divorce Handbook

**The information in this handbook is not meant to substitute for the advice of an Attorney. You should speak with an Attorney regarding your specific problem.*

PART I THE BASICS

Before you can get a divorce in Nebraska, you must show the Judge two things:

1. The first is that you or your spouse, have lived in the state for a full year right before you filed for the divorce. If you lived in Nebraska three years ago and just moved back: you cannot file for a divorce until you have lived here a year. If your spouse lived here while you were away, you could file.
2. The second is that the marriage is over, or "irretrievably broken." You have tried, but there is no chance that you can make it work.

Nebraska has a "no-fault" divorce law. This means that no matter how much you want to tell the Judge what a rotten person you think your spouse is, you usually will not have the chance to do so. The Judge does not decide who was wrong. The Judge determines custody, property, debt division and alimony, not who's at fault.

You may feel a need to talk about the problems in your marriage. Often, that is a good idea. Don't be afraid to ask for help. There are several agencies listed in the yellow pages of the phone book under "Marriage and Family Counselors." Get your advice on personal and family problems from a trained counselor. Get your legal advice from your lawyer. Each is trained to help you in a different way. Don't confuse them.

In this handbook, we show you the basic steps you must go through to get a divorce. A simple divorce can be final in as little as nine or ten months. Few are that simple. Each divorce is different.

STEP ONE - CHOOSING A LAWYER

A lawyer cannot represent both husband and wife in a divorce case. Even if you and your spouse agree now about everything, problems can come up later on. Your spouse may suggest that it would be cheaper to let one lawyer handle the divorce for both of you. This really is not a great idea. However, if you do choose one lawyer, make sure he or she is representing you. This means that, on the papers filed, the lawyer is listed as your lawyer.

The fees you will pay for your divorce include court costs and what your lawyer charges for his or her time. To have papers given to your spouse by the sheriff will cost additional money. It depends on how easy it is for him to find your spouse. If your lawyer decides a deposition is needed, you will have to pay for the time and work of the court reporter. If you don't know where your spouse is, you will have to place an ad in a legal newspaper. This usually runs \$100.00 and up.

If you are unable to afford the cost of bringing the divorce action you can ask the court to allow you to proceed "In Forma Pauperis." In these cases the court can order that the county pay the cost of filing the action and of serving your spouse with the divorce papers. In Forma Pauperis proceedings will not cover the cost of other expenses such as witness fees and deposition costs.

In some cases, the Judge will say that your spouse has to pay for all or some of these costs. Ask your lawyer if this is possible in your case. Even if the Judge orders your spouse to pay, your lawyer probably will want some money from you before he or she will do anything. Then, if and when your spouse pays, you may get some or all of your money back. If your income is very low, you can ask the court to let you file without paying the court costs, which is called filing "in forma pauperis."

You can help keep your costs down and help speed up the divorce process by always being ready when you talk with your attorney. The first time you see your attorney, bring with you a list of your bills, a list of your household goods, the legal description of your real estate, vehicle identification numbers for your cars, income tax statements, credit cards, your spouse's social security number, the social security number for any children of the marriage and a list of who wants what. Also bring a list of your monthly bills for food, rent, utilities, doctors and medicine, lunch money, bus fare, cleaning expenses, everything you must pay for each month. Make a list and bring it along. Remember, if you forget one of the questions and call your attorney later, that phone call might cost you.

When you get into the legal system, it is easy to become confused. You will hear new words and be put in new situations. People, including your lawyer, will think you know what is going on. Sometimes you won't. It is important that you do know. Ask questions about things you do not understand. Your lawyer should be willing to explain. If your lawyer is not, you may need a different lawyer. Just as you hired him or her, you can fire them. There are many, many lawyers who take divorce cases. You should be able to find the right one for you.

STEP TWO - FILING YOUR PETITION

The next step in getting your divorce is to file a "Petition."

Your Petition will tell the Judge:

1. When and where you were married;
2. Where you live now;
3. Where your spouse lives now;
4. That you or your spouse have lived in the state for the last year;
5. The names and birthdays of your children;
6. That you think the marriage is over (irretrievably broken);
7. What you want to happen with the children, your real estate, your furniture; your household goods, your bills;
8. That you want or do not want support (money) from your spouse;
9. That you want the Judge to end the marriage;
10. That you want the Judge to decide what happens with the children, visitation, your real estate, your furniture, your household goods, your bills;
11. That you want him to decide who pays what support; and
12. Anything else you want the Judge to do. (I.e. Maiden name restored).

Usually some time will go by between the time you first talk to your lawyer and when the papers are ready. When they are ready, read them carefully. Make sure all of the things said are right. Once everything is right, you will sign the Petition before a Notary Public. This means that you are swearing that everything said in the papers is true. Make sure that it is!

Upon filing, your case will be given a number. In most courts that number really is two numbers, for example Docket 32, Number 14. These numbers will appear on your court file and on all the papers filed from now on. Since you are the person filing the Petition, you are called the Petitioner. Your spouse is called the Respondent.

STEP THREE - "NOTICE" OR LETTING YOUR SPOUSE KNOW YOU HAVE FILED FOR DIVORCE

Probably you and your spouse have been talking about a divorce for some time. However, your spouse still must be told "officially." There are three ways you can officially tell your spouse you have filed: a voluntary appearance, service by sheriff, or by publication. Your lawyer will discuss with you which one is best for your case.

A. Entry of Appearance, or Voluntary Appearance

The first way to give notice is to have your spouse sign a paper called an "Entry of Appearance" or "Voluntary Appearance." This is a paper which says that your spouse knows that you have filed. It also says that it is all right with your spouse for you to go ahead. It also may say that you do not have to give your spouse any other notice that you are going ahead. Your spouse should sign this paper before a Notary Public. This is done after you have filed your Petition. Once your spouse signs the paper, your lawyer will file it with the Court. The day your lawyer files the paper is the official day of notice.

B. Service of Process

The second way to give notice is to have the County Sheriff deliver a copy of your Petition and a Summons to your spouse. A Summons is a paper which tells your spouse how much time he has to file an "Answer" to your Petition. The Sheriff must give these papers to your spouse personally. He cannot leave them with someone else to give to your spouse. You will need to know where your spouse can be found in order to have the Sheriff give your spouse the papers. Your spouse can be served at home, at work, at his or her favorite hangout, or the place where it is easiest to find him or her. Tell your lawyer the best place and the best times. Remember, the more times the Sheriff has to go out to find your spouse, the more it will cost you.

Even if your spouse is not living in the same County or is not in Nebraska at all, you still can have a sheriff give your spouse the papers. The Clerk of the District Court in your county gives your lawyer the Summons. Your lawyer then sends the Petition and Summons to the Sheriff where your spouse lives. This type of service takes a little more time. There also may be a problem of "Jurisdiction." This means that the Judge here may not be able to make decisions about many of the things you asked for in your Petition. There is a more complete explanation of Jurisdiction in Part II of this handbook.

The Sheriff must report back to the court whether or not he was able to find your spouse and give him or her the papers. He only has a certain number of days to do it. This is called the "return" date. If the Sheriff cannot find your spouse the first time, your lawyer can ask that he try again. A new Summons has to be written. You can keep trying to have your spouse served this way if you find new addresses for him or her. However, if the Sheriff is still not able to find your spouse, you will have to serve him or her (give notice) in another way.

If the Sheriff does give your spouse the papers, you have given your spouse notice. The lawyer will probably call this type of giving notice "Service of Process." The day that the Sheriff gives the papers to your spouse is the official day of notice.

C. Notice by Publication

The third way to give your spouse notice is by publication. This is used only if you do not know where your spouse is. Your lawyer will prepare a paper called an "Affidavit" for you to sign. By signing it, you are swearing that you do not know where your spouse is. It asks that the Judge let you tell your spouse you have filed for divorce by placing a notice (like an ad) in a legal newspaper. Your lawyer

can tell you which paper is the legal newspaper in your county. Your notice must run one day a week for three weeks. No one expects your spouse to see the notice. Few people other than lawyers read legal newspapers. But the law says you must do it.

Giving your spouse notice means that you must do one of the three things listed above. Sometimes you may have to try all three. All take different amounts of time. The costs are different for each. The important thing to remember is that the official date of notice to your spouse is the date used to decide how soon your divorce hearing can be set up. At least 60 days must go by before your lawyer can set up your final hearing. The 60 days begins on the official day of notice. The official day of notice in your case will be:

1. The date your lawyer files your spouse's signed Entry of Appearance with the Court; or
2. The date the Sheriff hands a copy of your Petition and a Summons to your spouse; or
3. The day your notice (ad) is in the legal newspaper for the last (3rd) time.

STEP FOUR - YOUR SPOUSE'S ANSWER

Every person who is sued must be given the chance to tell his or her side of the story. He does this by filing a paper with the court called an Answer. In an Answer, the person being sued tells the court if he or she agrees or disagrees with what is said in the Petition. He also tells the Judge what he or she wants the Judge to do about the problem.

Your spouse has the right to file an Answer to your Petition. Your spouse will have about 30 days from the time he or she is given notice that you have filed for divorce to file his or her Answer to your Petition. In his or her Answer, your spouse will tell the Judge if he or she agrees or disagrees that the marriage is over. Your spouse also will tell the Judge his or her feelings about custody, support and how your property should be divided.

If your spouse does not file an Answer (he or she does not have to), you win by default. It is just like a baseball game. When one team does not show up,, the other team automatically wins. What you win, if no Answer is filed, is the right to go ahead with the divorce without your spouse. It also means that if what you have asked for is fair, you will probably get it.

Your spouse may file an Answer which agrees that the marriage is over, but disagrees with some of the things you have said in the Petition. Probably your spouse has hired his or her own lawyer. Now it is up to your lawyers to work out an agreement based on your instructions. Make sure your lawyer knows what you want, but be reasonable. There will need to be give and take on both sides. Property is supposed to be divided in a fair way. Support should be based on what you and the kids need and also what your spouse really can afford to pay.

In most cases, your divorce Decree will be worked out before your final hearing. The Decree is the paper the Judge signs which ends your marriage and tells what happens with the children, support, property, and bills. If you and your spouse (through your lawyers) cannot agree, it will be up to the Judge to make the decisions. Either way, the next step in the divorce is the final hearing. We call this the final hearing because there may have been a hearing soon after you filed called the Temporary Hearing. There is a more

complete explanation of this in Part II of the handbook.

STEP FIVE-THE FINAL HEARING

The final hearing cannot be set up any sooner than 60 days (two months) from the day of notice to your spouse. Usually this means that at least three months will go by from the time you filed your Petition before you go to court.

Your divorce hearing can be a simple five-minute hearing or a full-blown trial taking several hours or even days. What happens at the hearing will depend on whether or not you and your spouse have been able to work things out. Before the hearing, your lawyer should go over everything you will say in court.

Your lawyer also should tell you what questions your spouse's lawyer is likely to ask you. Your lawyer should talk with any witnesses you will bring with you so that they know what your lawyer and the other lawyer will ask. Your lawyer will want to know if you know of any problems which may come up. Be honest with your attorney. Your lawyer cannot get ready to deal with them if he or she doesn't know about them.

If you have worked things out, or your spouse never filed an Answer, your hearing will be simple. Your spouse does not have to be at the hearing. Only one of you must testify. Your lawyer will ask you to take the stand. You will be sworn in. Your lawyer will ask you a few simple questions, most of which will be about things you asked for in your Decree. Your lawyer will give the Decree to the Judge. The Judge will read it. If he agrees that the Decree is fair, he will sign it.

If you and your spouse have not been able to work things out, you will have to let the judge decide what is right and fair. Both you and your spouse may be sworn in and questioned. You and your spouse may bring people with you (witnesses) who can tell the Judge things which will help your side.

At the end of the hearing, the Judge may decide everything right away. He/she may say he wants time to think about what everyone has said.

Your lawyer should give you a copy of the Decree as soon as it is signed. Read it carefully. If you do not understand something in it, ask your lawyer to explain it. If you agree with the Judge's decision, you have gone through all the steps you must take to get your divorce. All you must do now is, wait for 30 days to go by, and your divorce is final, except for the purposes of re-marriage, appeal, and the continuation of health insurance. The divorce will not be final for the purpose of you or your spouse remarrying, appealing, and continuing health insurance until 6 months after the Judge signs the Decree. However, if you do not agree with something in your Decree, go to Step Six.

STEP SIX - WHAT TO DO IF YOU DON'T GET WHAT YOU WANT

If you do not agree with something the Judge has decided, talk to your lawyer right away. Your lawyer can ask the Judge to listen to the case a second time in hopes that he will change his mind. If the Judge refuses or makes the same decision, you can ask the Nebraska Court of Appeals or Supreme Court to listen to your case. These Courts will decide if the District Court Judge was right and fair.

An appeal to a higher court can cost you a lot of money. It also will take quite a while

before the Judges will make a decision. Your lawyer should be able to tell what your chances are of winning. The appellate Judges will not change the District Court Judge's decision unless they feel he/she was unfair or he made a mistake of some kind in running your hearing. If your lawyer tells you that your chances of winning are not good, you may want to get a second opinion, but do it right away. There are time limits which must be met. Your lawyer must ask the Judge to listen to the case a second time within ten days of the first decision the Judge made. The lawyer will file a Motion for New Trial. The appeal to the Appeals Court or the Supreme Court must be made within 30 days of the day the Judge makes a decision.

STEP SEVEN - FROM THE FRYING PAN INTO THE FIRE

The day the Judge signs the Decree all of the things spelled out in the Decree begin. Some things may begin on a different date if the Judge said so in the Decree. For example, child support may begin the month after the Decree is signed. Read your Decree carefully so you know which dates apply.

Even though the Decree goes into effect right away, you are still married for another six months. The Decree for purposes of ending your marriage is not final until six months from the date the Judge signed it. What this really means to you is that you cannot marry anyone else until six months after the Judge signs your Decree. This is true not just for remarrying in Nebraska but anywhere. If you go to another state and marry someone else before the six months are up, you are not legally married.

We have arranged this section in alphabetical order. We have tried to use the most common terms so it will be easy for you to find what you need. If you can't find what you're looking for, think about what else you might call it and try again.

PART II- WORDS AND THINGS

ALIMONY

Alimony is money one spouse is ordered to pay for the other's support. Before the Judge orders alimony, he/she will consider how long you were married, if you are able to support yourself, etc. For example, say you have been married 25 years and have not worked for the last 20. It will be difficult for you to find a job.

You may need to go back to school. In this case, the Judge would probably order that your spouse support you, at least until you were able to 'support yourself. If you were disabled and could not work at all, the Judge probably would order that support be paid for your lifetime or until you remarry. Alimony almost always stops when you remarry.

You may not want any money from your spouse. However, your lawyer may advise you to ask for a token amount (as little as \$1.00 per year). Take that advice. If alimony is not included in the original Decree, you cannot ask for it later on even if your situation changes and you need it. As long as the \$1.00 is there, you can ask for an increase later on.

Alimony is not just for women. Courts sometimes order women to pay alimony to their husbands.

ANNULMENT

Most people believe that if you were married for only a short time, you can have the marriage annulled rather than go through a divorce. Not true in Nebraska. The length of the marriage does not matter. There are very specific rules about when a marriage can be annulled. You should ask your lawyer about specific rules for annulments.

The steps you must go through to have your marriage annulled are about the same as those for a divorce. The only difference is the amount of time it takes. An annulment goes into effect right away. A divorce is not final for six months. If you think you have cause for an annulment rather than a divorce, ask your lawyer about it. A legal annulment is not a church annulment. If you want a church annulment, you will need to talk to your religious leader.

CHILD SNATCHING

Many states, including Nebraska, have adopted the Uniform Child Custody Act. The Act says and does many things. The most important thing for you is that it keeps jurisdiction in the state where the child has the closest ties. This is called the "home state." Usually this will mean the state where the divorce was done if that is where you and the child still live.

The Judge in the state where your spouse took the child cannot make decisions about custody because the people who can tell the Judge what would be in the best interest of the child are back in the child's home state. The Judge must order that the child be returned to you. Congress passed a similar law which requires that all states must pay attention to custody decrees from other states. It also says that the federal government can help to find a parent who has snatched a child and that the FBI can become involved in some of these cases.

If your spouse does take off with your child or refuses to return him after he has gone for a visit, call your lawyer. You will need your lawyer's help in using these laws to get your child back.

CHILD SUPPORT

Usually, the parent who does not have custody of the children will be ordered to pay money for their support. The amount the Judge orders is based on the needs of the children and both parents' ability to pay. The Nebraska Supreme Court has set forth guidelines that are to be followed when establishing child support. The child support paid through the Nebraska Child Support Payment Center is separate from any "gifts" that the supporting parent may give the child.

Your spouse will be ordered to make payments to the Clerk of the District Court. The Clerk then sends the payments to you. The Clerk's records of the payment are the best evidence in arguments about support.

Collecting child support can become a problem, especially if your spouse does not live in the state or work on a regular basis. If you are receiving AFDC, you have assigned your right to child support to the state. This means that the state gives you a full AFDC payment and they keep whatever child support he pays. When your spouse does not pay, they go after him or her.

If you are not receiving AFDC, you can hire your own lawyer or you can ask the County Attorney (through the Child Support Enforcement Office) to go after your spouse. Since this office handles many, many cases, it sometimes takes quite a while for them to act

on your case. Sometimes, rather than take your spouse to court, they will work out an arrangement where he pays less than originally ordered. If you don't agree with the change, tell the County Attorney and the Judge will decide what's fair. Remember, child support and visitation is two different things. You cannot keep your spouse from seeing the children simply because he has not paid child support.

COMMON LAW MARRIAGE

If you live with your boyfriend or girlfriend in Nebraska but do not take out a marriage license or have a wedding, you are not married. Not even if you live together for seven years or more. If, however, you move to a state which does recognize a common law marriage as valid and then move back to Nebraska,

You would have a valid marriage in Nebraska. The requirements for common law marriage are different from state to state. If you have a valid common law marriage and then you split up, you need to get a divorce to end the marriage.

CONTEMPT OF COURT

When a Judge says someone is in "contempt of court," he/she means that the person is not doing something he or she was ordered to do even though they are able to do it. The Judge can punish them for this. Contempt hearings can be very serious. The Judge can put a person in jail for being in contempt of court.

The most common type of contempt hearings is held because the spouse gets behind in paying his child support. If he has a good reason, the Judge might give your spouse a chance to get caught up. If not, the Judge can send your spouse to jail.

You can ask your lawyer to set up a contempt hearing whenever your spouse is not doing something he was ordered to do in your divorce Decree. Your lawyer can tell you if this is the best way to get what you want.

If you are ordered to pay child support but you cannot, you can ask the Court to modify or change the divorce Decree. Judges don't do this, however, unless you have a good reason for the change. Talk to a lawyer when the problem first starts. If you wait until you are in contempt for not paying, the Judge might not be willing to lower or stop the payments.

CUSTODY OF THE CHILDREN

When a Judge has to decide who will have custody of the children, he/she must decide on the basis of what is in the best interests of the children. He/she must decide which parent can, on a day-to-day basis, best provide for the children. Providing means more than a house and food. It also means meeting the child's emotional needs; seeing that the child grows up happy and healthy.

A Judge cannot give the mother custody just because he/she thinks children belong with their mother. He cannot give the father custody just because the father makes a lot more money than the mother. The Judge listens to all that is said at the hearing. This could include reports from a psychologist. If the children are older (usually at least 12), the Judge might ask who they want to live with. After listening to everything, he/she must decide what is best for the children. The activities of the parent are not considered unless they have an effect on the children. So, don't think you'll lose your children

automatically if you have had an extramarital affair. Be sure to talk to your lawyer about it, however.

DIVISION OF PROPERTY

Everything you and your spouse bought while you were married with money that you shared or gifts which were given to both of you belong to both of you. This includes real estate, household goods, appliances, furniture, cars, boats, trailers, stocks, bonds, etc. When you get your divorce, this property must be divided. If you and your spouse cannot agree on how it should be divided, the Judge will have to decide.

The Judge is supposed to divide the property in a fair way. Some things are not easy to divide; for example, your house or car. If something cannot be divided, the Judge can give something of equal value to the other person. He/she also can order that property be sold and the profit divided.

If you and your spouse have been separated for a while, you probably have already divided most of the property. The Judge usually will not change this division unless one of you complains or he/she thinks that the division was not fair.

DIVISION OF DEBTS (BILLS)

While you and your spouse were married, you probably had joint credit cards, charge accounts, took out loans, etc. Someone has to continue to pay for these bills. Again, if you and your spouse cannot agree on who should pay what, the Judge will have to decide.

One important thing to remember: your divorce Decree only affects your relationship with your spouse, not with your creditors. As far as they are concerned, you and your spouse both owe them. Your divorce Decree does not take your name off the bill. If your spouse does not pay, they will want you to pay. If you do not, they may try to repossess whatever you named as security (collateral) on the loan. They also can sue you for the balance due on the loan.

If your spouse does not pay, you can ask your lawyer about a contempt of court hearing. The Judge can punish your spouse for not paying the bills he or she was ordered to pay. If you ever find out that your ex-spouse is filing for bankruptcy, talk to your lawyer. Your spouse cannot include alimony or child support in his bankruptcy. He may not be able to include debts he was ordered to pay in the divorce Decree. But it is important that you talk to a lawyer right away about those debts.

GETTING YOUR PRIOR NAME BACK

After your divorce, you may want to go back to using your maiden name. If this is not your first marriage, you may want to go back to your former married name, especially if you have children with that name. Be sure to tell your lawyer you want this at your first interview. Your request must be in your Petition for divorce.

GUARDIAN AD LITEM

A Guardian ad litem, or GAL, is a person appointed by the court to represent children in a custody dispute. The GAL is generally an attorney who is supposed to look out for

the "best interests" of the child/children. This may or may not mean doing what the child wants. The GAL fees are either paid by the parents or the County.

IN FORMA PAUPERIS

Every person has the right to file their Petition with the Court even if they cannot pay the filing fees. A Judge must order that the person be allowed to file without paying if they can show they can't afford the court costs. The person must sign an Affidavit which shows income and expenses. If the Judge agrees that you cannot afford to pay for the fees, he/she signs an Order which says that you can file without pre-paying. The county may then be ordered to pay the fees (filing, Sheriff, publication). This does not include lawyers' fees.

INSURANCE

If your spouse has a life insurance policy at the time of the divorce, you can ask the Judge to order your spouse to make the children the beneficiaries. This would protect the children in case he was married again or could not pay in the future.

Nebraska law requires parents to obtain health insurance for the benefit of any children as long as it is available through an employer or other association at a reasonable cost

JOINT CUSTODY

Several states have passed laws which allow Judges to award joint custody. Nebraska has not. A Judge can award joint custody even though there is no specific law. However, Judges are not as likely to do so.

Joint custody can mean different things. It can mean that one parent still has the child most of the time, but both parents make the decisions about the child. It can mean that the child lives equal amounts of time with both parents. In order for joint custody to work, the parents must be able to work together. Not everyone is able to put aside their feelings. Be realistic about your relationship with your spouse. If you fought about how to raise the children while you were married, joint custody probably will continue that fight.

JURISDICTION

Jurisdiction is the authority of the court to hear and decide a case.

LEGAL SEPARATION

If you or your spouse did not live in the state long enough to file for a divorce, you can file for a legal separation. The things you and your lawyer must do are just about the same as when you file for a divorce. The costs are about the same. The Judge can make decisions about the children, support, division of property and bills, restraining orders, etc. The real difference is that a legal separation does not end the marriage.

MODIFICATION OF A DECREE

Modification simply means change. You can ask the Judge to change things he/she

ordered in your first divorce Decree. However, before he/she will do this, you must show him that something has changed. You cannot ask him/her to change the Decree just because you did not like what he/she did the first time.

The court requires a "substantial change in circumstances." For example, say you want more child support. Inflation has made it more costly for you to take care of your children. This is one fact you can show to the Judge. But you probably will need more. You could show that your spouse is making more money now than he was at the time of the divorce, or perhaps, you are making less.

Whenever you feel that something in your Decree should be changed, think about how you can show the Judge that things have changed. Then talk with your lawyer.

PARENTING ACT

Since September of 1994 all parties to child custody proceedings must receive information materials from the clerk of the district court where the action has been filed. These materials are designed to educate the parties regarding the proceedings and the effects that it may have on the children involved. Generally the attorneys involved are responsible for distributing the materials under the parenting act.

RESTRAINING ORDERS

There are two types of restraining orders which can be used to keep your spouse away from you. The first simply tells your spouse to leave you alone and stay away. A Judge can sign this type of order without holding a hearing. The second type tells your spouse to leave the family home and stay away from you. This type of restraining order requires a hearing. If you have been physically hurt or think you will be, you can ask for a restraining order without filing for a divorce. This applies to people who live together but are not married, too.

A restraining order is simply a piece of paper. If your spouse disobeys it, the Judge can find your spouse in contempt of court. If your spouse is determined to hurt you or refuses to leave, you may not be able to get the law to help you in time. Sometimes you may just have to find another place to stay for a while. If you cannot stay with relatives or friends, there are agencies which can help you.

Many cities have agencies that can help you find a place to stay and provide other services you may need. Call your County Welfare Office to find out where to call.

If you decide to stay at the family home, change the locks. At the first sign of trouble, call the police. Do not open the door to try and reason with

your spouse. When you leave your home, try to have someone with you. For more information, call the Nebraska Commission on the Status of Women. They have handbooks which might help you.

TEMPORARY HEARINGS

Several months may go by from the time you file your Petition until the Judge signs

your divorce Decree. Some things need to be dealt with before that. You may need money to live on. You and your spouse may be fighting over custody of the children. You need the Judge to make some decisions about these problems right away.

Your lawyer can ask the judge to hold a temporary hearing. This hearing is very much like the hearing in Step Five. The difference is that everything the Judge decides at the temporary hearing only stays in effect until the final hearing.

VISITATION

The parent who does not have custody of the children still has the right to see and spend time with his children. This is usually called Visitation Rights. Some divorce decrees spell out exactly when and how often the spouse can see the child. Some decrees simply say "reasonable rights" to visitation. Talk with your lawyer about what would be best in your case.

Child Support and Visitation are separate things. Just because your spouse does not pay support, does not mean you can keep him or her from seeing the children.

Studies show that children whose parents are going through a divorce have fewer problems when both of their parents stay involved in their life. Children often feel that the divorce is their fault. If one parent seems to drop out of the child's life, it can increase the child's feelings of guilt and loneliness.

Try to keep your spouse involved in your child's life. Talk with him or her about decisions which need to be made. Encourage your spouse to keep their relationship with your child as unchanged as possible. This may not be easy. You may have vent' bad feelings about your spouse and the divorce. Get outside help if you cannot put aside those bad feelings. Remember, you divorced your spouse, but your children did not.

