

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 93

FINAL READING

Introduced by Wayne, 13.

Read first time January 10, 2019

Committee: Judiciary

1 A BILL FOR AN ACT relating to paternity; to amend section 43-1411,
2 Reissue Revised Statutes of Nebraska; to provide for intervention by
3 a biological parent in certain proceedings involving juveniles as
4 prescribed; to harmonize provisions; and to repeal the original
5 section.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-1411, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 43-1411 (1) A civil proceeding to establish the paternity of a
4 child may be instituted, in the court of the district where the child is
5 domiciled or found or, for cases under the Uniform Interstate Family
6 Support Act, where the alleged father is domiciled, by (a) ~~(1)~~ the mother
7 or the alleged father of such child, either during pregnancy or within
8 four years after the child's birth, unless (i) ~~(a)~~ a valid consent or
9 relinquishment has been made pursuant to sections 43-104.08 to 43-104.25
10 or section 43-105 for purposes of adoption or (ii) ~~(b)~~ a county court or
11 separate juvenile court has jurisdiction over the custody of the child or
12 jurisdiction over an adoption matter with respect to such child pursuant
13 to sections 43-101 to 43-116 or (b) ~~(2)~~ the guardian or next friend of
14 such child or the state, either during pregnancy or within eighteen years
15 after the child's birth. Summons shall issue and be served as in other
16 civil proceedings, except that such summons may be directed to the
17 sheriff of any county in the state and may be served in any county.

18 (2) Notwithstanding any other provision of law, a person claiming to
19 be the biological father of a child over which the juvenile court already
20 has jurisdiction may file a complaint to intervene in such juvenile
21 proceeding to institute an action to establish the paternity of the
22 child. The complaint to intervene shall be accompanied by an affidavit
23 under oath that the affiant believes he is the biological father of the
24 juvenile. No filing fee shall be charged for filing the complaint and
25 affidavit. Upon filing of the complaint and affidavit, the juvenile court
26 shall enter an order pursuant to section 43-1414 to require genetic
27 testing and to require the juvenile to be made available for genetic
28 testing. The costs of genetic testing shall be paid by the intervenor,
29 the county, or the state at the discretion of the juvenile court. This
30 subsection does not authorize intervention by a person whose parental
31 rights to such child have been terminated by the order of any court of

1 competent jurisdiction.

2 Sec. 2. Original section 43-1411, Reissue Revised Statutes of
3 Nebraska, is repealed.