

One Hundred Fourth Legislature - First Session - 2015

Introducer's Statement of Intent

LB358

Chairperson: Senator Les Seiler

Committee: Judiciary

Date of Hearing: March 18, 2015

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB358 amends Chapter 43-292.02 regarding termination of parental rights. Under the bill, if a child is conceived as a result of sexual assault, as defined under 28-319 or 28-320 (first, second or third degree) then the county attorney shall file a petition on behalf of the state to terminate the rights of the biological father, unless the child's biological mother or guardian consents otherwise, or the court finds it is not in the best interest of the child.

The bill amends Chapter 43-1411 regarding an action to establish paternity, in that the court shall not establish paternity, if a sexual assault has been charged against a biological father, until guilt or innocence has been determined.

LB358 amends Chapter 43-2933 of the Parenting Act, to include language which indicates that no person shall be granted custody, unsupervised parenting time or access if convicted of a number of crimes, including 28-319 or 28-320, unless the biological mother or guardian consents otherwise.

Finally, the bill amends Chapter 43-283.01, for consistency, making an exception for the foregoing sections, regarding reasonable efforts to reunify family in juvenile adjudication hearings prior to placement in foster care.

Principal Introducer: _____

Senator Tommy Garrett