

NEBRASKA LEGISLATURE

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Nebraska Revised Statute 42-353

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Chapter 42

42-353.

Complaint; contents.

The pleadings required by sections [42-347](#) to [42-381](#) shall be governed by the rules of pleading in civil actions promulgated under section [25-801.01](#). The complaint shall include the following:



- (1) The name and address of the plaintiff and his or her attorney, except that a plaintiff who is living in an undisclosed location because of safety concerns is only required to disclose the county and state of his or her residence and, in such case, shall provide an alternative address for the mailing of notice;
- (2) The name and address, if known, of the defendant;
- (3) The date and place of marriage;
- (4) The name and year of birth of each child whose custody or welfare may be affected by the proceedings and whether (a) a parenting plan as provided in the Parenting Act has been developed and (b) child custody, parenting time, visitation, or other access or child support is a contested issue;
- (5) If the plaintiff is a party to any other pending action for divorce, separation, or dissolution of marriage, a statement as to where such action is pending;
- (6) Reference to any existing restraining orders, protection orders, or criminal no-contact orders regarding any party to the proceedings;
- (7) A statement of the relief sought by the plaintiff, including adjustment of custody, property, and support rights; and
- (8) An allegation that the marriage is irretrievably broken if the complaint is for dissolution of marriage or an allegation that the two persons who have been legally married shall thereafter live separate and apart if the complaint is for a legal separation

the complaint is for a legal separation.

Source

-  Laws 1972, LB 820, § 7;
-  Laws 1997, LB 229, § 13;
-  Laws 2004, LB 1207, § 21;
-  Laws 2007, LB221, § 1;
-  Laws 2007, LB554, § 30;
-  Laws 2008, LB1014, § 29;
-  Laws 2012, LB899, § 1.

Cross References

-  **Complaint**, include whether to be heard by county or district court, see section [25-2740](#).
-  **Parenting Act**, see section [43-2920](#).







Annotations

The mere pendency of another action does not necessarily ipso facto require that a demurrer be sustained and the second action dismissed. *Miller v. Miller*, 213 Neb. 219, 328 N.W.2d 210 (1982).

Where a petition for dissolution of marriage was filed in the maiden name of a woman who had never adopted the surname of her husband and the parties were otherwise entitled to a decree of dissolution it was error for the trial court to refuse to enter the decree in the maiden name of the wife. *Simmons v. O'Brien*, 201 Neb. 778, 272 N.W.2d 273 (1978).

Because the husband's complaint contained each of the allegations required by this section, he stated a claim upon which the district court could grant relief, and the court erred in granting the wife's motion to dismiss for failure to state a claim. *Metzler v. Metzler*, 25 Neb. App. 757, 913 N.W.2d 733 (2018).

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