

DIVORCE WITH CHILDREN



*A GUIDE TO FILING
FOR DIVORCE WITH
CHILDREN
IN NEBRASKA*

Updated: 07/2026

Important Contacts

Clerk of the District Court's Office

Office Hours: _____

Phone: _____

Contact information and addresses for the district court in your county can be found at this link: nejudicial.com/dc-clerk-contact

- If you are filing by mail, DO NOT send cash. Use a check or a money order.
- Make checks payable to "The Clerk of the District Court"

Never put
cash in the
mail!

County Sheriff's Office

Other

Other

This case packet was developed as part of the Self-Help Center Pilot in Douglas County, under grant number SJI-T-24-016 from the State Justice Institute. The points of view expressed are those of the Administrative Office of the Courts and Probation at the Nebraska Judicial Branch and do not necessarily represent the official position or policies of the State Justice Institute.



Can You use This Guide to File for a Divorce in Nebraska?

These forms should not be used if your divorce involves real estate, an ongoing business, are active-duty military, retirement accounts, pensions, or requests for alimony. These issues are complicated and can seriously affect your legal and financial rights. Judges and court staff cannot give legal advice. **Therefore, you should talk to an attorney before filing.**

You may only use this packet if you or your spouse have or will have any biological or adopted children under the age of 19 at the time of filing for your divorce.

Mistakes in these areas are difficult to correct and can:

- Affect ownership or future sale of property or real estate.
- Impact future financial security for you, your children, or another party.
- Limit your or another party's parental rights.

To find out, you must answer these questions first:

1. Does your divorce involve **real estate**?
2. Does your divorce involve an **ongoing business being operated by one of the parties**?
3. Are you or your spouse **active-duty military**?
4. Is there going to be a request for **alimony**?
5. Do you or your spouse have a **pension or retirement plan** with a present employer or past employer?

If you answered **YES** to *any* of the above questions – **STOP!** You cannot use this guide to file for a divorce in Nebraska.

If you answered **NO** to *all* the above questions – continue with answering the next questions:

1. Have you or your spouse lived in Nebraska for one year before filing for a divorce?
2. Do you and/or your spouse live in the county where you want to file for a divorce (_____ County)?
3. Have you tried to make your marriage work, but it is completely broken and cannot be fixed?

If you answered **YES** to *all* the above questions – You may use this guide to file for a divorce in Nebraska.



DIVORCE WITH CHILDREN GUIDE

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Helpful Information



Nebraska Filing
Fees and Court
Costs

What will it cost to file for a divorce with children?

You are expected to pay Nebraska Filing Fees and Court Costs and the cost to have the other party served with a copy of the papers.

- The total for all fees and costs may be as much as \$250.
- Costs may change.

Use the QR code or this link: nejudicial.com/filing-fee-divorce.

How long does it take to get a divorce?

Divorces generally take at least three months to finalize. This is because there is a 60-day waiting period between filing and the final divorce decree (court decision), plus court scheduling generally takes at least a few weeks. Based on various factors, divorces may take much longer.

How long do you have to wait before getting remarried?

You cannot remarry until six months after the final divorce decree (court decision) has been filed.

How do you use this guide?

Throughout this guide, Nebraska Supreme Court Forms are referenced. Scan this QR Code or visit nejudicial.com/divorce-with-children-forms to access the divorce forms. You may also search by their title or search form number (e.g., DC 6:4.4). Forms are also available for purchase at the courthouse. Forms are generally two documents, one form is instructions, and one is a fillable form that you will file.



NOTE: Some Nebraska courts require forms specific to their courts and court processes. Please check with the district court clerk's office in the county where you are filing for a divorce to see what additional forms are required.

GLOSSARY OF LEGAL TERMS

For plain language assistance with legal terms, please see the searchable [Glossary \(nejudicial.com/glossary\)](https://nejudicial.com/glossary).

For plain language assistance with terms about divorce or other domestic relations, please see the Domestic Relations section (nejudicial.com/domestic-relations-glossary).



Helpful Information (continued)

The [Parenting Act Information Brochure](#) ([Spanish Version available](#)) contains helpful information for you about the court process and parenting issues. The district court clerk's office will provide you with a copy. Additional information about divorce, parenting and support is also found at this link: nejudicial.com/self-help-divorce-with-children.

A substantial amount of personal information is REQUIRED when completing divorce forms. It is best to review the forms and instructions to see what information is needed and then gather the information before you begin the process of completing the forms. Use the Divorce Worksheet to gather your information: [Worksheet: Divorce With Children](#)

Divorce can be complicated, and disputes over children or property make them even more complicated. Representing yourself may be difficult. A couple of options that may help you are mediation or hiring a lawyer to only do part of your divorce (Limited Scope Representation).

Mediation offers a flexible and cost-conscious way that can be especially helpful when dividing assets.

Limited Scope Representation provides you with a lawyer that can help you with parts of your case that are too difficult for you to handle on your own, which limits the amount of money you need to pay for the attorney's work.

District Court Clerks: nejudicial.com/dc-clerk-contact.

District Court Local Rules: nejudicial.com/district-court-local-rules. The district court clerk's office will be able to tell you what Judicial District local rules you will need to reference.

Mediation Centers: nejudicial.com/mediation-centers.

Mediating a Parenting Plan: nejudicial.com/mediating-parenting-plans.

Flow Chart: *Divorce with Children – Process and Estimated Timeline* ([AD 2:33](#)).

Limited Scope Representation: nejudicial.com/limited-scope



DIVORCE WITH CHILDREN CHECKLIST

Step 1 – Filing and Payment

In Nebraska, divorce cases must be filed at the clerk of the district court's office in the county you and/or your spouse live.

- Contact information for the Nebraska District Court Clerks' Offices can be found on the website at nejudicial.com/dc-clerk-contact.

To file your divorce case as a Self-Represented Litigant (SRL), you may either mail or personally take the completed forms and filing fee to the district court clerk's office. Filing as a SRL means you do not have a lawyer representing you.

Complete the following required forms:

- *Complaint for Dissolution of Marriage (With Children)* (DC 6:5.1) using the *Instructions* (DC 6:5.1a).
 - If you want your former name restored, be sure to complete the appropriate sections on the Complaint for Dissolution of Marriage.
- *Certificate of Dissolution of Marriage or Annulment* (DHHS Vital Records Worksheet).
- *Confidential Employment and Health Insurance Information* (DC 6:5.11) using the *Instructions* (DC 6:5.11a).
- *Social Security Numbers, Gender, and Birth Date(s)* (DC 6:5.12) using the *Instructions* (DC 6:5.12a).

Please include your email address on the forms.
The court uses your email to send notices about your case.

Prepare to Pay the Fees:

You must pay Nebraska Court Filing Fees upon delivery of your divorce forms to the court. See filing fees nejudicial.com/filing-fee-divorce.

- If you are paying in person at the district court clerk's office, then you may pay in cash, check, or money order;
- If you are paying by mail, then you must pay by check or money order.
Do not send cash in the mail; or
- If you cannot afford to pay the fees and costs:
 - **Complete the form** *Affidavit and Application to Proceed In Forma Pauperis (Request to Proceed Without Payment of Fees)*; (DC 6:7.1) using the *Instructions* (DC 6:7.1a)
 - **Complete the form** *Order to Proceed In Forma Pauperis* (DC 6:7.2) using the *Instructions* (DC 6:7.2a)



Nebraska Filing
Fees and Court
Costs



- Bring or mail these forms to the district court clerk's office **with the forms** you completed to file for divorce.
 - The district court clerk's office will notify you by email or phone if the judge approves or denies your request to file your divorce case without payment of fees.
 - If your request for a fee waiver is denied by the court, the case cannot proceed without you paying the required filing fees to the district court clerk's office.
 - For more information see [Request to Proceed Without Payment of Fees Guide](#).
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Step 2 – Voluntary Appearance or Service

The law requires your spouse to be **notified or served notice** that a divorce has been filed. Proof of the notification must be filed with the district court clerk's office. This can be done by:

Voluntary Appearance: (This is the easiest.)

The spouse who did not file the initial paperwork to start the divorce process (i.e., the defendant) needs to complete the *Voluntary Appearance* ([DC 6:4.3](#)) form using the *Instructions* ([DC 6:4.3a](#)).

- The form must be signed by your spouse.
- The form must be filed with the district court clerk's office.
- The form may be filed by you or your spouse. If you give the form to your spouse to file, check to make sure your spouse filed it with the district court clerk's office.

OR

Personal Service by Sheriff:

You may ask the Sheriff's Office to deliver or “**serve**” the divorce papers to your spouse.

- File a completed *Praecipe (Request) for Summons/Personal Service* ([DC 6:4.4](#)) form using the *Instructions* ([DC 6:4.4a](#)) with the clerk of the district court's office to get the process started.
- After you file the *Praecipe (Request) for Summons/Personal Service* with the clerk of the district court's office, the court staff will prepare the summons and notify you by email or phone that:
 - You need to pick up the summons and personal service paperwork to bring to the Sheriff's Office for service; or
 - The district court clerk's office has a special arrangement with their Sheriff's Office to handle delivery of the summons and personal service paperwork.
- The Sheriff's Office will charge you a fee for serving the paperwork to your spouse.
- The Sheriff's Office will notify the district court clerk's office if they were able or unable to serve divorce papers on your spouse by filing a *Return of Service* form.
- Because notice or service is required for divorce cases, you will need to contact the district court clerk's office or electronically access your court case using **Case Information – eServices** to see if a *Return of Service* form was filed.



Log in for Online Court Case Information Searches

- **Case information** in the Nebraska statewide trial court case management system known as JUSTICE and the appellate case management system known as SCCALES can be accessed for free at any courthouse kiosk or law library, including the [Nebraska State Library](#), UNL's [Schmid Law Library](#), Creighton's [Klutznick Law Library](#), and public library partners across the state (contact your public library to see if they are a partner).
- If you are unable to go to the courthouse or a library to search for case information, this page, nejudicial.com/CaseInfo has information about the cost and instruction on how to complete a search.

If service was unsuccessful, you may request Alternate Service (Service by Publication).

For more information on Service by Publication go to the Nebraska Judicial Branch Self-Help website, or you may ask the district court clerk's office for a printed copy of the guide:

- *Alternate Service Guide for Divorce (Service by Publication)*
nejudicial.com/Divorce-AlternateServiceGuide

Step 3 – Property and Liability Statement

The court may or may not require a *Property and Liability Statement* form. This form assists in the division of household items, property and other belongings you and your spouse own.

- You may ask the district court clerk's office for their court's *Property and Liability Statement*. Local court rules may require a specific form.
- A sample *Property and Liability Statement* form is available on the Nebraska Judicial Branch's website.
- If the form is printed by the clerk, you may be charged a copy fee.
- The *Property and Liability Statement* form must be signed by both parties and filed with the court. If both parties do not sign the statement, the judge may continue your divorce case.

See *Property Division Guide* at nejudicial.com/Divorce-PropertyDivisionGuide for more information and [Appendix C](#) at nejudicial.com/Divorce-PropertyLiability for a sample *Property and Liability Statement* form.



Step 4- Waiting Period for Final Court Hearing

Once served divorce papers, your spouse has 30 days to respond to your *Complaint for Dissolution of Marriage with Children* by filing a response. —

- Your spouse must respond to your complaint by filing an *Answer and Counterclaim for Dissolution of Marriage (Children)* ([DC 10:1](#))
- If your spouse does not file an Answer, they are “in default.” This means that the judge can grant you a divorce at a default court hearing.

The final hearing for your divorce cannot be held until **60 days** after your spouse was **legally** notified (served) that you filed for divorce.

When this 60-day waiting period starts depends on the method of service used.

- If your spouse filed a **Voluntary Appearance** form with the district court clerk’s office:
 - Then 60 days after the date the Voluntary Appearance was filed with the district court clerk’s office.
- If you used **Personal Service**:
 - Then 60 days after the date the sheriff serves the *Summons and Complaint* to your spouse.
- If you use **Service (Notice) by Publication**:
 - Then 60 days after the date of the last publication of the notice in the legal newspaper.

Nebraska law allows for a divorce without a final hearing.

- It is not commonly permitted in divorces with children.
 - Both parties must agree on all matters including property division and parenting plan.
 - If you and your spouse agree on all matters and would like to waive the final hearing, then ask the district court clerk’s office if the judge assigned to your case will allow it.
 - If allowed, then ask the district court clerk’s office for the correct forms to be filed.
 - Courts may set status hearings or direct parties to file all of the required paperwork before the final hearing to ensure all matters have been settled.
-



Step 5 - Determine if a Court Hearing is Needed and what Divorce Decree (Order) to Prepare

- **Spouse Did Not File an Answer and Counterclaim for Dissolution of Marriage (Children)**

If your spouse **did not file** a written *Answer and Counterclaim for Dissolution of Marriage (Children)*, but you still want a court hearing, you will need to complete one of the following decrees:

If your spouse signed a Voluntary Appearance or was **personally served** by the sheriff, you must complete this decree:

- *Decree of Dissolution of Marriage (With Child(ren))* ([DC 6:5.3](#)) using the *Instructions* ([DC 6:5.3a](#)).

If you used **service by publication**, you must complete this decree:

- *Decree for Dissolution of Marriage (Child(ren)) (Service by Publication)* ([DC 6:6.7](#)) using the *Instructions* ([DC 6:6.7a](#)).

Go to Step 11 : Preparing for a final hearing.

- **Agree on Final Decree and Want to Appear Before a Judge**

If you and your spouse agree on what should be included in a final decree and want a court hearing before a judge, then you will need to complete one of the following decrees:

If your spouse signed a Voluntary Appearance or was personally served by the sheriff, you must complete this decree:

- *Decree of Dissolution of Marriage (With Child(ren))* ([DC 6:5.3](#)) using the *Instructions* ([DC 6:5.3a](#)).

If you used service by publication, you must complete this decree:

- *Decree for Dissolution of Marriage (Child(ren)) (Service by Publication)* ([DC 6:6.7](#)) using the *Instructions* ([DC 6:6.7a](#))

Go to Step 11 Preparing for a hearing.

- **Agree on Final Decree and Do Not Want to Appear Before the Judge**

If you and your spouse agree on what should be included in a final decree and do not want to appear before a judge, then you may request the final court hearing be waived.

NOTE: Some judges do not allow the final court hearing to be waived. Some judges will require the parties to appear in court before they will sign the *Decree of Dissolution of Marriage (With Child(ren))* or *Decree for Dissolution of Marriage (Child(ren)) (Service by Publication)*.



You may request the final court hearing be waived if:

- Your spouse was properly served with a notice of your *Complaint for Dissolution of Marriage (With Children)*.
- Your spouse filed the *Answer and Counterclaim for Dissolution of Marriage (Children)*, to your complaint within thirty (30) days.
- More than sixty (60) days have passed since your spouse was properly served with a notice of your Complaint.
- Both you and your spouse agree to all terms of the final *Decree of Dissolution of Marriage (With Child(ren))*.

Both you and your spouse must agree to waiving the court hearing.

Both you and your spouse must complete and file the following forms with the district court clerk's office:

- You will complete the *Plaintiff's Request for Dissolution of Marriage/Divorce Decree Without Hearing* ([DC 6:4.9](#)).
 - You must sign this document **in the presence of a notary public**.
- Your spouse will complete *Defendant's Request for Dissolution of Marriage/Divorce Decree Without Hearing* ([DC 6:4.10](#)).
 - Your spouse must sign this document **in the presence of a notary public**.

Complete the *Decree of Dissolution of Marriage (With Child(ren))* ([DC 6:5.3](#)) using the *Instructions* ([DC 6:5.3a](#))

Complete and notarize the *Property and Liability Statement* if you were told by the judge or district court clerk's office that you needed to provide a statement (See Step 3). If the judge did not tell you that you needed to provide a statement, you and your spouse may still complete a statement if you feel it is necessary or would be helpful.

If you and your spouse have not resolved all the issues and do not agree on what should be included in the final *Decree of Dissolution of Marriage/Divorce (With Child(ren))*, then you will likely need to go to trial.

If your plan is to go to trial, this packet is not sufficient to help. You and your spouse should consult with an attorney, mediation services, or other legal services.



Step 6 - Scheduling your Final Court Hearing

Court staff (e.g., district court clerk's office, bailiff for the district court judge) in the county you filed for divorce will provide information on how to set a final court hearing for divorce.

In some instances, a *Proposed Scheduling Order* or status hearing may be required. Courts requiring this should provide a document for you to complete and file with the district court clerk's office, you may also ask them if a *Proposed Scheduling Order* is necessary.

Be prepared to tell the person who is scheduling the final court hearing the date your spouse was legally notified or served the divorce papers.

If the court has allowed the final court hearing to be scheduled without completing and filing the required paperwork, you must immediately begin to complete the required paperwork. If not completed, the judge will not be able to finalize your divorce at your final court hearing.

Step 7– Notify Your Spouse About the Final Court Hearing Date

Complete *Notice of Hearing and Certificate of Service* (DC 6:4.5) using the *Instructions* (DC 6:4.5a).

You must mail the *Notice of Hearing and Certificate of Service* to your spouse.

You must file the *Notice of Hearing and Certificate of Service* with the district court clerk's office.

Step 8 – Parenting Education Class

Both parents are required to complete a Parenting Education Course.

- You can obtain a list of court-approved parenting education course providers at nejudicial.com/parenting-education-classes or from the district court clerk's office.
- Once the course is completed, prepare the *Certificate of Completion of Parenting Education Course* (DC 6:5.5) using the *Instructions for Completing the Certificate of Completion of Parenting Education Course* (DC 6:5.5a).
- Attach to the *Certificate of Completion of Parenting Education Course* with a copy of the written proof of completion from the Parenting Education Course provider.
- Keep a copy of *Certificate of Completion of Parenting Education Course* and the written proof of completion from the Parenting Education Course provider for your records.
- The completed *Certificate of Completion of Parenting Education Course* and the written proof of completion from the Parenting Education provider can be placed with the rest of the documents needed for the final court hearing.



Step 9 – Prepare Financial Information Needed for Child Support

Prepare the *Financial Affidavit for Child Support* ([DC 6:5.2](#)) using the *Instructions for Completing the Financial Affidavit for Child Support* ([DC 6:5.2a](#)).

- The completed *Financial Affidavit for Child Support* can be placed with the rest of the documents needed for the final court hearing.

Complete a Child Support Calculation which must be provided to the court at your court hearing.

- A free (limited) account of a [child support calculator](#) offered by Advanced Legal Software, LLC, is available for individuals representing themselves (“Self-Represented Users”).
- Users will have to create a password and understand the terms of use before using this [child support calculator](#). The free account is only available for five (5) days and cannot be renewed.
- The completed Child Support Calculation can be placed with the rest of the documents needed for the final court hearing.

Step 10 – Prepare the Parenting Plan

- **Legal Custody Definitions**
 - **Joint legal custody** means mutual authority and responsibility of the parents for making mutual fundamental decisions regarding the child(ren)'s welfare, including but not limited to choices regarding education, health, and spiritual or religious upbringing.
 - **Sole legal custody** means the authority and responsibility lies with one parent only for making fundamental decisions regarding the child(ren)'s welfare, including choices regarding education and health.
- **Physical Custody Definitions**
 - **Joint physical** custody means mutual authority and responsibility regarding the child(ren)'s place of residence and the exertion of continuous parenting time for significant periods of time.
 - **Sole physical** custody means authority and responsibility lies with one parent only regarding the child(ren)'s place of residence and the exertion of continuous parenting time for significant periods of time.



You will be required to provide the Parenting Plan at the final hearing that explains what you as parents have agreed to for both legal and physical custody of your minor children. Parents may create their own Parenting Plan or use one of the following forms:

- For use when both parents agree **to share joint legal and physical custody**.
 - *Parenting Plan Parent-Created (Joint Legal and Joint Physical Custody)* (DC 6:5.37) using the *Instructions* (DC 6:5.37a).
- For use when both parents agree **to share joint legal custody and one parent will have sole physical custody**.
 - *Parenting Plan Parent-Created (Joint Legal and Sole Physical Custody)* (DC 6:5.38) using the *Instructions* (DC 6:5.38a).
- For use when **one parent has sole legal custody and sole physical custody**.
 - *Parenting Plan Parent-Created (Sole Legal and Sole Physical Custody with One Parent)* (DC 6:5.39) using the *Instructions* (DC 6:5.39a).

Parents can also choose to create their own parenting plans or work with a mediator to create a plan.

- Mediation and Restorative Justice services are available across Nebraska and can assist parents in developing their own Parenting Plan. You can find information on mediating a Parenting Plan here: nejudicial.com/mediating-parenting-plans.

The completed Parenting Plan can be placed with the rest of the documents needed for the final court hearing.

If you do not complete a Parenting Plan, a judge **may or may not complete** one for you during the final court hearing. Not having one done in advance may delay your divorce.

If you and your spouse have not resolved all the issues and do not agree on what should be included in the final *Decree of Dissolution of Marriage (With Child(ren))*, then you will likely need to go to trial.

If your plan is to go to trial, this packet is not sufficient to help. You and your spouse should consult with an attorney, mediation services, or other legal services.

Step 11 - Preparing for Your Final Court Hearing

NOTE: The district court clerk's office or the bailiff for the judge may contact you before your court hearing and ask for the required documents prior to the final court hearing. Make sure to make a copy of the documents for your own records.

Complete one of the following. This will be your script for your final court hearing:

- *Instructions for Your Divorce Hearing (With Child(ren))* (DC 6:5); or
- *Instructions for Your Divorce Hearing With Children - Service by Publication* (DC 6:6B)



Make sure you have a completed *Decree of Dissolution of Marriage (With Child(ren))* (DC 6:5.3) using the *Instructions* (DC 6:5.3a) or *Decree for Dissolution of Marriage (Child(ren)) (Service by Publication)* (DC 6:6.7) using the *Instructions* (DC 6:6.7a). (See Step 5)

- You will need to have 2 copies of the decree for the day of your final court hearing.

Review Step 12 to make sure you have the required documents and correct number of copies for your final court hearing.

Plan your transportation and parking to the courthouse so that you arrive at the courthouse 30 minutes before your hearing. This will give you time to confirm the courtroom location and be at the courtroom at least 15 minutes before your court hearing.

Step 12 – Day of Your Final Court Hearing

If not requested in advance (See “Note” in Step 11), bring two copies of the following documents with you to your final court hearing.

Certificate of Completion of Parenting Education Course and written proof of completion from the Parenting Education Course Provider

Financial Affidavit for Child Support

Child Support Calculation

Parenting Plan

If you or your spouse feel it is needed, bring a notarized *Property and Liability Statement*.

2 completed copies of the *Decree of Dissolution of Marriage*

- *Decree of Dissolution of Marriage (With Child(ren))* (DC 6:5.3); or
- *Decree for Dissolution of Marriage (Children(ren)) (Service by Publication)* (DC 6:6.7)

Your completed copy of the *Instructions for your Divorce Hearing*

- *Instructions for Your Divorce Hearing (With Child(ren))* (DC 6:5); or
- *Instructions for Your Divorce Hearing With Children - Service by Publication* (DC 6:6.B)

Have your courtroom location.

Arrive at the courthouse 30 minutes before your hearing.

Be at the assigned courtroom at least 15 minutes before your hearing.

Be prepared to confirm your marriage is “irretrievably broken” (broken and beyond repair) and you have tried but there is nothing you can do to make the marriage work.



Step 13– After Your Final Court Hearing

Once your decree is signed by the judge and placed on the record, you will need to read your decree carefully so that you know and can follow what the judge has ordered about all the issues involved in your divorce.

If you or your ex-spouse does not follow the decree, the judge may hold you or your ex-spouse in contempt of court. Contempt hearings are very serious, and a judge can put a person in jail for being in contempt of court.

You will need to request a certified copy of the final decree from the district court clerk's office to keep in your records. There may be a cost for certified copies.

If you or your ex-spouse does not agree with the decree, then you or your ex-spouse should consult with an attorney or other legal services about what options may be available to you, including filing an appeal.

An appeal must be filed within 30 days after the decree is signed by the judge.

You and your ex-spouse must wait six (6) months after the decree is filed with the district court clerk's office before remarrying.

