

**IN THE DISTRICT COURT OF BROWN COUNTY, NEBRASKA**

**LINDA KAY CHRISTIANSEN, now  
known as LINDA KAY DEVALL,**

Petitioner,

vs.

**ROGER DENNIS CHRISTIANSEN,**

Respondent.

Case No. 6758

**ORDER MODIFYING DECREE**

**DATE OF HEARING:** March 15, 2000.

**DATE OF DECISION:** March 16, 2000.

**APPEARANCES:**

For the petitioner: Mark Kozisek with petitioner.

For the respondent: respondent pro se.

**SUBJECT OF HEARING:** respondent's application for modification of decree.

**FINDINGS:** The court finds:

1. Regarding the issue of reduction of child support, the respondent failed to sustain his burden to establish that there has been a material change of circumstances. The application should be denied with regard thereto.

2. Regarding the matter of visitation, there has been a material change of circumstances since the decree was entered or last modified. The respondent's change of residence to Grand Island, Nebraska, together with difficulties encountered in making arrangements for visitations demonstrate that material change. The decree should be modified to provide for a definite schedule.

**ORDER:** IT IS THEREFORE ORDERED, ADJUDGED, AND DECREEED that:

1. The application is granted to the extent of the relief set forth below and is otherwise denied. The decree previously entered in this case (and as previously modified, if applicable) shall remain in full force and effect except as expressly modified by this order.

2. The custody of the minor children shall remain with the petitioner, subject to reasonable rights of visitation and correspondence in the respondent, which shall include at a minimum the following:

A. **WEEKEND VISITATION:** Weekend visitation shall be every other weekend from Friday to Sunday, beginning on the second Friday following the date of this order, or if a schedule has been established, on the next date that would be provided by that schedule.

B. **HOLIDAY VISITATION:** In even numbered years, the non-custodial parent shall have the children on the following holidays that are numbered with an even number, and visitation shall be reversed for odd numbered years:

- (1) Easter: From the day school is dismissed for Easter vacation to the day before school resumes after that holiday.
- (2) Memorial Day: From the Friday before the nationally-recognized Memorial Day to Memorial Day.
- (3) Fourth of July: The day before the Fourth of July and the Fourth of July, but if the day falls on Friday through Monday, then it shall include the weekend and the day that the offices of the State of Nebraska are closed in honor of that day.
- (4) Labor Day: From the Friday before Labor Day through Labor Day.
- (5) Thanksgiving: From the day school is dismissed before Thanksgiving to the day before school resumes.
- (6) Christmas: From the day school is dismissed before Christmas to December 27.
- (7) New Year's: From December 27 to the day before school resumes after New Year's Day.

C. **SUMMER VISITATION:** The non-custodial parent shall have extended summer visitation consisting of a four-week continuous period that begins on the seventh

Friday next preceding the date school is to commence, and ends on Friday four weeks later. During this period, the other parent shall have visitation on the mid-point weekend, commencing two weeks after the summer vacation begins.

D. **MOTHER'S AND FATHER'S DAY:** If the celebrating parent desires, the children shall spend Mother's Day with their mother, and Father's Day with their father. This visit shall start at 8 a.m. of the day and end at 8 p.m. of that day.

E. **GENERAL PROVISIONS:** Unless otherwise provided or agreed:

(1) Time: All visitation shall begin at 7:00 p.m. and end at 5:00 p.m. on the day this order states as the start or end of a visitation period, as the case may be.

(2) School's Commencement and End: School shall be deemed to start and end on the day the school attended by the children starts and ends; but if children do not attend school, the start and end of the public grade school in the community where the children live shall control.

(3) Transportation: All transportation shall be accomplished by meeting at Sargent, Nebraska (or such other location as may be specifically agreed by the parties with respect to a particular visitation session) for the exchange of the child at the appointed time at the beginning and ending of each such visitation. Driving may be done by any responsible adult who is related to the parties by blood or marriage.

(4) Waiver: A parent entitled to visitation may waive the same by giving the other party three day's notice by telephone, or by agreement. Failure to exercise visitation without giving notice of waiver shall constitute a violation of this order.

(5) Modification: As long as the parties agree, and continue to agree, they may modify this visitation schedule as they desire.

F. **APPEARANCE AND DAY-TO-DAY RULES:** The rules laid down by the custodial parent on matters concerning personal appearance (hair styles, etc.), and day-to-day rules, such as curfew and bedtime, shall also be enforced by the non-custodial parent as nearly as possible. The custodial parent shall supply clothing, including diapers, sufficient for each visitation.

3. The provisions of Appendix "A" attached to the original decree are incorporated herein and the parties ordered to comply therewith.

4. Each party shall be required to pay their own respective costs and attorney fees.  
Signed in chambers at Ainsworth, Nebraska, on March 16, 2000.

DEEMED ENTERED upon filing by the court clerk.

If checked, the Court Clerk shall:

- : Mail a copy of this order to all counsel of record and to any pro se parties.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.
- 9 Enter judgment on the judgment record.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.
- 9 Mail postcard/notice required by § 25-1301.01 within 3 days.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.
- : Note the decision on the trial docket as: Signed "Order Modifying Decree" entered.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.

Mailed to:

BY THE COURT:

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William B. Cassel  
District Judge