

S-25-0220 *Jerome Biegler and Michelle Biegler (Appellees) v. Toi Sonthana (Appellant)*

Appeal from the District Court for Lancaster County, Judge Ryan S. Post

Attorneys: J.L. Spray and Sally A. Rasmussen (Mattson Ricketts Law Firm, LLP for Appellant) and Linsey A. Camplin (Camplin Bird Legal Group for Appellees)

Civil: Grandparent visitation

Jerome and Michelle Biegler are the parents to Dustan Biegler, who died in a plane crash in 2023. Prior to his death, he fathered two children with Toi Sonthana. Jerome and Michelle Biegler petitioned the district court for visitation with those grandchildren. In Nebraska, grandparents may be awarded court-ordered visitation with their grandchildren when the grandparents prove by clear and convincing evidence that they have a significant beneficial relationship with their grandchildren, that it is in the grandchildren's best interests to have visitation with their grandparent(s), and that the visitation will not interfere with the children's relationship with their parent(s). Clear and convincing is a standard of proof that means the grandparents must prove that it is substantially more likely to be true than not true. After hearing from the parties, the district court granted Michelle Biegler visitation with her grandchildren but denied the grandfather visitation. On its own motion, the Nebraska Supreme Court ordered this case to be transferred from the docket of the Nebraska Court of Appeals to its docket.

The mother appeals that decision. On appeal, she contends that the district court erred when it determined that the grandmother proved by clear and convincing evidence that she had a significant beneficial relationship with the two children, that it would be in their best interests for their relationship with her to continue, and that her relationship with the children would not interfere with the mother's relationship with the children. The mother argues that the district court did not take into consideration that she was a fit parent and that her parenting decisions are presumed to be in the children's best interests. The mother also contends that the district court erred in giving the grandmother visitation when she lives with the grandfather who was denied visitation, and when they jointly asked for grandparent visitation. Finally, the mother asserts that the district court erred in entering a visitation schedule that did not protect the children's best interests. The grandparents argue that the district court did not err when it ordered visitation between the grandmother and the grandchildren. The parties have filed briefs with the Nebraska Supreme Court, and the case is ready to be argued. Each side will have ten minutes to argue before the Supreme Court and to answer questions from Supreme Court Justices.