

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 795

Introduced by McDonnell, 5.

Read first time January 04, 2018

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to birth certificates; to amend section
- 2 71-601, Reissue Revised Statutes of Nebraska; to provide for an
- 3 acknowledgment of maternity as prescribed; to harmonize provisions;
- 4 and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-601, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 71-601 Sections 71-601 to 71-649 and section 2 of this act shall be
4 known and may be cited as the Vital Statistics Act.

5 Sec. 2. (1) For purposes of this section:

6 (a) Biological mother means a person who is related to a child as
7 the source of the egg which resulted in the conception of the child; and

8 (b) Birth mother means the person who gave birth to the child.

9 (2) During the period immediately before or after the in-hospital
10 birth of a child whose biological mother is not the same as the birth
11 mother, the person in charge of such hospital or his or her designated
12 representative shall provide to the child's biological mother and birth
13 mother the documents and written instructions for such biological mother
14 and birth mother to complete a notarized acknowledgment of maternity.
15 Such acknowledgment, if signed by both parties and notarized, shall be
16 filed with the department at the same time at which the certificate of
17 live birth is filed.

18 Nothing in this section shall be deemed to require the person in
19 charge of such hospital or his or her designee to seek out or otherwise
20 locate an alleged mother who is not readily identifiable or available.

21 (3) The acknowledgment shall be executed on a form prepared by the
22 department. Such form shall be in essentially the same form provided by
23 the department. The acknowledgment shall include, but not be limited to,
24 (a) a statement by the birth mother consenting to the acknowledgment of
25 maternity and a statement that the biological mother is the legal mother
26 of the child, (b) a statement by the biological mother that she is the
27 biological mother of the child, (c) written information regarding
28 parental rights and responsibilities, and (d) the social security numbers
29 of the mothers.

30 (4) The form provided for in subsection (3) of this section shall
31 also contain instructions for completion and filing with the department

1 if it is not completed and filed with a birth certificate as provided in
2 subsection (2) of this section.

3 (5) The department shall accept completed acknowledgment forms. The
4 department may prepare photographic, electronic, or other reproductions
5 of acknowledgments. Such reproductions, when certified and approved by
6 the department, shall be accepted as the original records, and the
7 documents from which permanent reproductions have been made may be
8 disposed of as provided by rules and regulations of the department.

9 (6) The department shall enter on the birth certificate of any child
10 described in this section the name of the biological mother of the child
11 upon receipt of an acknowledgment of maternity as provided in this
12 section signed by the biological mother of the child and the birth mother
13 of the child.

14 (7) The department may adopt and promulgate rules and regulations to
15 establish a nominal payment and procedure for payment for each
16 acknowledgment filed with the department.

17 Sec. 3. Original section 71-601, Reissue Revised Statutes of
18 Nebraska, is repealed.