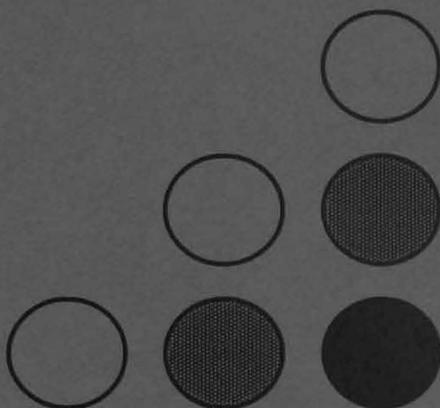


Working with Pro Se Litigants

A Manual for Nebraska Court Employees



April 2008

FOREWORD

The courts have an obligation to serve all citizens, yet operate in an efficient and just manner. This obligation becomes difficult when litigants are unfamiliar with court procedures and practices.

As employees of Nebraska's court system, you are on the front line of our justice system. Every day you are asked to provide information to the public about the court system and how it works. You are expected to provide courteous and professional service, yet at the same time cautioned not to give legal advice.

In 2001, the Nebraska Supreme Court appointed the Pro Se Litigation Committee, chaired by Judge Richard Sievers of the Nebraska Court of Appeals, to examine issues and challenges posed to Nebraska courts by "pro se" or self-represented litigants.

The Supreme Court's Committee on Pro Se Litigation undertook the charge of providing a tool for court employees to use when working with self-represented litigants. That effort has culminated in this manual, entitled **Working with Pro Se Litigants**, which has been approved by the Supreme Court for use by all court employees of the State. I encourage you to familiarize yourself with the manual and use it frequently. While the manual may not provide a solution for every situation you face in your work day, it can be a resource that will assist you in many instances. Additionally, I believe this manual will be an effective training tool for new employees.

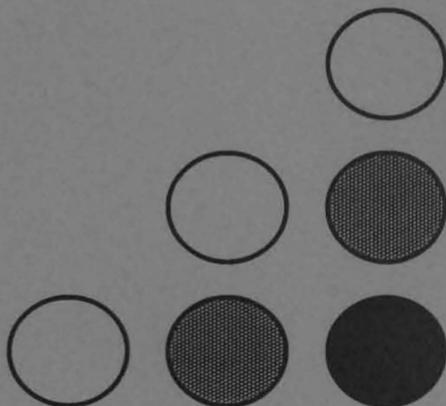
This manual was authored by a sub-committee comprised of judges and clerks from a variety of Nebraska courts, all of whom are members of the Supreme Court's Committee on Pro Se Litigation. The sub-committee was chaired by Janice Walker of the Administrative Office of the Courts. I wish to acknowledge and thank the following members of the sub-committee for their hard work in producing this manual:

Hon. Richard Sievers, Nebraska Court of Appeals
Hon. William Cassel, Nebraska Court of Appeals, former District Judge,
8th Judicial District
Hon. Teresa Luther, District Judge, 10th Judicial District
Hon. Kent Turnbull, County Judge, 11th Judicial District,
Hon. Curtis Maschman, County Judge, 1st Judicial District
Sue Kirkland, Lancaster County District Court Clerk
Ellen Eby, Dawson County District Court Clerk
Rudy Tesar, Douglas County District Court Clerk
Peggy Gentles, former Judicial Administrator, Lancaster County Court
Milo Mumgaard, Director, Nebraska Appleseed Center
Janice Walker, Associate Administrator, Administrative Office of the Courts

Special assistance provided by Pat Dormer, Administrative Assistant to the Nebraska Court of Appeals, and Marcie Brush, Administrative Secretary, Administrative Office of the Courts.

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A Manual for Nebraska Court Employees



MANUAL FOR COURT EMPLOYEES WHO WORK WITH PRO SE LITIGANTS

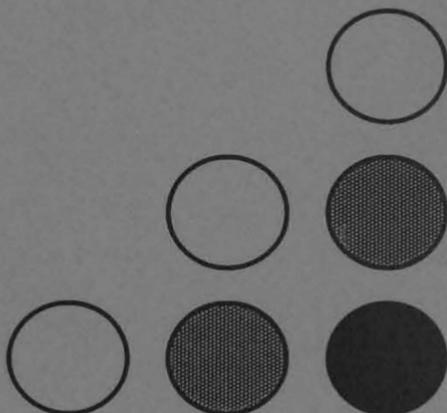
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Welcome to Nebraska Courts

an information sheet to post in the court office

A Manual for Nebraska Court Employees



WELCOME TO THE NEBRASKA STATE COURTS

WE WILL BE HAPPY TO HELP YOU IF WE CAN.
HOWEVER, WE ARE ALLOWED TO HELP YOU ONLY IN
CERTAIN WAYS, SINCE WE MUST BE FAIR TO EVERYONE.

This is a list of some things court staff can and cannot do for you.

WE CAN Explain/answer questions about how the court works.

WE CAN Provide you with the telephone number for the lawyer referral service, legal aid program, and other services where you can get legal information.

WE CAN Give you general information about court rules, procedures, and practices.

WE CAN Provide court schedules and information on how to get a case scheduled.

WE CAN Give you information from your case file unless it is sealed by the court.

WE CAN Provide you with court forms and instructions that are available.

WE CANNOT Tell you whether you should bring your case to court.

WE CANNOT Tell you what words to use in your court papers. (However, we can check your papers for completeness. For example, we may check for signatures, notarization, correct county name, correct case number, and presence of attachments.)

WE CANNOT Tell you what to say in court.

WE CANNOT Give you an opinion about what will happen if you bring your case to court.

WE CANNOT Let you talk to the judge outside of court.

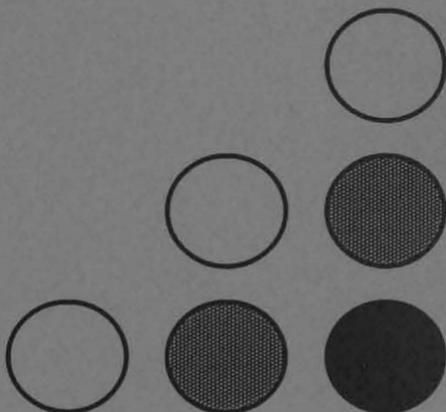
WE CANNOT Change an order signed by a judge.

Since court staff may not know the answers to all questions about court rules, procedures, and practices, we have been instructed not to answer questions if we do not know the correct answer.

Resources

to assist pro se litigants

A Manual for Nebraska Court Employees



RESOURCES TO ASSIST PRO SE LITIGANTS

Nebraska State Bar Association --- Statewide lawyer referral service, 800-927-0117

Nebraska State Bar Association -- Volunteer lawyers project, 800-742-3005

Legal Aid of Nebraska -- Provides civil legal aid to low income persons (generally at or below 125% of the federal poverty guidelines) through the state. Services include advice, brief services, referrals and extended representation. Clients must access Legal Aid through its toll free AccessLine at **877-250-2016**. (The Nebraska Farm HotLine **800-464-0258**; Native American Desk **800-729-9908**.) All languages can be handled either by the assistance of an interpreter or a person who speaks the language. Pro Se Clinics, to prepare persons to represent themselves in simple divorces, are conducted in each judicial district throughout the year. Contact Legal Aid at **402-435-2161** or access the NLS Web site for a schedule of the clinics. Go to www.nebls.com for a full description of all services, special projects, guidelines, brochures, and forms.

Mediation Centers -- Mediation provides a neutral third party who has no decision-making authority and is impartial to the issues being discussed. The mediator is present in order to assist the parties to voluntarily reach a mutually acceptable settlement of the dispute. Nebraska Office of Dispute Resolution, 402-471-3148.

Local Mediation Centers --

Omaha	402-345-1131
Scottsbluff	308-635-2002
Beatrice	402-223-6061
Lincoln	402-441-5740
Kearney	308-237-4692
Fremont	402-753-9415

Nebraska's Network of Domestic Violence and Sexual Assault Programs -- Hotline to reach the program serving your area, 800-876-6238

Nebraska Supreme Court Web Site--Court rules, forms, and general information about the court system -- Available on the Web site of the Nebraska Judicial Branch – Has self help tools and forms, mostly in the area of Domestic Relations at the current time. www.supremecourt.ne.gov

Nebraska Library Commission -- Has marriage license, birth and death information as well as legal age of majority -- <http://www.nlc.state.ne.us/nsf/NEfaq.html> 402-471-2045 & 800-307-2665

Creighton University School of Law – Douglas County, family law, landlord tenant, disability, will and estates. No bankruptcies. 402-280-3068

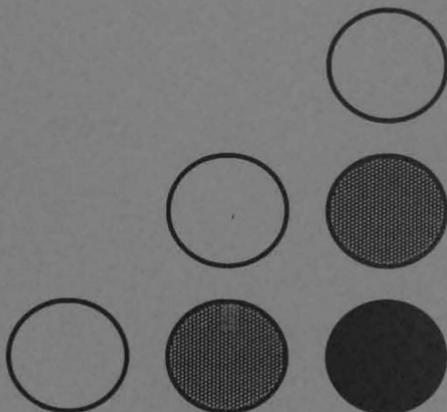
Nebraska State Law Library -- Has reference materials, forms, and legal research material available to the public, 402-471-3189 or e-mail library@nsc.state.ne.us.

University of Nebraska Civil Clinic—Representation in Civil matters. 402-472-3271

General Guidelines

for assisting litigants in Nebraska courts

A Manual for Nebraska Court Employees



GUIDELINES FOR ASSISTING LITIGANTS IN NEBRASKA COURTS

The primary goal of all court staff is to provide high quality service to court users. Staff must strive to provide accurate information and assistance in a prompt and courteous manner.

Court employees have an **absolute duty** of impartiality. All litigants are to be treated fairly and equally. Court employees must not provide assistance for the purpose of giving one party an advantage over another, nor give assistance to one party they would not give to an opponent.

You will be asked, at times, to provide information that you are not authorized to provide. Here are a few suggested responses when this occurs.

I know you can answer the questions I am asking. Why won't you help me?

Many questions require you to explain or interpret the law or how the law would apply in the litigant's case. This constitutes legal advice and court employees are prohibited by law from giving legal advice. (See Neb. Rev. Stat. §§ 7-101 and 7-111. The guidelines found later in this section will help you discern the difference between "information and assistance" and "legal advice.")

In addition to the prohibition against giving legal advice, there is a danger that a litigant might misunderstand a statement from a court employee, or you might give an incorrect answer and the litigant would lose his or her case as a consequence. The litigant in this situation would probably blame you. Therefore, it is important that court employees refrain from answering many of the questions people ask and refer them to legal counsel.

What attorney should I hire for my case? Who is a good attorney in this county?

Court employees are prohibited from recommending specific attorneys or law firms. Neb. Rev. Stat. § 24-586 and the Code

of Judicial Conduct specifically prohibits county judges and clerk magistrates from making such recommendations.

You may refer litigants to the Nebraska State Bar Association **(1-800-927-0117)**. The NSBA has a free state-wide lawyer referral service. Litigants may also check the local phone directory yellow pages or ask friends or business associates for a recommendation.

I want to talk with the judge.

Court employees must be cautious about allowing people to talk to a judge because judges must avoid **ex parte** contacts with litigants. You should ask your judge for guidance on responding to such requests. The judge may require all such contacts to be in writing. You should also ask your judge to give you instructions on how to handle requests for continuances, both general requests and emergency rescheduling.

How can I see a copy of a sealed or confidential record?

This request will occur most frequently in adoption matters and mental health proceedings, but there are other kinds of records that are sometimes sealed by the court and employees are not authorized to release them. The person should file a written and signed request to the judge so a determination can be made whether the litigant has a right to view information in a sealed or confidential file.

A written request to see sealed or confidential records should contain as much information as possible (names of parties, dates, case numbers, etc.) so that a determination can be made as to whether the record exists. The request should also give reasons why the person might have a right to see the record, and give information about the requestor, such as name, address, and phone number.

What to do if you are asked to give legal advice.

Court staff **should not** provide legal advice. If a court user asks for legal advice, court staff should advise the person to seek the assistance of an attorney. You may refer the person to the Nebraska State Bar Association Volunteer Lawyer's Project, or

the Nebraska State Bar Association Statewide Referral Service. They may contact either of those programs by calling **1-800-927-0117**.

Other services that may be able to help them are:

Omaha Bar Association Lawyer Referral Office
402-341-4014

Legal Aid of Nebraska
1-877-250-2016 *

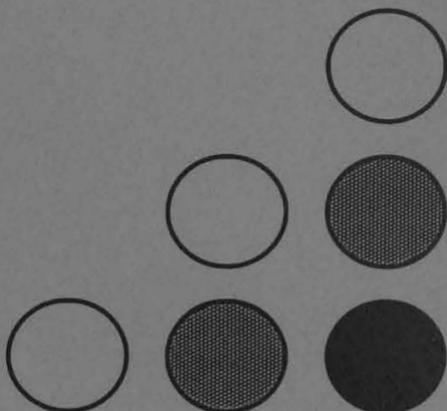
*note: Legal Aid has local offices in several cities around the state but all referrals should be made using this access number.

How do you know the difference between giving assistance and giving legal advice? The following guidelines will help you make that distinction.

"Giving legal advice"

what is it?

A Manual for Nebraska Court Employees



WHAT IS "GIVING LEGAL ADVICE"?

Court employees should not attempt to apply the law to the facts of any given case, nor give directions regarding how a litigant should respond or behave in any aspect of the legal process.

Some examples of information that may not be supplied by court staff would be:

- recommending whether to file a petition or other pleading
- recommending specific phrasing or content for pleadings
- filling in a form for a litigant
- recommending specific people against whom to file petitions or other pleadings
- recommending specific types of claims or arguments to assert in pleadings or at trial
- recommending what types or amount of damages to seek or the specific litigants from whom to seek damages
- recommending specific questions to ask witnesses or other litigants
- recommending specific techniques for presenting evidence in pleadings or at trial
- recommending which objections to raise to an opponent's pleadings or motions
- recommending when or whether a litigant should request or oppose a continuance
- recommending when or whether a litigant should settle a dispute
- recommending whether a litigant should appeal a judge's decision
- interpreting the meaning or implications of statutes or appellate court decisions as they might apply to an individual case
- performing legal research
- predicting the outcome of a particular case, strategy or action

If you are uncertain whether the advice or information constitutes "legal advice," seek the assistance of a supervisor.

If a supervisor is not available, inform the litigant that you are not able to provide the information and suggest the litigant seek help from an attorney.

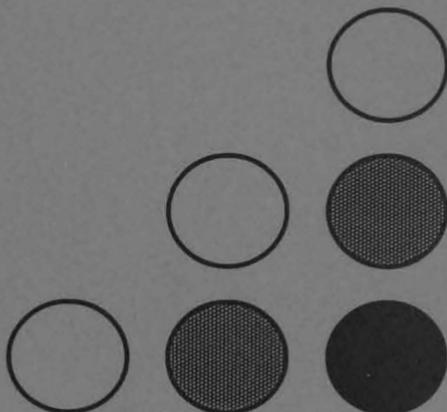
There is certain information and assistance that you **are** authorized to give. Some examples would be:

- provide public information contained in dockets or calendars, case files, indexes and other reports
- recite common and frequently employed court rules, court procedures and administrative practices
- direct the litigant to Nebraska statutes and Supreme Court rules in the county law library, local public library or on the Nebraska Judicial Branch Web site (www.supremecourt.ne.gov)
- Provide forms that you have available for public use or direct the litigant to the Nebraska Judicial Branch Web site where forms and instructions are available under the Self Help section.
- Provide brochures and pamphlets that have been authorized by the Supreme Court or Nebraska State Bar Association for distribution to the public
- Define terms commonly used in court processes
- Provide phone numbers for lawyer referral services. Court staff **MAY NOT** recommend any particular lawyer or give opinions on the abilities or qualifications of any lawyer

Although most court records are public information, there are some exceptions. In addition, there are certain documents and certain information contained in case files that are not to be made public. NEVER disclose information from a court record or about a court case unless you have been specifically authorized to do so by your supervisor.

Criminal and Traffic Cases

A Manual for Nebraska Court Employees



CRIMINAL AND TRAFFIC CASES

APPEALS

How do I file an Appeal?

A defendant has 30 days to file a written notice of appeal and deposit a docket fee. Due to the complexity of an appeal, advise the party to seek legal advice.

ATTORNEYS

How do I get an attorney?

Parties have the right to hire their own attorney. Direct the parties to the phone book and the yellow pages or give them the Nebraska State Bar Association toll free number. If financially unable to hire an attorney, a defendant may apply for court-appointed counsel. The court will provide the appropriate forms. The judge will then consider the request and determine whether the party is eligible for court-appointed counsel. Refer the party to Neb. Rev. Stat. § 29-3902 (Reissue 1995) and Neb. Rev. Stat. § 23-3402(3) (Reissue 1997).

Why do I have to reimburse the state for court-appointed attorney fees?

The defendant may be required to reimburse the county whenever any court finds subsequent to the appointment of a public defender or other counsel that the court's initial determination of indigence was incorrect or that during the course of the appointed representation the defendant is no longer indigent. The court may order the defendant to reimburse the county for all or part of the reasonable cost of the representation. Refer the party to Neb. Rev. Stat. § 29-3908 (Reissue 1995).

Why can't I have a court-appointed attorney?

Under Nebraska Law, the judge makes the decision on whether a defendant qualifies for a court-appointed attorney based on the defendant's financial resources. Court

employees do not play a role in determining who gets a court-appointed attorney. Additionally, a person is only entitled to a court-appointed attorney when jail is a possible penalty. Refer the party to Neb. Rev. Stat. § 29-3902 (Reissue 1995).

BOND

How do I get a friend out of jail (out on bond)?

If bond has been set, advise the party how that bond may be posted. Any time a bond is posted, it must be posted in cash. During court hours, bonds may be posted at the clerk's office. Other times, a bond may be posted where the person is being held. If a person posts a bond for someone else, that bond money is considered the property of the defendant for whom it is posted. The bond money will be returned to the defendant unless there is a written bond assignment filed. (The employee may look at Nebraska Court Procedure Manual on How a Bond is to be posted.)

When will I get my bond money back?

Bonds are only released upon order by a judge or dismissal of the charges. The bond, less any fees due the court, is returned to the defendant or the party to whom it is assigned.

CHARGES & CHARGING ISSUES

What have I been charged with?

You may show the defendant the file if it is not confidential or sealed. If the defendant has further questions, you should tell the defendant that you are not permitted to answer any further questions with respect to the charge and suggest consulting with an attorney or with the prosecutor's office.

It wasn't my car so why did I get a ticket for no insurance?

You are not authorized to speak for law enforcement officers or to speculate as to why an officer did or did not issue a ticket. Encourage the party to seek advice from legal counsel or to ask the prosecuting attorney.

I received a ticket for no insurance or no proof of insurance, but I did have insurance. What do I do?

If the person had insurance on the date of the offense, the ticket may be dismissed if within 10 days of the ticket they take proof of insurance to the prosecutor's office.

COMPLAINTS (REGARDING LAW ENFORCEMENT OFFICERS)

How do I file a complaint against a law enforcement officer?

Refer the party to the appropriate agency, i.e., the police department or the prosecutor's office.

COURT COSTS

Why are my court costs so high?

Court costs are established by the Legislature; the clerk's duty is merely to assess and collect those costs.

Why do I have to pay court costs when I did not go to court?

Court costs are established by the Legislature and they are fees for the filing and processing of the case rather than a fee for personal appearances.

DEPARTMENT OF MOTOR VEHICLES

What is DMV's contact information?

Driver's Abstract Information: 402-471-3918

Financial Responsibility and License reinstatement: 402-471-3985

Online Driver's License Reinstatement Web site:
<http://www.dmv.state.ne.us/frd>

Will you call the DMV and tell them that I paid my ticket?

If the ticket has been paid, you should provide the party with a written receipt that can be presented to the DMV as proof of payment. Give the person the DMV phone number or the DMV address.

DMV Address: Department of Motor Vehicles
Financial Responsibility Section
P.O. Box 94789
Lincoln, NE 68509

FINES

I want to pay a fine, but I do not know what it is for.

You may assist the party in reviewing his or her case record to determine if a fine has been imposed, the reason for the fine, and the amount.

When do I have to pay my fine?

Fines are due at sentencing unless additional time to pay is granted by the court. When a time payment is authorized, you should provide the appropriate forms.

Why won't you take my check?

Checks are not acceptable for cash bonds. However, most court offices will accept checks as payments for fines and costs unless the party has had check problems in the past.

I paid this ticket a while ago. Why don't you show it paid?

If the party can produce some proof of payment, you should investigate why credit does not appear on JUSTICE.

Will you give me an extension to pay my fine?

You can review with the defendant the local court procedure for requesting an extension.

What happens to the fine money I pay?

Fine payments do not go to the courts or any law enforcement agencies. Under the Nebraska Constitution, all fines (except for certain ones related to overweight vehicles) are paid to the county for the support of public schools.

GUILTY PLEA

How do I plead guilty?

The defendant must appear before the court to enter a plea unless the offense the defendant is charged with is waivable. If the offense is waivable, consult the current waiver schedule, explain the procedure, and present the necessary forms. For a nonwaivable offense, you should suggest the party consult legal counsel or speak to the prosecutor.

LICENSE SUSPENSION

Why is my license suspended when I paid my ticket?

Check JUSTICE to see if payment has been entered. If payment is properly recorded, advise the party to contact the DMV and be prepared to provide proof of payment of the ticket and the reinstatement fee. Refer the party to DMV's Web site for reinstatement: <http://www.dmv.state.ne.us/frd>

FAILURE TO PAY

What will happen if I do not pay my fine by the due date?

Failure to pay fines or costs may result in a warrant being issued for the defendant's arrest. Additionally, if the offense was a driving violation, the DMV will be notified of the defendant's failure to pay and their license may be suspended.

RECORDS & WARRANTS

Why won't you do a record check for me?

The clerk of the court is required to keep the records open and accurate. Due to staffing and liability considerations, you should not conduct record searches. However, you should direct the person to the public access computer terminal for the JUSTICE System.

Individuals may search JUSTICE for a one-time fee of \$15. Instructions are found on-line at <https://www.nebraska.gov/justicecc/ccname.cgi>

This is not supposed to be on my record. Why is it showing up?

You should first determine if the matter was recorded properly and, if so, advise the party to seek advice and assistance from legal counsel.

Is there a warrant out for my arrest?

You may check JUSTICE and/or advise the party to check with local law enforcement.

BOND CONDITIONS

How do I lift a no contact order?

Only the defendant or defendant's counsel can file a written request with the court and provide a copy to the county attorney. A judge will then consider the request. If there are forms available for this purpose, the clerk should provide the appropriate form to the defendant. You should advise a non-defendant party, i.e., victim, to consult an attorney or the prosecuting attorney.

SENTENCES: OUTCOMES & OPTIONS

What will be my sentence?

The judge imposes the sentences and it would be inappropriate for you to speculate.

Will I go to jail?

The judge imposes the sentences and it would be inappropriate for you to speculate.

Where can I go for traffic class or how can I get my traffic ticket dismissed?

Refer the party to the prosecutor's office or provide printed information on STOP classes if offered in your county.

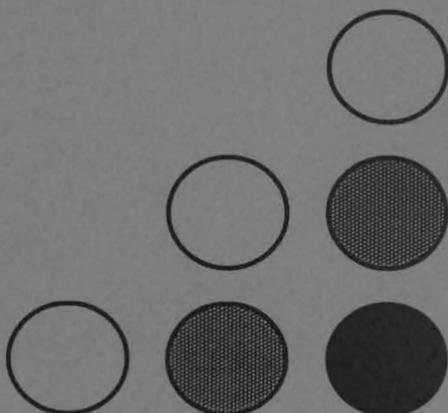
How do I get probation?

This would be legal advice. Tell the party to seek legal counsel, as you cannot answer that question.

Protection Orders

how to obtain

A Manual for Nebraska Court Employees



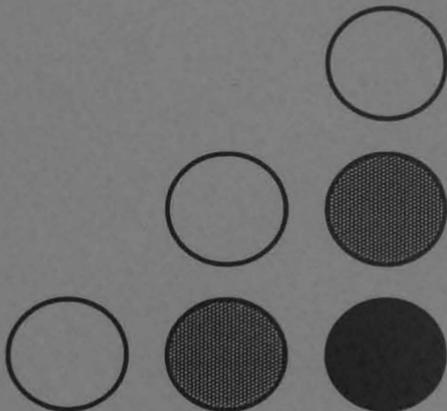
OBTAINING A PROTECTION ORDER

Forms and instructions can be found on the Nebraska Judicial Branch Web site under the Self Help section.

Domestic Relations

dissolutions, modifications, and support

A Manual for Nebraska Court Employees



DOMESTIC: DISSOLUTIONS, MODIFICATIONS, AND SUPPORT

FILING & MODIFICATION ISSUES

How do I file for a divorce without an attorney?

The Judicial Branch Web site has two types of "simple" divorce forms available through the Self Help section: Simple divorce with children and simple divorce without children.

The forms for a simple divorce without children are intended only for divorce cases where:

- There are no children and none are expected;
- All property has already been divided or there is no dispute as to its division;
- No alimony is requested; and
- The parties will each pay their own debts.

The forms for a simple divorce with children are intended only for divorce cases where:

- There are children but custody and visitation have been agreed to by both parties;
- The husband is the father of all of the minor children of the wife;
- The wife is not pregnant and no children are expected;
- All property has already been divided or there is no dispute as to its division;
- No alimony is requested; and
- The parties will each pay their own debts.

The court system does not provide divorce forms for any other circumstances. Since contested divorces are complicated you should encourage the party to seek advice and assistance from legal counsel and inform them that legal services might be available for those who cannot afford to hire a private attorney.

Can I have forms to file for a divorce?

Refer the party to the forms on the Nebraska Judicial Branch Web Site at <http://www.supremecourt.ne.gov/self-help/simple-divorce.shtml>, or simply tell them how to access the Web Site and they can follow the links to the necessary forms.

How do I modify my divorce decree?

Certain terms of the divorce decree may be modified by filing a "complaint to modify decree of dissolution of marriage" at the office of the Clerk of the District Court and paying the filing fee. The opposing party must be given formal notice or "service" of the complaint for modification and given 30 days from the time of service to file a response. If the issue is contested, the case will eventually be set for trial before a judge. Modifications are often complicated. Encourage the party to seek advice and assistance from legal counsel and tell that party that legal services might be available from Legal Aid for those who cannot afford an attorney.

How do I file for legal separation?

Legal separation is filed in the same manner as a complaint for dissolution of marriage. Since a legal separation proceeding may be complicated, you may suggest that the party may want to seek the advice and counsel of an attorney and that legal services might be available for those who cannot afford to hire an attorney.

How do I file for an annulment?

An annulment is filed in the same manner as a complaint for dissolution of marriage. (See Neb. Rev. Stat. §§ 42-373 through 42-378.) Since an annulment proceeding may be complicated, you may suggest that the party may want to seek advice and assistance from legal counsel and that legal services may be available for those who cannot afford to hire an attorney.

ANSWER

When are my 30 days up (for filing an answer)?

Generally, the 30-day period to file an answer commences from the date of service (the date the defendant receives a copy of the complaint), but this could vary according to circumstances of the case. It may be advisable for the party to seek advice from legal counsel as to the party's particular situation.

CHILD SUPPORT

How do I get my ex-spouse to pay child support?

The answer to this party's question depends on whether the ex-spouse was previously ordered to pay child support. Also, the inquiry requires you to give legal advice, which you may not provide. The party may need to contact a private attorney or the authorized attorney/county attorney for child support enforcement for a particular district.

My ex-spouse will not let me see the kids. Do I still have to pay child support?

Yes, the non-custodial parent must continue to make support payments. Denial of visitation is a separate issue from child support. Advise the party to follow the directions of the divorce decree and to seek advice and assistance from legal counsel regarding the visitation issue.

My ex-spouse will not let me see the children. What can I do?

It depends on whether an order has been entered by the court setting visitation. (See Neb. Rev. Stat. § 42-364.15 sets forth the procedure for enforcement of an already existing visitation order.) If no order is in place, it may be necessary to modify the original decree or order setting child support. In either case, the process may be complicated and it may be advisable to suggest that the party seek advice and assistance from legal counsel.

How do I get the court records to show I have satisfied my child support obligation?

The records of the Child Support Payment Center will reflect all amounts that are due and owing and amounts that have been paid. The party may contact the Child Support Payment Center at 1-800-831-4573 or at the post office box specified for the county where the order was entered. The party should be prepared to give the Center their case number and name, the payor's name and Social Security number, and the county where the order was entered. There may be other ways to "satisfy" the judgment, but such methods would require giving legal advice. Advise the party that they may need to seek

advice and assistance from legal counsel regarding ways to satisfy the child support obligation.

How far behind am I on my child support?

The records of the Child Support Payment Center will reflect all amounts that are due and owing, amounts that have been paid, and the amount of the arrearages. The party may contact the Child Support Payment Center at 1-800-831-4573 or at the post office box designated for the county where the order was entered. The party should be prepared to give the Center their case number and name, the payor's name and Social Security number, and the county where the order was entered. If the party disagrees with the numbers given by the Child Support Payment Center, advise the party that it may be advisable to seek the advice and assistance from legal counsel. It may be necessary to have the issue determined at a trial before a judge.

I am moving to a different county. Do I still send my child support payment to the same address?

All child support payments are made through the Child Support Payment Center. The post office box for child support payments is determined by the number assigned to the county where the decree was entered. There should be no change in how payments are made even if a party moves from the county. Advise the party that information on any address changes must be provided to the Clerk of the District Court where the Decree was entered.

How do I get my child support payments reduced?

Child support may be modified or reduced under certain circumstances. The party wanting the reduction must file a complaint, pay a filing fee, and give the opposing party notice of the action. This process is complicated and you may suggest that the party may want to seek the advice and counsel of an attorney and that legal services may be available for those who cannot afford to hire a private attorney.

Can I pay my child support directly to my ex-spouse?

A person may not pay child support directly to an ex-spouse. All payments made to satisfy a court order must be paid through the Child Support Payment Center at the post office box specified for the county where the order was entered. If the payments are not made through the Center, the paying party may not be given credit for making that payment.

Are there reasons I may not have to pay my child support even though my child is not 19 years old?

The law provides that the duty to pay child support terminates when the child reaches 19 years of age, the child marries, the child dies, or the child is emancipated by a court of competent jurisdiction, unless the court order for child support specifically extends the child support after such circumstances. The office of the Clerk of the District Court may have forms available for terminating support under these specific circumstances. A party paying child support may file a written application for termination of child support on the forms provided with the Clerk of the District Court's office where the order for support was entered. A certified copy of the birth certificate, marriage license, death certificate, or court order of emancipation should accompany the application for termination of the support. You should send notice of the filing of the child support termination application to the last-known address of the party receiving the child support. The notice should inform that person that if he or she does not file a written objection within 30 days after the date the notice was mailed, child support may be terminated without further notice. The court should terminate child support if no written objection has been filed within 30 days after the date the clerk's notice to the recipient of the support was mailed, the forms and procedures have been complied with, and the court believes that a hearing on the matter is not required.

Can I get my ex-spouse's wages garnished for not paying child support?

It depends upon the circumstances of the case. Does the ex-spouse have a court-ordered child support obligation that is in arrears? If the answer to this question is "Yes," then the person might be able to obtain garnishment of the ex-spouse's wages.

However, you should explain that garnishing wages can be a complicated process. Further assistance from you could be interpreted as providing legal advice--which you may not do. The party may want to seek assistance from a private attorney or from the authorized attorney/county attorney for child support enforcement for that particular district.

CUSTODY & VISITATION

Where do I go for custody battles?

Assuming that the party wants to litigate a custody issue, you should advise that all pleadings must be filed in the office of the Clerk of the District Court. Encourage the party to consult an attorney. Referral to mediation is another alternative. A list of Office of Dispute Resolution approved mediation centers is available on page 2.

DISMISSALS

I filed a complaint for a divorce, but I changed my mind. How do I dismiss my divorce case?

The answer to the question depends on whether the spouse has filed an answer or other responsive pleading. If no answer or other responsive pleading has been filed, the plaintiff may simply file a dismissal. If an answer or other responsive pleading has been filed, the spouse must join in the motion to dismiss the case. Advise the party to seek assistance from an attorney.

DIVORCE DECREE IN ANOTHER STATE

I got a divorce decree in another state. How do I transfer it to Nebraska?

This question typically arises when a person wants to enforce a child or spousal support obligation in Nebraska that was ordered in another state. This can be complicated. The party should seek assistance from a private attorney or see the authorized attorney/county attorney for child support enforcement for that district.

DIVORCE DECREE: WHEN IS IT FINAL?

Am I divorced?

Refer the party to the court file, and the divorce decree, if available. If the party still has questions, advise the person to seek advice from legal counsel.

Can I get remarried tomorrow?

Advise the person to seek advice from legal counsel.

NAME CHANGE (as part of a dissolution of marriage)

I want to take my maiden name back. How do I do that?

This is accomplished most often through a divorce decree or annulment. (See Neb. Rev. Stat. § 42-380.) You may advise the party to discuss this with the party's attorney. If the person is not represented, advise the party that a written request for change of name must be included in the complaint or responsive pleading filed at the clerk's office and a copy of the request delivered to the opposing party. The request will then be considered by the judge at the time of the final hearing.

Note: For information on name changes other than those arising from a dissolution of marriage, advise individual to review the Judicial Branch Web site Self Help section.

PATERNITY

How do I establish/disprove paternity?

Neb. Rev. Stat. §§ 43-1401 through 43-1418 discuss paternity actions. Reviewing those statutes might be beneficial. Establishing or disproving paternity is a very important matter and can be very complicated. Encourage the party to seek assistance from legal counsel. You might also suggest that the party contact the authorized attorney/county attorney for child support enforcement for that district.

How do I get a blood test?

In a case to establish paternity a party may request the judge to order genetic testing. (See Neb. Rev. Stat. § 43-1414.) The court may order the testing or either party may request the testing. That request should be in writing, filed with the Clerk of the District Court, and scheduled for hearing where the judge would then consider the request.

RESTRAINING ORDERS

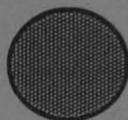
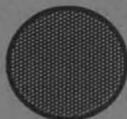
I want a restraining order. Will you do this for me?

District Court Clerk may offer forms and some assistance with filing and presenting the petition to a judge. For restraining orders issued as part of a divorce action, see Neb. Rev. Stat. § 42-357. There are different standards for enforcement of the different types of restraining orders. The party may want to seek advice from legal counsel.

Civil Cases

non-domestic

A Manual for Nebraska Court Employees



CIVIL (NON-DOMESTIC) CASES

FILING A COMPLAINT

How long do I have to file my complaint?

The Nebraska statutes address this question. The time to file a complaint may depend on the type of case and the facts involved. The party should consult an attorney. (Statutes are found on-line at <http://www.nebraskalegislature.gov>)

How do I serve my complaint on the opposing party?

You may point out the various means of service that are set out in the Nebraska Statutes, i.e., service by sheriff or certified mail. The inquirer should consult an attorney to determine the proper means of service for the party's particular case.

The filing fees seem high. Why are they so steep?

Filing fees are set by the Legislature, not by the clerk or the courts.

In what county or state do I file my complaint? (How do I know where venue lies?)

The answer to this question depends on the type of case being filed, where the litigants live, and where the events took place. Sorting out the impact of these factors would constitute legal advice. You should advise the party to consult an attorney.

How long do I have to serve the opposing party with the complaint?

The complaint must be served on the opposing party within 6 months of the filing of the complaint.

ANSWERING A COMPLAINT

How do I file an answer?

In most cases, an answer should be in writing (preferably typed) and filed with the clerk on or before 30 days after the

complaint was served on the party. The litigant must provide a copy to the opposing party or their lawyer and file proof of service with the court. The answer includes a response to each specific allegation or paragraph in the complaint or pleading to which the defendant is responding. Since the answer should also incorporate any affirmative defenses, suggest that the party consult with an attorney.

A complaint was filed on me 30 days ago, now here I am to make my appearance.

A written answer must be filed in the clerk's office within 30 days after the complaint was served on the party. The answer also must be served on the other parties in the case. A defendant may file an answer after the 30 day time period, but the clerk cannot guarantee what effect the answer will have in the case.

A complaint was filed on me more than 30 days ago. Can I still file an answer?

You will accept and file an answer at any time, even if it is late. But the clerk cannot speculate about the legal consequences of filing the answer late. If the plaintiff has already filed an application for default judgment or has obtained a default judgment, the defendant should definitely consult an attorney for options.

BANKRUPTCY

If I file bankruptcy, will my debts go away?

Do not speculate about how bankruptcy laws would apply in a particular case, which would be a clear example of providing legal advice. Bankruptcy is a complicated area of law. Strongly recommend that the party consult an attorney. This is a federal proceeding and is not handled by the state courts.

COLLECTION/ENFORCEMENT OF JUDGMENTS

How do I file a garnishment to collect my debt?

The party requesting the garnishment must check the title, file a praecipe and affidavit for garnishment indicating the bank account or place of employment that is to be garnished and have the garnishment served.

OR

Garnishments are very often complex. Suggest that the party consult an attorney.

What is a debtor's exam?

This is a process available to someone who has obtained a judgment against another party and has been unsuccessful in attempts to collect a judgment. In this situation, the judgment creditor can file a request for a debtor's exam. Both parties will have to appear in court where the judgment creditor may question the judgment debtor under oath regarding the amount and location of the judgment debtor's assets (e.g., bank accounts, real property).

How do I file a construction lien?

In some counties, the Register of Deeds may provide the appropriate forms and basic instructions for filing, but due to potential complications concerning questions of law and notice, advise the party to consult with an attorney.

Are there any liens on my property?

This requires a search of records and legal advice. People are free to search the records of the Clerk of the District Court themselves or have a title company or attorney conduct a search for them.

How long do I have to file an action to enforce a construction lien?

An action to enforce a construction lien may involve complicated legal issues. The party should consult with an attorney.

NAME CHANGE

How do I change my name? (Not part of a divorce case.)

Advise individual to read instructions and use forms on the Nebraska Judicial Branch Web site (www.supremecourt.ne.gov) under the Self Help section.

APPOINTMENT OF ATTORNEY

Will the County Attorney represent me?

No, the County Attorney represents the state in criminal cases.

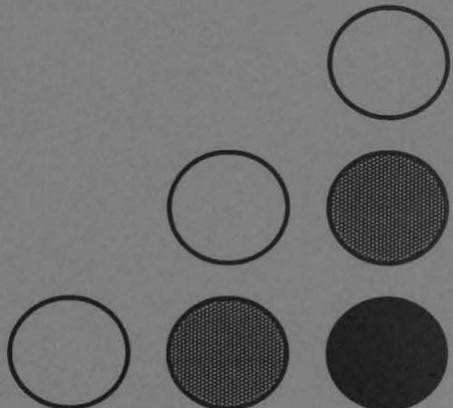
Can you appoint an attorney for me?

Only a judge can appoint an attorney and only in certain cases. In most civil and domestic cases, there is no provision for the appointment of counsel, but you may refer the party to the Legal Aid Society or Nebraska Legal Services, which often assists civil litigants who cannot afford to hire an attorney. (See Resources p. 2 of this manual.)

Probate

guardian/conservator

A Manual for Nebraska Court Employees



PROBATE, GUARDIAN/CONSERVATOR

WILLS

Is my father's (any relative, friend, or neighbor) will on file with this court? or

Can I look at (or have) my father's (any relative, friend, or neighbor) will?

If a person has died and a will has been offered for formal or informal probate, it may be reviewed and inspected by any member of the public. It may not be taken from the court.

A will can be filed with the court for safekeeping. When this is done, such will can be returned, during lifetime, **only** to the person that filed that will or to a person authorized in writing by such person to receive the will. If the person is dead, the will may be delivered to a person who is able to secure the probate of such will. (See §§ 30-2355 and 30-2356.)

Prior to releasing any will you should consult with your judge. It is good practice to maintain a copy of any document that is released.

Administration

My father (any relative, friend, or neighbor) has died. Can I get the forms to start his estate?

The court does not provide any forms for the public (or for attorneys) that open or commence estate proceedings.

My father (any relative, friend, or neighbor) has died. What do I do now? or

Do I have to go through court?

The necessity of court proceedings, following a death, depends on a large number of variables. It is a legal question that cannot be answered by the court.

Do I have to pay taxes on my inheritance?

There may be inheritance tax on property a person receives as a result of a death of another person.

How do I file a claim against "John Doe's" estate?

If an estate is open (you may look at your index), the person may file a written claim. A copy should be sent to the personal representative of the estate.

When will I get my money (creditor or heir)?

The length of time to administer an estate varies greatly on various factors including the complexity of the estate. The personal representative or their attorney generally control the advancement of the administration of an estate. At the 12-month mark, if an estate is still open, the court will order the personal representative to show why the estate is still pending. All estates over 18 months are to be monitored by the court for completion.

Have I filed everything you need (both the public and the attorneys)?

Offentimes a trap for the unwary. You can recount what documents you do have in the court file or that you have received, but a representation that "this is everything," or "all that I need" **should not** be given.

Here is my "Affidavit for Transfer of Personal Property without Probate." Will you please file this for me?

You may tell the person that generally this document is used instead of filing anything with the court. If the party continues to desire filing, the document should be filed in the probate docket.

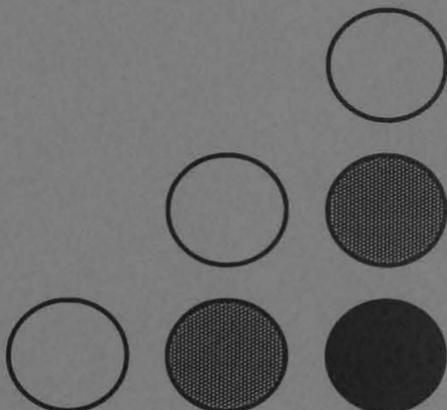
What can I do about _____ (any type of complaint about an attorney or a fiduciary in the administration of the estate)?

This is a request for legal advice, which cannot be provided. The personal representative or their attorney can be asked to

provide specific information regarding transactions dealing with the estate. Generally, a Personal Representative will be required to account for their estate transactions prior to being discharged.

Guardianships and Conservatorships

A Manual for Nebraska Court Employees



GUARDIANSHIPS AND CONSERVATORSHIPS

How do I get a guardian appointed for my grandchild?

The court can appoint a guardian for a child if their parents have died or if the parental rights of the parents are suspended. Someone must petition the court and show why a guardian is necessary. The person will likely need the assistance of an attorney to get such an appointment.

The insurance company says I need to be a conservator for my child before they will pay me. What will I have to do?

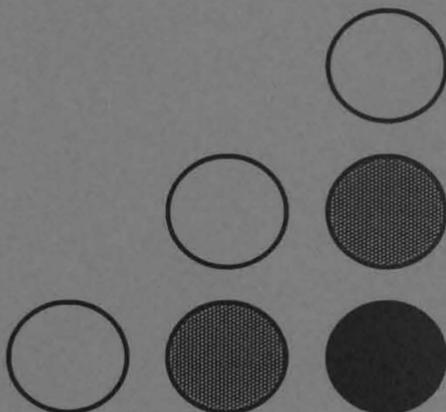
Someone must petition the court and show why a conservator is necessary. The person will likely need the assistance of an attorney to get such an appointment. Once appointed, a conservator must report annually to the court and report every dollar received and every dollar spent. Conservators are required to complete a training course regarding the issues that they will deal with in handling the money of others.

The nursing home says we need to appoint a guardian for my uncle. What do I do?

Once again, someone must petition the court to be appointed as guardian and show why a guardian is necessary. Once appointed, a guardian must file an annual report with the court regarding their contact with the person who needs the guardian and also advising the court of their current condition and health. The guardian will also be required to complete a training course regarding their duties.

Small Claims Cases

A Manual for Nebraska Court Employees



FILING A SMALL CLAIMS CASE

How do I file a small claim?

Provide the pamphlet "A Guide to Small Claims Court" produced by the State Court Administrator's Office and direct them to the Judicial Branch Web site Self Help section. In addition, you may provide orally any information in the pamphlet. You may also point out where information should be placed on the form. You should **not** offer recommendations as to the phraseology of the information that goes on the form, whom the party should sue, or whether a small claim should be filed.

Against whom do I file?

This question requires court staff to offer legal advice, which it may not provide.

Do I have a case against this person?

This question requires you to interpret how the law will apply in a particular litigant's case that would constitute legal advice. Therefore, you are unable to answer this question.

Can I sue in small claims to get my car back?

The only order a judge can make in a small claims case is for someone to pay someone else money, or return property within the jurisdictional limits of small claims court.

I live in Nebraska and the defendant lives in another state. Where do I file?

Court staff may say that in Nebraska, a small claims action must be filed in the county where the defendant or the defendant's agent resides or is doing business or in the county where the cause of action arose. You should tell the person that you are unable to tell where this person should file the case as that would be providing legal advice. In addition, you should state that you have no information about other states' small claims processes.

I live in this county and the person I want to sue lives in another county. Where do I file?

Court staff may say that in Nebraska, a small claims action must be filed in the county where the defendant or the defendant's agent resides or is doing business or in the county where the cause of action arose. You should tell the person that you are unable to tell where this person should file the case as that would be providing legal advice.

What kind of notice do I have to give?

The "Plaintiff's Claim and Notice to Defendant" contains the options for serving the defendant--by sheriff, by constable, or by certified mail. The plaintiff will need to provide to the sheriff or constable the fees for the type of service that they select. If certified mail, the plaintiff will pay the post office.

Once I file my claim, how long before I go to court?

When the "Plaintiff's Claim and Notice to Defendant" is filed, the court date will be assigned. The scheduling of these will vary from county to county.

My case was dismissed a year ago. Can I refile?

The answer to this question depends on the individual facts of the case and therefore court staff should not answer. However, court staff should emphasize that whether the person can successfully pursue the claim is a different question than whether the court will accept the filing. The clerk's office always accepts anything presented for filing.

Will you mail me 30 small claims forms?

The court will mail one copy of the form that may be duplicated. (Also available on-line at the Nebraska Judicial Branch Web site, www.supremecourt.ne.gov under the Self Help section.

ANSWERING A SMALL CLAIMS PETITION

I received a small claims notice in the mail. What do I do now?

Refer the person to the bottom of the "Plaintiff's Claim and Notice to Defendant" which contains the date of trial. Also, the clerk should inform the person that helpful information may be contained in the "A Guide to Small Claims Court" produced by the State Court Administrator's Office. (Also available on-line at the Nebraska Judicial Branch Web site, www.supremecourt.ne.gov under the Self Help section.)

How do I file a counterclaim?

Court staff should provide the form "Counterclaim and/or Setoff." Also, the clerk should inform the person that helpful information may be contained in the "A Guide to Small Claims Court" produced by the State Court Administrator's Office. (Also available on-line at the Nebraska Judicial Branch Web site, www.supremecourt.ne.gov under the Self Help section.)

BANKRUPTCY AND ITS IMPACT

I filed a small claims case against a person. After that, the person filed for bankruptcy. How will the bankruptcy case affect my case against that person?

The answer to this question requires legal advice, which court staff cannot provide. You should contact an attorney.

COLLECTING ON A JUDGMENT

How long is my judgment good?

Court staff may say that judgments go dormant five years after the judgment or the last "execution" is filed, whichever is later. A party may request that a dormant judgment be "revived" within ten years after the judgment became dormant.

Once I get a judgment, how long before I get my money?

Being awarded a judgment does not guarantee that the judgment creditor will ever collect any money. The court will not collect the judgment; that is up to the winning party. The person may attempt to collect by pursuing a garnishment of wages or bank accounts or executing on property of the judgment debtor. The clerk may provide forms for these collection procedures. Judgment creditors should be referred to "A Guide to Small Claims Court" for more detailed information.

How do I garnish the defendant's wages?

Court staff may refer the person to the "A Guide to Small Claims Court" for a description of garnishments. In addition, the judgment creditor may be told that if wages are garnished a request for a "continuing lien" can be filed to extend the garnishment to 90 days from service of the garnishment. A "notice of extension" can be filed 15 days prior to the expiration of the lien to extend the garnishment for a second 90-day period.

How do I stop a garnishment?

Court staff may refer the judgment debtor to the notice to judgment debtor form that the debtor should have received in the mail. That form provides information on requesting a hearing.

How do I find out what the defendant owns to collect my judgment?

Court staff may say that ownership of motor vehicles and other types of personal property can be determined at the county clerk's office. The county assessor and register of deeds offices can be used to locate other personal property and real estate owned by the debtor.

Can I sell the defendant's car for my judgment?

Court staff may say that, in certain circumstances, an "execution" can be issued to the sheriff to seize the debtor's property. If the sheriff seizes the property, the proceeds of the

sale will be paid to any lienholders (for instance, loan used to buy car) and the sheriff for the expenses of the sale before the judgment. The person should be referred to "A Guide to Small Claims Court" for additional information.

Why can't the judge just put the defendant in jail?

Court staff may say that jail is not a legal remedy available in civil proceedings unless the person has been found in contempt of court (for, e.g., not appearing in court when the judge orders).

Can't the defendant make installment payments on the judgment?

Unless specified by the judge, payment arrangements are between the parties.

Can I suspend a person's driver's license?

If there is a judgment based on a motor vehicle accident, a person's license may be suspended. Ninety days after entry of a judgment that remains unpaid, a certified copy of the judgment may be mailed to the Department of Motor Vehicles.

INTEREST CALCULATION

How do I calculate interest on a judgment?

Court staff may inform the person that the court's computer system calculates interest on judgments.

MINORS AS PARTIES IN SMALL CLAIMS CASES

I am 15 years old and I have not been paid for work that I have done. How do I sue to get my money?

Court staff may say that a minor may sue, but the action must be filed by the minor's guardian or "next friend."

Can I sue a minor?

Court staff may tell the person that a minor may be sued, but the minor will need a guardian appointed. The guardian will be appointed at the request of the minor, the minor's "next friend," or the plaintiff.

SATISFYING AND RELEASING A JUDGMENT

I paid my judgment in full and the plaintiff has not released it. What do I do to get the judgment released?

Court staff may tell the person to contact the plaintiff and ask that they file a satisfaction of judgment. Court staff may give the defendant the form to send to the plaintiff. Otherwise, court staff can say that the defendant can file a written request to the court to declare the judgment satisfied including proof of payment if the payment has not been made through the court. [This may be specific to Lancaster County.] In this circumstance, it is up to the judge to decide whether the judgment has been satisfied.

TIME LIMIT FOR FILING A SMALL CLAIM

What is the time limit to file a small claim?

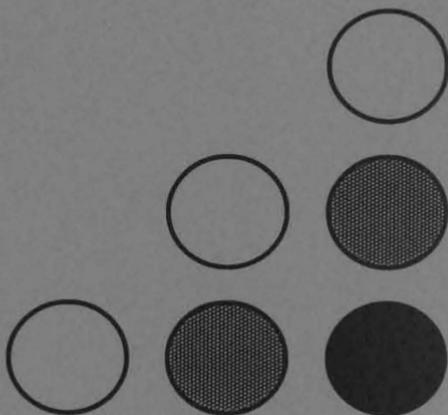
Court staff may tell the person that the "statute of limitations" (time limit) which applies would depend on the type of case and the facts involved in the case. Chapter 25, Article 2 of the statutes addresses this question, but other provisions could apply.

Local Court Information

sample guidelines to create your own

A Manual for Nebraska Court Employees

Appendix A



APPENDIX

Sample guideline to help courts develop local information sheets	A
Protection orders.....	B
ADA information	C

LOCAL COURT INFORMATION

The following is a sample of local court information for Lancaster County Court in Lincoln, Nebraska. It contains questions that are frequently asked with answers that reflect local policy and practice.

Each court now has a Web page on, or linked from, the Nebraska Judicial Branch Web site. County Court pages can be found under the County Court button on the left-hand menu. District Court pages are under the District Court button.

You may wish to create a similar document for your own court and insert it here.

How do I contact Lancaster County Court?

SAMPLE

The Court's telephone number is (402) 441-7291. The mailing address is

Lancaster County Court
575 S. 10th Street
Lincoln, NE 68508

Where is Lancaster County Court located?

The Court is on the 2nd floor of the Justice and Law Enforcement Center at 575 South 10th Street. Parking for two hours is available in the block south of the jail between H and G streets.

What hours is Lancaster County Court open?

The court is open 8 to 4:30 weekdays except on holidays. The court holidays are as follows:

2002

New Year's Day	January 1
Martin Luther King, Jr. Day	January 21
Presidents' Day	February 18
Arbor Day	April 26
Memorial Day	May 27
Independence Day	July 4
Labor Day	September 2
Columbus Day	October 14
Veterans' Day	November 11
Thanksgiving	November 28 November 29 (Friday following)
Christmas	December 25

I received a ticket that I want to pay. What do I do?

The ticket you received has some important information on it. It tells you whether you can pay the ticket without coming to court, the deadline for paying, and where to pay. If the "Waiver Allowed" box is checked at the bottom of the ticket, you are allowed to plead guilty to the offense without appearing in court. The back of your ticket has the instructions on how to plead guilty and pay the fine. You can pay the fine and costs by mail by sending the correct amount and the signed ticket to the address on the ticket. Checks and money orders should be made out to "Lancaster County Court." The court needs to receive the payment by the due date. It is very important that you either pay the ticket or appear in court on the date indicated on the front of your ticket. If your ticket states that "you must appear," you must come to court on the assigned day.

I received a ticket that I want to pay but I can't afford to pay it all now. What do I do?

If the "Waiver Allowed" box is checked on your ticket and you want to plead guilty (read the instructions on the ticket), you may come to the court and request time payment. The due date will be calculated at one week for every \$25.00 owed. You will be required to sign a promise to pay. If you are found guilty by the court and sentenced to pay a fine, you may request time to pay. The due date will be established as described above.

I need to know when I have to go to court on my criminal or traffic case.

The document you received informing you of the charges against you (traffic ticket or criminal complaint, for example) says when the first hearing in the case is. Following that date, you can call the court for the next scheduled date. The Court's number is (402) 441-7291. Pick the option called "criminal cases." The person answering the phone will be able to help you much more quickly if you have either the case number or the citation number when you call.

I have a court date in a criminal or traffic case and want to change it. What do I do?

In the following circumstance only, you may call the court for a "continuance" (change in a scheduled court date):

- You want to change the date the officer put for your court date on the ticket you received;
- The "Waiver Allowed" box is checked on the bottom of the ticket;
- You have not received a continuance on this case before; and
- You are requesting a continuance of one week or less.

In that circumstance, a continuance may be granted over the phone to another day at the same time and in the same courtroom as you were originally scheduled.

If you do not fit into the above circumstance (for instance, want to change the date of a trial, want to change the arraignment date for a case in which the "Waiver Allowed" box is not checked), you must submit a written request to continue the case. Court rule requires that, except in extraordinary situations, motions be filed at least 48-hours before the court date. If you have an attorney, the attorney must file any motions in the case.

I received a ticket for no insurance or no proof of insurance, but I did have insurance. What do I do?

If you had insurance on the date of the offense, the ticket may be dismissed if you take proof of insurance to the prosecutor's office. If the county sheriff or state patrol wrote the ticket, you will need to go to the county attorney's office on the 4th floor of the Hall of Justice, 575 South 10th Street in Lincoln. If a police officer wrote the ticket, you will need to go to the city attorney's office. The Lincoln city attorney's office is on the 4th floor of the Hall of Justice, 575 South 10th Street in Lincoln. Please note that if you have other charges as well as the no insurance charge, you will need to take care of those.

How do I sign up for the S.T.O.P. program?

SAMPLE

The S.T.O.P. program is a joint city-county program that allows some people cited for minor traffic violations to avoid having to go to court. The City Attorney's office has information about the S.T.O.P. program on its website.
<http://www.ci.lincoln.ne.us/city/attorn/faqpt2.htm#S.T.O.P. Program>

How do I have a public defender appointed?

In certain cases, if a person can not afford a lawyer, the judge will appoint one. A lawyer will not be appointed in cases in which the defendant, if found guilty, will not be sentenced to jail. When you come to your first hearing (the "arraignment") and request the appointment of an attorney, you will be required to provide financial information so the judge can determine whether you in fact can not afford an attorney.

Do I have a warrant?

The Lincoln Police Department and Lancaster County Sheriff have a list of active warrants issued by Lancaster County judges. That list is at
<http://www.ci.lincoln.ne.us/city/police/stats/warrant1.htm>.

What do I do if I have a warrant?

If the warrant was issued because you failed to pay a fine, you need to come to court and pay the full amount due.

If the warrant was issued because you failed to appear for a court hearing, call the court at (402) 441-7291 to find out when you can come to court.

Who gets the money paid to the court for court costs?

The Nebraska statutes set out how money paid to the court is distributed. In all cases filed, court costs are charged.

For criminal and traffic cases, the court costs of ~~\$23~~00 are distributed as follows:

- \$18.00 docket fee to the state general fund
- \$1.00 judges retirement fee
- \$2.00 law enforcement improvement fund
- \$2.00 legal services fee

For civil cases, the court costs of ~~\$19~~00 are distributed as follows:

- \$18.00 docket fee to the state general fund
- \$1.00 judges retirement fee

For small claims cases, the court costs of \$6.00 are distributed as follows:

SAMPLE

\$5.00 docket fee to the state general fund

\$1.00 judges retirement fee

SAMPLE

For other types of cases, see the Nebraska Judicial Branch website at <http://court.no1.org/community/fees&costs.htm>

In certain types of cases, other costs may be assessed such as witness fees.

Where do the fines paid in criminal and traffic cases go?

Under the Nebraska Constitution, all fines (except for certain ones related to overweight vehicles) are paid to the county or city for the support of public schools.

I posted a bond and want to get the money back.

You can only get a bond back after all the conditions to which you are subject have been fulfilled (for instance, all fines and costs are paid, all jail time has been served). It is possible to have your bond applied to fines and costs if the bond amount will pay off all amounts due. If you come to the court to get bond money back, please bring photo identification (such as a drivers license).

I want to post bond for someone.

Any time a bond is posted, it must be posted in cash. During court hours, bonds must be posted at the clerks office. Other times, a bond may be posted where the person is being held. If you post a bond for someone, that bond money is considered the property of the person for whom it is posted. The bond money will be returned only to that person unless there is a written bond assignment is filed.

I want to do a background check on someone. What do I do?

Court staff can not perform records searches to identify cases to which a person may be a party. However, the Court has public access terminals on which you can search for cases in Lancaster County Court. The Court's case management system ("JUSTICE") will have information on criminal/traffic cases from 1995 to the present and civil cases from 1998 to the present. Most of the Court's records are open to public inspection. If you have a case number of a case about which you want more information, this Court would be happy to provide copies of any public records related to that case provided the applicable fees are paid. Copies cost twenty-five cents a page; each certification costs \$1.00.

How do we get a marriage license?

Contact the county clerk in the county in which you want to get the license. The Lancaster County Clerk can be reached at (402) 441-7484 or <http://www.ci.lincoln.ne.us/cnty/clerk/index.htm>. The office is located on the first floor of the

City-County Building, 555 S. 10th Street.

How do we schedule a judge for a wedding ceremony?

Some County Court judges perform weddings. You may contact the court judicial assistant of the judge to see if the judge would be willing to perform the ceremony at the following numbers:

Judge Foster - (402) 441-7656
Judge Lindner - (402) 441-7655
Judge Pokorny - (402) 441-8988

I am scheduled for jury duty. What do I need to do?

The summons you received from the Jury Commissioner should give you the basic information about jury duty including where to park when you report for jury duty. The call you received from the Jury Commissioner informed you of when and where to report. If you have been called to Lancaster County Court for jury duty and have other questions, you may call (402) 441-7295. General questions about jury duty should be directed to the Jury Commissioner at (402) 441-6553.

I have questions about my divorce case or child support.

All divorces and child support matters are District Court cases. Lancaster County District Court's phone number is (402) 441-7328.

I want information about filing a small claims case.

You can get information about small claims cases on the Nebraska Judicial Branch website at <http://court.no1.org/publications/smallclaims.htm>.

I want to observe a court proceeding.

Lancaster County Court has sessions most days at 9 a.m., 10:30 a.m., and 2 p.m. Except for adoption proceedings, the courtrooms are open to the public.

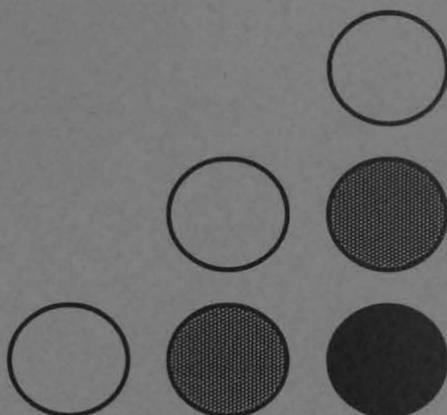
SAMPLE

Protection Order Brochures

to explain and guide through the process

A Manual for Nebraska Court Employees

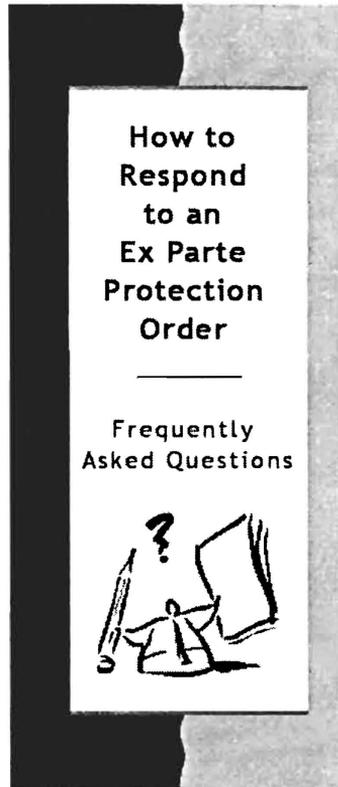
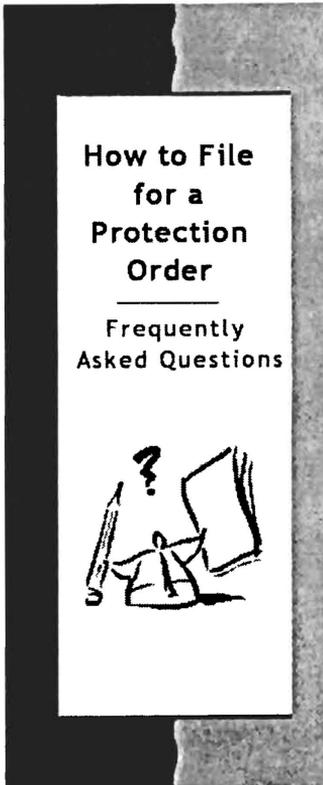
Appendix B



PROTECTION ORDERS

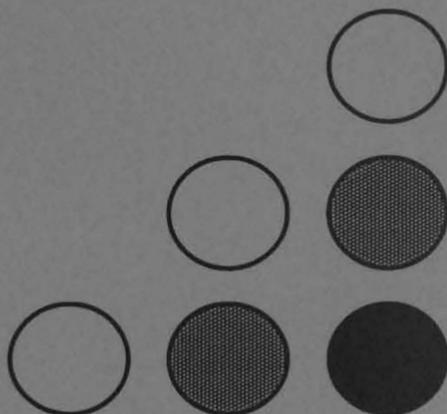
Protection order forms and brochures are under revision through the State Court Administrator's Office.

Contact Sheryl Connolly, Trial Court Services Director, 402-471-2671.



Americans with Disabilities Act information

A Manual for Nebraska Court Employees
Appendix C



AMERICANS WITH DISABILITIES ACT INFORMATION

Title II of the ADA requires that individuals with disabilities be given equal opportunity in access to state and local government services, programs, and facilities. Title II states: No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity or be subjected to discrimination by any such entity. 42 U.S.C. § 12132.

If a pro se litigant requests an accommodation and you are unsure how to meet the needs of this individual, contact Judy Beutler at 402-471-2921 for assistance.