

AMENDMENTS TO LB427

Introduced by Lathrop, 12.

1 1. Insert the following new section:

2 Sec. 2. Section 71-640.01, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 71-640.01 (1) Except as provided in subdivision (2)(a)(i) of this
5 section, each spouse in a marital relationship shall be entered on the
6 certificate as a parent of the child if such spouses were married at the
7 time of either conception or birth or at any time between conception and
8 birth.

9 (2) The information pertaining to the identification of the father
10 at the time of birth of an infant born in this state and reported on a
11 birth certificate, filled out and filed pursuant to the Vital Statistics
12 Act, shall comply with the following:

13 (a) ~~(1)~~ If the mother was married at the time of either conception
14 or birth or at any time between conception and birth: ~~7~~

15 (i) To a man, the name of such ~~the~~ husband shall be entered on the
16 certificate as the father of the child unless (A) ~~(a)~~ paternity has been
17 determined otherwise by a court of competent jurisdiction, (B) ~~(b)~~ the
18 mother and the mother's husband execute affidavits attesting that the
19 husband is not the father of the child, in which case information about
20 the father shall be omitted from the certificate, or (C) ~~(c)~~ the mother
21 executes an affidavit attesting that the husband is not the father and
22 that the putative father is the father, the putative father executes an
23 affidavit attesting that he is the father, and the husband executes an
24 affidavit attesting that he is not the father. In such event, the
25 putative father shall be shown as the father on the certificate. For
26 affidavits executed under subdivision (B) ~~(b)~~ or (C) ~~(c)~~ of this
27 subdivision, each signature shall be individually notarized; and

1 (ii) To a woman, both the mother and such woman shall be listed as
2 parents on the birth certificate. In such case, the name of the father
3 shall not be entered on the certificate without the written consent of
4 both women and the person named as the father;

5 (b) (2) If the mother was not married at the time of either
6 conception or birth or at any time between conception and birth, the name
7 of the father shall not be entered on the certificate without the written
8 consent of the mother and the person named as the father;

9 (c) (3) In any case in which paternity of a child is determined by a
10 court of competent jurisdiction, the name of the father shall be entered
11 on the certificate in accordance with the finding of the court; and

12 (d) (4) If the father is not named on the certificate, no other
13 information about the father shall be entered thereon.

14 (3) The identification of the father as provided in this section
15 shall not be deemed to affect the legitimacy of the child or duty to
16 support as set forth in sections 42-377 and 43-1401.

17 2. Renumber the remaining section and correct the repealer
18 accordingly.