

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 907

Introduced by DeBoer, 10.

Read first time January 10, 2020

Committee: Judiciary

1 A BILL FOR AN ACT relating to adoptions; to amend sections 25-309,
2 43-101, 43-104, 43-104.01, 43-104.02, 43-104.03, 43-104.05,
3 43-104.08, 43-104.09, 43-104.12, 43-104.13, 43-104.14, 43-104.15,
4 43-104.16, 43-104.17, 43-104.18, 43-104.22, 43-104.23, 43-105,
5 43-106, 43-107, 43-108, 43-109, 43-111, 43-111.01, 43-112, 43-115,
6 43-146.01, 43-906, and 43-1411, Reissue Revised Statutes of
7 Nebraska, and sections 25-307 and 43-102, Revised Statutes
8 Cumulative Supplement, 2018; to provide for adoption by two persons
9 jointly; to define terms; to change provisions relating to consents,
10 biological, putative, adjudicated, and acknowledged fathers,
11 required notices, objections to adoptions, procedures, home studies,
12 and terminology; to authorize minor parents to participate in
13 adoption proceedings as prescribed; to eliminate provisions relating
14 to guardians ad litem and adjudicated biological fathers; to
15 eliminate obsolete provisions; to harmonize provisions; to repeal
16 the original sections; and to outright repeal sections 43-104.19,
17 43-104.20, 43-104.21, and 43-104.25, Reissue Revised Statutes of
18 Nebraska.
19 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-307, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 25-307 Except as provided by the Nebraska Probate Code, section
4 43-104.05, and sections 43-4801 to 43-4812, the action of an infant shall
5 be commenced, maintained, and prosecuted by his or her guardian or next
6 friend. Such actions may be dismissed with or without prejudice by the
7 guardian or next friend only with approval of the court. When the action
8 is commenced by his or her next friend, the court has power to dismiss
9 it, if it is not for the benefit of the infant, or to substitute the
10 guardian of the infant, or any person, as the next friend. Any action
11 taken pursuant to this section shall be binding upon the infant.

12 Sec. 2. Section 25-309, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 25-309 Except as provided by the Nebraska Probate Code and section
15 43-104.05, the defense of an infant must be by a guardian for the suit,
16 who may be appointed by the court in which the action is prosecuted, or
17 by a judge thereof, or by a county judge. The appointment cannot be made
18 until after service of the summons in the action as directed by this
19 code.

20 Sec. 3. Section 43-101, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 43-101 (1) Subject to sections 43-101 to 43-115 and except ~~Except~~ as
23 otherwise provided in the Nebraska Indian Child Welfare Act and
24 subsections (4) and (5) of this section: ~~any~~

25 (a) Any minor child may be adopted by any adult person or persons
26 jointly, regardless of their marital status; ~~and any adult~~

27 (b) Any minor child may be adopted by the spouse of such child's
28 parent; ~~and in the cases and subject to sections 43-101 to 43-115, except~~
29 ~~that no person having a husband or wife may adopt a minor child unless~~
30 ~~the husband or wife joins in the petition therefor. If the husband or~~
31 ~~wife so joins in the petition therefor, the adoption shall be by them~~

1 ~~jointly, except that an adult husband or wife may adopt a child of the~~
2 ~~other spouse whether born in or out of wedlock.~~

3 (c) Any minor child who has a sole legal parent may be adopted by a
4 second adult person if:

5 (i) The sole legal parent consents as provided in section 43-104;

6 (ii) The child has a parent-child relationship with the second
7 person; and

8 (iii) An adoptive home study is completed as provided in section
9 43-107.

10 (2) Subject to sections 43-101 to 43-115 and except as otherwise
11 provided in subsections (4) and (5) of this section:

12 (a) Any adult child may be adopted by the spouse of such adult
13 child's parent; and

14 ~~(b) (2) Any adult child may be adopted by any person or persons~~
15 ~~subject to sections 43-101 to 43-115, except that no person having a~~
16 ~~husband or wife may adopt an adult child unless the husband or wife joins~~
17 ~~in the petition therefor. If the husband or wife so joins the petition~~
18 ~~therefor, the adoption shall be by them jointly. The adoption of an adult~~
19 ~~child by another adult or adults who are not the stepparent of the adult~~
20 ~~child may be permitted if the adult child has had a parent-child~~
21 ~~relationship with the prospective parent or parents for a period of at~~
22 ~~least six months next preceding the adult child's age of majority and:~~

23 (i) The ~~(a)~~ the adult child has no living parents;

24 (ii) The ~~, (b)~~ the adult child's parent or parents had been deprived
25 of parental rights to such child by the order of any court of competent
26 jurisdiction;

27 (iii) The ~~, (c)~~ the parent or parents, if living, have relinquished
28 the adult child for adoption by a written instrument;

29 (iv) The ~~, (d)~~ the parent or parents had abandoned the child for at
30 least six months next preceding the adult child's age of majority or for
31 a substantial portion of the time since the adult child reached the age

1 of majority;

2 (v) The , or (e) the parent or parents are incapable of consenting
3 due to mental or physical incapacity; or . The substitute consent
4 provisions of section 43-105 do not apply to adoptions under this
5 subsection.

6 (vi) The adult child has a sole legal parent who consents as
7 provided in section 43-104.

8 (3) The substitute consent provisions of section 43-105 do not apply
9 to adoptions under subsection (2) of this section.

10 (4) No person with a spouse may adopt a minor child or an adult
11 child unless the spouse of such person joins in the petition for
12 adoption, in which case the adoption shall be made by such persons
13 jointly.

14 (5) An adoption shall not be permitted under this section if it
15 would result in a minor or adult child having more than two legal
16 parents.

17 Sec. 4. For purposes of sections 43-101 to 43-118:

18 (1) Acknowledged father means an individual who has:

19 (a) Executed a valid acknowledgement of paternity; or

20 (b) Acknowledged paternity through establishment of a familial
21 relationship with the child for a period of at least six months;

22 (2) Adjudicated father means an individual who has been determined
23 by a court of competent jurisdiction, in this state or in another state
24 or territory of the United States, to be the biological or legal father
25 of a minor child;

26 (3) Juvenile court means the separate juvenile court where it has
27 been established pursuant to sections 43-2,111 to 43-2,127 and the county
28 court sitting as a juvenile court in all other counties; and

29 (4) Sole legal parent means a legal parent of a child with respect
30 to whom no other person has parental rights.

31 Sec. 5. Section 43-102, Revised Statutes Cumulative Supplement,

1 2018, is amended to read:

2 43-102 (1) Except as otherwise provided in the Nebraska Indian
3 Child Welfare Act, any person or persons desiring to adopt a minor child
4 or an adult child shall file a petition for adoption signed and sworn to
5 by the person or persons desiring to adopt. The following shall be filed
6 prior to the hearing required under section 43-103:

7 (a) The consent or consents required by sections 43-104 and 43-105
8 or section 43-104.07;

9 (b) The ,—the documents required by section 43-104.07 or the
10 documents required by sections 43-104.08 to ~~43-104.24; 43-104.25,~~ and

11 (c) A a completed preplacement adoptive home study if required by
12 section 43-107; ~~shall be filed prior to the hearing required in section~~
13 ~~43-103.~~

14 (d) The completed and signed affidavit required by section
15 43-104.09;

16 (e) The completed and signed affidavit required by section
17 43-104.16; and

18 (f) The documents required by section 43-104.17.

19 (2) The county court of the county in which the person or persons
20 desiring to adopt a child reside has jurisdiction of adoption
21 proceedings, except that if a ~~separate~~ juvenile court already has
22 jurisdiction over the child to be adopted under the Nebraska Juvenile
23 Code, such ~~separate~~ juvenile court has concurrent jurisdiction with the
24 county court in such adoption proceeding. If a child to be adopted is a
25 ward of any court or a ward of the state at the time of placement and at
26 the time of filing an adoption petition, the person or persons desiring
27 to adopt shall not be required to be residents of Nebraska. The petition
28 and all other court filings for an adoption proceeding shall be filed
29 with the clerk of the county court. The party shall state in the petition
30 whether such party requests that the proceeding be heard by the county
31 court or, in cases in which a ~~separate~~ juvenile court already has

1 jurisdiction over the child to be adopted under the Nebraska Juvenile
2 Code, such separate juvenile court. Such proceeding is considered a
3 county court proceeding even if heard by a separate juvenile court judge
4 and an order of the separate juvenile court in such adoption proceeding
5 has the force and effect of a county court order. The testimony in an
6 adoption proceeding heard before a separate juvenile court judge shall be
7 preserved as in any other separate juvenile court proceeding.

8 ~~Except as set out in subdivisions (1)(b)(ii), (iii), (iv), and (v)~~
9 ~~of section 43-107, an adoption decree shall not be issued until at least~~
10 ~~six months after an adoptive home study has been completed by the~~
11 ~~Department of Health and Human Services or a licensed child placement~~
12 ~~agency.~~

13 Sec. 6. Section 43-104, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 43-104 (1) Except as otherwise provided in this section and in the
16 Nebraska Indian Child Welfare Act, no adoption shall be decreed unless
17 written consents thereto are filed in the county court of the county in
18 which the person or persons desiring to adopt reside or in the county
19 court in which the separate juvenile court having jurisdiction over the
20 custody of the child is located and the written consents are executed by:

21 (a) The ~~the~~ minor child, if over fourteen years of age, or the adult
22 child; ~~;~~

23 ~~(b) any district court, county court, or separate juvenile court in~~
24 ~~the State of Nebraska having jurisdiction of the custody of a minor child~~
25 ~~by virtue of proceedings had in any district court, county court, or~~
26 ~~separate juvenile court in the State of Nebraska or by virtue of the~~
27 ~~Uniform Child Custody Jurisdiction and Enforcement Act, and~~

28 (b) Both ~~(c) both~~ parents of a child born in lawful wedlock if
29 living, the surviving parent of a child born in lawful wedlock, the
30 mother of a child born out of wedlock, or both the mother and father of a
31 child born out of wedlock as determined pursuant to sections 43-104.08 to

1 ~~43-104.24; and 43-104.25~~

2 (c) In the case of an adoption by a second adult person under
3 subdivision (1)(c) or (2)(b) of section 43-101, the sole legal parent.
4 Such consent shall state that the child or adult child has a sole legal
5 parent and that such sole legal parent wishes for the child or adult
6 child to be adopted by a second adult person.

7 (2) On and after April 20, 2002, a written consent or relinquishment
8 for adoption under this section shall not be valid unless signed at least
9 forty-eight hours after the birth of the child.

10 (3) A petition for adoption shall attest that, at the time of
11 filing:

12 (a) There were no pending motions in any other court having
13 jurisdiction over the minor child; and

14 (b) If a juvenile court has jurisdiction over the child, that
15 adoption is the permanency goal in proceedings in juvenile court.

16 (4) ~~(2)~~ Consent shall not be required of any parent: ~~who~~

17 (a) ~~who~~ has relinquished the child for adoption by a written
18 instrument; ~~τ~~

19 (b) ~~who~~ has abandoned the child for at least six months next
20 preceding the filing of the adoption petition; ~~τ~~

21 (c) ~~Whose~~ ~~has been deprived of his or her~~ parental rights to such
22 child ~~have been terminated~~ by the order of any court of competent
23 jurisdiction; ~~τ~~ or

24 (d) ~~who~~ is incapable of consenting.

25 (5) ~~(3)~~ Consent shall not be required of a putative father who has
26 failed to timely file;

27 (a) ~~A~~ a Notice of Objection to Adoption and Intent to Obtain Custody
28 pursuant to section 43-104.02 and, with respect to the absence of such
29 filing, a certificate has been filed pursuant to section 43-104.04; or

30 (b) ~~A~~ a petition pursuant to section 43-104.05 for the adjudication
31 of such ~~father's objection to the adoption notice~~ and a determination of

1 whether his consent to the adoption is required and the mother of the
2 child has timely executed a valid relinquishment and consent to the
3 adoption pursuant to such section.

4 (6) ~~(4)~~ Consent shall not be required of an adjudicated,
5 acknowledged, legal, familial, or putative father who is not required to
6 consent to the adoption pursuant to section 43-104.05 or 43-104.22.

7 (7) The validity of a relinquishment and consent for adoption is not
8 affected by the fact that a relinquishing parent is a minor.

9 Sec. 7. Section 43-104.01, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 43-104.01 (1) The Department of Health and Human Services shall
12 establish a biological father registry. The department shall maintain
13 such registry and shall record the names and addresses of (a) any person
14 adjudicated by a court of this state or by a court of another state or
15 territory of the United States to be the biological father of a child
16 born out of wedlock if a certified copy of the court order is filed with
17 the registry by such person or any other person, (b) any putative father
18 who has filed with the registry, prior to the receipt of notice under
19 sections 43-104.12 to 43-104.16, a Request for Notification of Intended
20 Adoption with respect to such child, and (c) any putative father who has
21 filed with the registry a Notice of Objection to Adoption and Intent to
22 Obtain Custody with respect to such child.

23 (2) A Request for Notification of Intended Adoption or a Notice of
24 Objection to Adoption and Intent to Obtain Custody filed with the
25 registry shall include (a) the putative father's name, address, and
26 social security number, (b) the name and last-known address of the
27 mother, (c) the month and year of the birth or the expected birth of the
28 child, (d) the case name, court name, and location of any Nebraska court
29 having jurisdiction over the custody of the child, and (e) a statement by
30 the putative father that he acknowledges liability for contribution to
31 the support and education of the child after birth and for contribution

1 to the pregnancy-related medical expenses of the mother of the child. The
2 person filing the notice shall notify the registry of any change of
3 address pursuant to procedures prescribed in rules and regulations of the
4 department.

5 (3) A request or notice filed under this section or section
6 43-104.02 shall be admissible in any action for paternity and shall estop
7 the putative father from denying paternity of such child thereafter.

8 (4) Any putative father who files a Request for Notification of
9 Intended Adoption or a Notice of Objection to Adoption and Intent to
10 Obtain Custody with the biological father registry may revoke such
11 filing. Upon receipt of such revocation by the registry, the effect shall
12 be as if no filing had ever been made.

13 ~~(5) The department shall not divulge the names and addresses of~~
14 ~~persons listed with the biological father registry to any other person~~
15 ~~except as authorized by law or upon order of a court of competent~~
16 ~~jurisdiction for good cause shown.~~

17 (5) ~~(6)~~ The department may develop information about the registry
18 and may distribute such information, through its existing publications,
19 to the news media and the public. The department may provide information
20 about the registry to the Department of Correctional Services, which may
21 distribute such information through its existing publications.

22 ~~(7) A person who has been adjudicated by a Nebraska court of~~
23 ~~competent jurisdiction to be the biological father of a child born out of~~
24 ~~wedlock who is the subject of a proposed adoption shall not be construed~~
25 ~~to be a putative father for purposes of sections 43-104.01 to 43-104.05~~
26 ~~and shall not be subject to the provisions of such sections as applied to~~
27 ~~such fathers. Whether such person's consent is required for the proposed~~
28 ~~adoption shall be determined by the Nebraska court having jurisdiction~~
29 ~~over the custody of the child pursuant to section 43-104.22, as part of~~
30 ~~proceedings required under section 43-104 to obtain the court's consent~~
31 ~~to such adoption.~~

1 Sec. 8. Section 43-104.02, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 43-104.02 (1) A Notice of Objection to Adoption and Intent to
4 Obtain Custody shall be filed with the biological father registry under
5 section 43-104.01 on forms provided by the Department of Health and Human
6 Services; ~~(1) at~~

7 (a) At any time during the pregnancy and no later than ten five
8 business days after the birth of the child; or

9 (b) ~~If (2) if~~ the notice required by section 43-104.13 is provided
10 after the birth of the child;

11 (i) ~~At (a) at~~ any time during the pregnancy and no later than ten
12 ~~five~~ business days after receipt of the notice provided under section
13 43-104.12; or

14 (ii) ~~No (b) no~~ later than ten five business days after the last date
15 of any published notice provided under section 43-104.14, whichever
16 notice is earlier.

17 (2) Such notice shall be considered to have been filed if it is
18 received by the department or postmarked prior to the end of the tenth
19 ~~fifth~~ business day as provided in this section.

20 Sec. 9. Section 43-104.03, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 43-104.03 Within three days after the filing of a Request for
23 Notification of Intended Adoption or a Notice of Objection to Adoption
24 and Intent to Obtain Custody with the biological father registry pursuant
25 to sections 43-104.01 and 43-104.02, the Department of Health and Human
26 Services shall cause a certified copy of such request or notice to be
27 mailed by certified mail to ~~(1) the~~ mother or prospective mother of such
28 child at the last-known address shown on the request or notice or an
29 agent specifically designated in writing by the mother or prospective
30 mother to receive such request or notice ~~and (2) any Nebraska court~~
31 ~~identified by the putative father under section 43-104.01 as having~~

1 ~~jurisdiction over the custody of the child.~~

2 Sec. 10. Section 43-104.05, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 43-104.05 ~~(1)(a) (1)~~ If a Notice of Objection to Adoption and
5 Intent to Obtain Custody is timely filed with the biological father
6 registry pursuant to section 43-104.02, or if such notice is not required
7 because the biological father has been acknowledged or adjudicated, an
8 objecting father either the putative father, the mother, or her agent
9 specifically designated in writing shall, within thirty days after the
10 filing of such notice, file a petition objecting to the adoption and
11 seeking for adjudication of the notice and a determination of whether the
12 objecting putative father's consent to the proposed adoption is required.

13 (b) The petition shall be filed within forty-five days after the
14 later of the child's birth or the objecting father's receipt of notice
15 under sections 43-104.12 to 43-104.14.

16 (c)(i) Except as provided in subdivision (1)(c)(ii) of this section,
17 the The petition shall be filed in the county court in the county where
18 such child was born or, if a separate juvenile court already has
19 jurisdiction over the custody of the child, in the county court of the
20 county in which such separate juvenile court is located.

21 (ii) If the child was not born in Nebraska, the petition shall be
22 filed in the county court of the county where either the biological
23 mother or objecting father resides.

24 (d) A timely petition objecting to the adoption must be filed by an
25 objecting putative, acknowledged or adjudicated father of a minor child
26 born out of wedlock who is the subject of a proposed adoption.

27 (e) Such petition may be filed by and defended by a minor in the
28 minor's own name.

29 (2) If such a petition is not filed within the deadline provided in
30 subdivision (1)(b) of this section, thirty days after the filing of such
31 notice and the mother of the child has executed a valid relinquishment

1 and consent to the adoption within ninety ~~sixty~~ days of the filing of
2 such notice, the putative father's consent to adoption of the child shall
3 not be required, he is not entitled to any further notice of the adoption
4 proceedings, his right to object to the adoption and any alleged parental
5 rights and responsibilities of the putative father shall not be
6 recognized thereafter in any court, and his parental rights to such child
7 will be terminated upon entry of an adoption decree.

8 (3) After the timely filing of such petition, the court shall set a
9 trial date upon proper notice to the parties not less than twenty nor
10 more than thirty days after the date of such filing. If the mother
11 contests the objecting ~~putative~~ father's claim of paternity, the court
12 shall order DNA testing to establish whether the objecting ~~putative~~
13 father is the biological father. The court shall assess the costs of such
14 testing between the parties in an equitable manner. Whether the objecting
15 ~~putative~~ father's consent to the adoption is required shall be determined
16 pursuant to section 43-104.22, except that such consent is not required
17 if the objecting father is not the biological father. The court shall
18 appoint a guardian ad litem to represent the best interests of the child.

19 (4)(a) The county court ~~of the county where the child was born or~~
20 ~~the separate~~ juvenile court having jurisdiction over the custody of the
21 child shall have exclusive jurisdiction over proceedings under this
22 section from the date of notice provided under section 43-104.12 or the
23 last date of published notice under section 43-104.14, whichever notice
24 is earlier, until thirty days after the conclusion of ~~adoption~~
25 proceedings under this section concerning the child, including appeals,
26 unless such jurisdiction is transferred under subdivision (b) of this
27 subsection.

28 (b) Except as ~~otherwise~~ provided in this subdivision (4)(c) of this
29 section, the court shall, upon the motion of any party, transfer the case
30 to the district court for further proceedings on the matters of custody,
31 visitation, and child support with respect to such child if:

1 (i) ~~Such~~ ~~such~~ court determines under section 43-104.22 that the
2 consent of the objecting putative father is required for adoption of the
3 minor child and the objecting putative father refuses such consent; or

4 (ii) ~~The~~ ~~the~~ mother of the child, within ~~ninety~~ thirty days after
5 the conclusion of proceedings under this section, including appeals, has
6 not executed a valid relinquishment and consent to the adoption.

7 (c) The court, upon its own motion, may retain the case for good
8 cause shown.

9 Sec. 11. Section 43-104.08, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 43-104.08 Whenever a child is claimed to be born out of wedlock and
12 the biological mother contacts an adoption agency or attorney to
13 relinquish her rights to the child, or the biological mother joins in a
14 petition for adoption to be filed by another adult person ~~her husband~~,
15 the agency or attorney contacted shall attempt to establish the identity
16 of the ~~biological~~ father and further attempt to inform the ~~biological~~
17 father of his rights, including the right to object to the adoption and
18 the procedure and required timing to object, and his right to execute a
19 relinquishment and consent to adoption, or a denial of paternity and
20 waiver of rights, in the form mandated by section 43-106, pursuant to
21 sections 43-104.08 to 43-104.24 ~~43-104.25~~.

22 Sec. 12. Section 43-104.09, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 43-104.09 In all cases of adoption of a minor child born out of
25 wedlock, the biological mother, or an individual acting on behalf of the
26 biological mother if the biological mother is unavailable, shall complete
27 and sign an affidavit in writing and under oath. The affidavit shall be
28 completed and signed ~~executed by the biological mother~~ before or at the
29 time of execution of the consent or relinquishment and shall be filed
30 with the court prior to the hearing on the ~~attached as an exhibit to any~~
31 petition for ~~to finalize~~ the adoption. If the biological mother is under

1 the age of nineteen, the biological mother may sign the affidavit despite
2 her minority or the affidavit may be completed and signed executed by the
3 agency or attorney representing the biological mother based upon
4 information provided by the biological mother. The affidavit shall be in
5 substantially the following form:

6 AFFIDAVIT OF IDENTIFICATION

7 I,, the mother of a child, state under oath or
8 affirm as follows:

9 (1) My child was born, or is expected to be born, on the day
10 of,, at, in the State
11 of

12 (2) I reside at, in the City or Village
13 of, County of, State
14 of

15 (3) I am of the age of years, and my date of birth
16 is

17 (4) I acknowledge that I have been asked to identify the father of
18 my child.

19 (5) (CHOOSE ONE)

20 (5A) I know and am identifying the biological father (or possible
21 biological fathers) as follows:

22 The name of the biological father is

23 His last-known home address is

24 His last-known work address is

25 He is years of age, or he is deceased, having died on or
26 about the day of,,
27 at, in the State of

28 He has been adjudicated to be the biological father by
29 the Court of county, State
30 of, case name, docket
31 number

1 He ... has ... has not acknowledged paternity in court or in
2 connection with the child's birth certificate

3 He ... has ... has not established a familial relationship with the
4 child

5 (For other possible biological fathers, please use additional sheets
6 of paper as needed.)

7 (5B) I am unwilling or unable to identify the biological father (or
8 possible biological fathers). I do not wish or I am unable to name the
9 biological father of the child for the following reasons:

10 Conception of my child occurred as a result of sexual
11 assault or incest

12 Providing notice to the biological father of my child
13 would threaten my safety or the safety of my child

14 Other reason:

15 (6) If the biological mother is unable to name the biological
16 father, the physical description of the biological father (or possible
17 biological fathers) and other information which may assist in identifying
18 him, including the city or county and state where conception occurred:

19
20
21

22 (use additional sheets of paper as needed).

23 (7) Under penalty of perjury, the undersigned certifies that the
24 statements set forth in this affidavit are true and correct.

25 (8) I have read this affidavit and have had the opportunity to
26 review and question it. It was explained to me
27 by

28 I am signing it as my free and voluntary act and understand the
29 contents and the effect of signing it.

30 Dated this day of,

31 (Acknowledgment)

1

2 (Signature)

3 Sec. 13. Section 43-104.12, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 43-104.12 In order to attempt to inform the ~~biological~~ father or
6 possible biological fathers, whether putative, acknowledged, or
7 adjudicated, of the right to execute a relinquishment and consent to
8 adoption or a denial of paternity and waiver of rights, the agency or
9 attorney representing the biological mother shall notify, by personal
10 service of process or by registered or certified mail, restricted
11 delivery, return receipt requested:

12 (1) Any ~~person~~ adjudicated father or acknowledged father ~~by a court~~
13 ~~in this state or by a court in another state or territory of the United~~
14 ~~States to be the biological father of the child;~~

15 (2) Any person who has filed a Request for Notification of Intended
16 Adoption or a Notice of Objection to Adoption and Intent to Obtain
17 Custody pursuant to sections 43-104.01 and 43-104.02;

18 (3) Any person who is recorded on the child's birth certificate as
19 the child's father;

20 (4) Any person who might be the biological father of the child who
21 was openly living with the child's biological mother within the twelve
22 months prior to the birth of the child;

23 (5) Any person who has been identified as the biological father or
24 possible biological father of the child by the child's biological mother
25 pursuant to section 43-104.09;

26 (6) Any person who was married to the child's biological mother
27 within six months prior to the birth of the child and prior to the
28 execution of the relinquishment; and

29 (7) Any other person who the agency or attorney representing the
30 biological mother may have reason to believe may be the biological father
31 of the child.

1 Sec. 14. Section 43-104.13, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 43-104.13 The notice sent by the agency or attorney pursuant to
4 section 43-104.12 shall be served sufficiently in advance of the birth of
5 the child, whenever possible, to allow compliance with subdivision (1)(a)
6 ~~(1)~~ of section 43-104.02 and shall state:

7 (1) The biological mother's name, the fact that she is pregnant or
8 has given birth to the child, and the expected or actual date of
9 delivery;

10 (2) That the child has been relinquished by the biological mother,
11 that she intends to execute a relinquishment and consent to adoption, or
12 that the biological mother has joined or plans to join in a petition for
13 adoption to be filed by another adult person ~~her husband~~;

14 (3) That the person being notified has been identified as a possible
15 ~~biological~~ father of the child, whether putative, acknowledged, or
16 adjudicated;

17 (4) That the person being notified ~~possible biological father~~ may
18 have certain rights with respect to such child if he is in fact the
19 biological father;

20 (5) That the person being notified ~~possible biological father~~ has
21 the right to (a) deny paternity, (b) waive any parental rights he may
22 have, (c) relinquish and consent to adoption of the child, (d) file a
23 Notice of Objection to Adoption and Intent to Obtain Custody any time
24 during the pregnancy or as late as ten business days after birth pursuant
25 to section 43-104.02 if he is a putative father, and ~~or~~ (e) object to the
26 adoption in a ~~proceeding before any Nebraska court~~ within forty-five days
27 after the later of receipt of notice under this section or the birth of
28 the child which has, prior to his receipt of this notice, ~~adjudicated him~~
29 ~~to be the biological father of the child~~;

30 (6) That to deny paternity, to waive his parental rights, or to
31 relinquish and consent to the adoption, the person being notified

1 ~~biological~~ father must contact the undersigned agency or attorney
2 representing the biological mother, and that if he wishes to object to
3 the adoption and seek custody of the child he should seek legal counsel
4 from his own attorney immediately; and

5 (7) That if the person being notified he is the ~~biological~~ father
6 and if the child is not relinquished for adoption, he has a duty to
7 contribute to the support and education of the child and to the
8 pregnancy-related expenses of the mother and a right to seek a court
9 order for custody, parenting time, visitation, or other access with the
10 child.

11 The agency or attorney representing the biological mother may
12 enclose with the notice a document which is an admission or denial of
13 paternity and a waiver of rights by the person being notified ~~biological~~
14 father, which such person ~~the biological~~ father may choose to complete,
15 in the form mandated by section 43-106, and return to the agency or
16 attorney.

17 Sec. 15. Section 43-104.14, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 43-104.14 (1) If the agency or attorney representing the biological
20 mother is unable through reasonable efforts to locate and serve notice on
21 the biological father or possible biological fathers as contemplated in
22 sections 43-104.12 and 43-104.13, the agency or attorney shall notify the
23 biological father or possible biological fathers by publication.

24 (2) The publication shall be made once a week for three consecutive
25 weeks in a legal newspaper of general circulation in the Nebraska county
26 or county of another state which is most likely to provide actual notice
27 to the biological father. The publication shall include:

28 (a) The first name or initials of the father or possible father or
29 the entry "John Doe, real name unknown", if applicable;

30 (b) A description of the father or possible father if his first name
31 is or initials are unknown;

1 (c) The approximate date of conception of the child and the city and
2 state in which conception occurred, if known;

3 (d) The date of birth or expected birth of the child;

4 (e) That he has been identified as the ~~biological~~ father or possible
5 biological father of a child whom the biological mother currently intends
6 to place for adoption and the approximate date that placement will occur;

7 (f) That he has the right to (i) deny paternity, (ii) waive any
8 parental rights he may have, (iii) relinquish and consent to adoption of
9 the child, (iv) file a Notice of Objection to Adoption and Intent to
10 Obtain Custody any time during the pregnancy or as late as ten business
11 days after birth pursuant to section 43-104.02 if he is a putative
12 father, and ~~or~~ (v) object to the adoption in a ~~proceeding before any~~
13 ~~Nebraska court within forty-five days after the later of receipt of~~
14 notice under this section or the birth of the child which has adjudicated
15 ~~him to be the biological father of the child prior to his receipt of~~
16 ~~notice; and~~

17 (g) That ~~(i)~~ in order to deny paternity, waive his parental rights,
18 relinquish and consent to the adoption, or receive additional information
19 to determine whether he is the father of the child in question, he must
20 contact the undersigned agency or attorney representing the biological
21 mother; and

22 (h) That ~~(ii)~~ if he wishes to object to the adoption and seek
23 custody of the child, he must seek legal counsel from his own attorney
24 immediately.

25 Sec. 16. Section 43-104.15, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 43-104.15 The notification procedure set forth in sections 43-104.12
28 to 43-104.14 shall, whenever possible, be completed prior to a child
29 being placed in an adoptive home. If the information provided in the
30 biological mother's affidavit prepared pursuant to section 43-104.09
31 presents clear evidence that providing notice to a ~~biological~~ father or

1 possible biological father as contemplated in sections 43-104.12 to
2 43-104.14 would be likely to threaten the safety of the biological mother
3 or the child or that conception was the result of sexual assault or
4 incest, notice is not required to be given. If the ~~biological~~ father or
5 possible biological fathers are not given actual or constructive notice
6 prior to the time of placement, the agency or attorney shall give the
7 adoptive parent or parents a statement of legal risk indicating the legal
8 status of the ~~biological~~ father's parental rights as of the time of
9 placement, and the adoptive parent or parents shall sign a statement of
10 legal risk acknowledging ~~their~~ acceptance of the placement,
11 notwithstanding the legal risk.

12 Sec. 17. Section 43-104.16, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 43-104.16 In all cases involving the adoption of a minor child born
15 out of wedlock, the agency or attorney representing the biological mother
16 shall execute an affidavit stating that due diligence was used to
17 identify and give actual or constructive notice to the ~~biological~~ father
18 or possible biological fathers of the child and stating the methods used
19 to attempt to identify and give actual or constructive notice to those
20 persons or the reason why no attempts were made to identify and notify
21 those persons. The affidavit shall be ~~attached to any petition~~ filed in
22 the an adoption proceeding prior to the hearing on the petition for
23 adoption.

24 Sec. 18. Section 43-104.17, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 43-104.17 In all cases of adoption of a minor child born out of
27 wedlock, the petition for ~~to finalize the~~ adoption shall specifically
28 allege compliance with sections 43-104.08 to 43-104.16, and ~~shall attach~~
29 ~~as exhibits~~ all documents which are evidence of such compliance shall be
30 filed with the court prior to the hearing on the petition for adoption.

31 No notice of the filing of the petition to finalize or the hearing on the

1 petition shall be given to a ~~biological~~ father or putative biological
2 father who (1) executed a valid relinquishment and consent or a valid
3 denial of paternity and waiver of rights pursuant to section 43-104.11,
4 (2) was a putative father provided notice under sections 43-104.12 to
5 43-104.14 and who failed to timely file a Notice of Objection to Adoption
6 and Intent to Obtain Custody pursuant to section 43-104.02 or petition
7 pursuant to section 43-104.05, (3) was a putative, acknowledged, or
8 adjudicated father who failed to timely file an objection to the adoption
9 under section 43-104.05, or (4) (3) is not required to consent to the
10 adoption pursuant to proceedings conducted under section 43-104 or
11 43-104.22.

12 Sec. 19. Section 43-104.18, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 43-104.18 If a petition for ~~to finalize an~~ adoption is filed and
15 fails to establish substantial compliance with sections 43-104.08 to
16 43-104.16, the court shall receive evidence by affidavit of the facts and
17 circumstances of the biological mother's relationship with the ~~biological~~
18 father or possible biological fathers at the time of conception of the
19 child and at the time of the biological mother's relinquishment and
20 consent to adoption of the child, including any evidence that providing
21 notice to a ~~biological~~ father would be likely to threaten the safety of
22 the biological mother or the child or that the conception was the result
23 of sexual assault or incest. If, under the facts and circumstances
24 presented, the court finds that the agency or attorney representing the
25 biological mother did not exercise due diligence in complying with
26 sections 43-104.08 to 43-104.16, or if the court finds that there is no
27 credible evidence that providing notice to a ~~biological~~ father would be
28 likely to threaten the safety of the biological mother or the child or
29 that the conception was the result of sexual assault or incest, the court
30 shall order the attorney or agency to exercise due diligence in complying
31 with sections 43-104.08 to 43-104.16. ~~If the attorney or agency fails to~~

1 ~~exercise due diligence in complying with such sections or at any time~~
2 ~~upon the petition or application of any interested party the court may~~
3 ~~appoint a guardian ad litem to represent the interests of the biological~~
4 ~~father. The guardian ad litem shall be chosen from a qualified pool of~~
5 ~~local attorneys. The guardian ad litem shall receive reasonable~~
6 ~~compensation for the representation, the amount to be determined at the~~
7 ~~discretion of the court.~~

8 Sec. 20. Section 43-104.22, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 43-104.22 At any hearing to determine the parental rights of an
11 adjudicated ~~biological~~ father, an acknowledged father, a familial father,
12 a legal father, or a putative biological father of a minor child born out
13 of wedlock and whether such father's consent is required for the adoption
14 of such child, the court shall receive evidence with regard to the actual
15 paternity of the child, if contested and ~~whether such father is a fit,~~
16 ~~proper, and suitable custodial parent for the child.~~ The court shall
17 determine that such father's consent is not required for a valid adoption
18 of the child upon a finding of one or more of the following:

19 (1) The father abandoned or neglected the child after having
20 knowledge of the child's birth;

21 (2) The father is not a fit, proper, and suitable custodial parent
22 for the child;

23 (3) The father does not intend to be the child's custodial parent or
24 is unable to be the child's custodial parent due to the father's
25 incarceration;

26 (4) ~~(3)~~ The father had knowledge of the child's birth and failed to
27 provide reasonable financial support for the mother or child;

28 (5) ~~(4)~~ The father abandoned the mother without reasonable cause and
29 with knowledge of the pregnancy;

30 (6) ~~(5)~~ The father had knowledge of the pregnancy and failed to
31 provide reasonable support for the mother during the pregnancy;

1 (7) ~~(6)~~ The child was conceived as a result of a nonconsensual sex
2 act or an incestual act;

3 (8) ~~(7)~~ Notice was provided pursuant to sections 43-104.12 to
4 43-104.14 and the putative father failed to timely file a Notice of
5 Objection to Adoption and Intent to Obtain Custody pursuant to section
6 43-104.02;

7 (9) ~~(8)~~ The putative adjudicated, acknowledged, familial, or legal
8 father failed to timely file a petition objecting to the adoption to
9 ~~adjudicate a Notice of Objection to Adoption and Intent to Obtain Custody~~
10 pursuant to section 43-104.05;

11 ~~(9) Notice was provided to an adjudicated biological father through~~
12 ~~service of process under applicable state law and he failed to object to~~
13 ~~the adoption or failed to appear at the hearing conducted under section~~
14 ~~43-104.25;~~

15 (10) The father executed a valid relinquishment or consent to
16 adoption; or

17 (11) The man is not, in fact, the biological father of the child.
18 The court shall determine the custody of the child according to the
19 best interest of the child, weighing the superior rights of a biological
20 parent who has been found to be a fit, proper, and suitable parent
21 against any detriment the child would suffer if removed from the custody
22 of persons with whom the child has developed a substantial relationship.

23 Sec. 21. Section 43-104.23, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 43-104.23 (1) The court shall enter a decree finalizing the
26 adoption of the child if ~~If~~, after viewing the evidence submitted to
27 support a petition for to finalize an adoption or any evidence submitted
28 ~~by a guardian ad litem if one is appointed~~, the court determines that:

29 (a) No ~~no~~ biological father can be identified; τ

30 (b) No ~~or that no~~ identified father can be notified without likely
31 threat to the safety of the biological mother or the child; τ or

1 ~~(c) That there has been upon a finding of~~ due diligence and
2 substantial compliance with sections 43-104.08 to 43-104.16 and ~~a finding~~
3 that no ~~biological~~ father has timely filed under section 43-104.02 ~~or~~
4 ~~43-104.05~~ , ~~the court shall enter an order finalizing the adoption of the~~
5 ~~child.~~

6 (2) Subject to the disposition of an appeal, upon the expiration of
7 thirty days after a decree ~~an order~~ is issued under this section, the
8 decree ~~order~~ shall not be reversed, vacated, or modified on the basis of
9 ~~in any manner or upon any ground including~~ fraud, misrepresentation, or
10 failure to provide notice under sections 43-104.12 to 43-104.14.

11 Sec. 22. Section 43-105, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 43-105 (1) If consent is not required of both parents of a child
14 born in lawful wedlock if living, the surviving parent of a child born in
15 lawful wedlock, or the mother or mother and father of a child born out of
16 wedlock, because of the provisions of subdivision ~~(1)(b)~~ ~~(1)(c)~~ of
17 section 43-104, substitute consents shall be filed as follows:

18 (a) Consent to the adoption of a minor child who has been committed
19 to the Department of Health and Human Services may be given by the
20 department or its duly authorized agent in accordance with section
21 43-906;

22 (b) When a parent has relinquished a minor child for adoption to any
23 child placement agency licensed or approved by the department or its duly
24 authorized agent, consent to the adoption of such child may be given by
25 such agency; and

26 (c) In all other cases when consent cannot be given as provided in
27 subdivision ~~(1)(b)~~ ~~(1)(c)~~ of section 43-104, consent shall be given by
28 the guardian or guardian ad litem of such minor child appointed by a
29 court, which consent shall be authorized by the court having jurisdiction
30 of such guardian or guardian ad litem.

31 (2) Substitute consent provisions of this section do not apply to a

1 biological father whose consent is not required under section 43-104.22.

2 Sec. 23. Section 43-106, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 43-106 Relinquishments and consents ~~Consents~~ required to be given
5 under sections 43-104 and 43-105, ~~except under subdivision (1)(b) of~~
6 ~~section 43-104,~~ must be acknowledged before an officer authorized to
7 acknowledge deeds in this state and signed in the presence of at least
8 one witness, in addition to the officer. ~~Consents under subdivision (1)~~
9 ~~(b) of section 43-104 shall be shown by a duly certified copy of order of~~
10 ~~the court required to grant such consent.~~

11 Sec. 24. Section 43-107, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 43-107 (1)(a) ~~For adoption placements occurring or in effect prior~~
14 ~~to January 1, 1994, upon the filing of a petition for adoption, the~~
15 ~~county judge shall, except in the adoption of children by stepparents~~
16 ~~when the requirement of an investigation is discretionary, request the~~
17 ~~Department of Health and Human Services or any child placement agency~~
18 ~~licensed by the department to examine the allegations set forth in the~~
19 ~~petition and to ascertain any other facts relating to such minor child~~
20 ~~and the person or persons petitioning to adopt such child as may be~~
21 ~~relevant to the propriety of such adoption, except that the county judge~~
22 ~~shall not be required to request such an examination if the judge~~
23 ~~determines that information compiled in a previous examination or study~~
24 ~~is sufficiently current and comprehensive. Upon the request being made,~~
25 ~~the department or other licensed agency shall conduct an investigation~~
26 ~~and report its findings to the county judge in writing at least one week~~
27 ~~prior to the date set for hearing.~~(b)(i) ~~For adoption placements~~
28 ~~occurring on or after January 1, 1994, a~~ A ~~preplacement~~ adoptive home
29 study shall be filed with the court prior to the hearing required in
30 section 43-103. Such ~~, which~~ study shall be ~~is~~ completed by the
31 Department of Health and Human Services or a licensed child placement

1 agency within one year before the date on which the adoptee is placed
2 with the petitioner or petitioners and indicates that the placement of a
3 child for the purpose of adoption would be safe and appropriate.

4 (b) ~~(ii)~~ An adoptive home study shall not be required when the
5 petitioner is a stepparent of the adoptee unless required by the court.
6 An adoptive home study may be waived by the court upon a showing of good
7 cause by the petitioner when the petitioner is a biological grandparent
8 or a step-grandparent who is married to the biological grandparent at the
9 time of the adoption if both are adopting the child. ~~The For all~~
10 ~~petitions filed on or after January 1, 1994,~~ the judge shall order the
11 petitioner or his or her attorney to request the Nebraska State Patrol to
12 file a national criminal history record information check by submitting
13 the request accompanied by two sets of fingerprint cards or an equivalent
14 electronic submission and the appropriate fee to the Nebraska State
15 Patrol for a Federal Bureau of Investigation background check and to
16 request the department to conduct and file a check of the central
17 registry created in section 28-718 for any history of the petitioner of
18 behavior injurious to or which may endanger the health or morals of a
19 child. An adoption decree shall not be issued until such records are on
20 file with the court. The petitioner shall pay the cost of the national
21 criminal history record information check and the check of the central
22 registry.

23 (c) ~~(iii)~~ The placement of a child for foster care made by or
24 facilitated by the department or a licensed child placement agency in the
25 home of a person who later petitions the court to adopt the child shall
26 be exempt from the requirements of a preplacement adoptive home study.
27 The petitioner or petitioners who meet such criteria shall have a
28 postplacement adoptive home study completed by the department or a
29 licensed child placement agency and filed with the court at least one
30 week prior to the hearing for adoption.

31 (d) ~~(iv)~~ A voluntary placement for purposes other than adoption made

1 by a parent or guardian of a child without assistance from an attorney,
2 physician, or other individual or agency which later results in a
3 petition for the adoption of the child shall be exempt from the
4 requirements of a preplacement adoptive home study. The petitioner or
5 petitioners who meet such criteria shall have a postplacement adoptive
6 home study completed by the department or a licensed child placement
7 agency and filed with the court at least one week prior to the hearing
8 for adoption.

9 (e) In the case of an adoption by a second adult person under
10 subdivision (1)(c) of section 43-101, if the child of a sole legal parent
11 was adopted by that parent less than six months prior to the filing of an
12 adoption petition by the second adult person and if the second adult
13 person was included in an adoptive home study conducted in accordance
14 with this section, a new adoptive home study is not required unless the
15 court specifically orders otherwise. The court may order an adoptive home
16 study, a background investigation, or both if the court determines that
17 such would be in the best interests of the adoptive party or the person
18 to be adopted. If the petition for adoption by the second adult person
19 was filed six months or more after the adoption by the sole legal parent,
20 a separate adoptive home study report is required as otherwise provided
21 in this section.

22 (f) ~~(v)~~ The adoption of an adult child as provided in subsection (2)
23 of section 43-101 shall be exempt from the requirements of an adoptive
24 home study unless the court specifically orders otherwise. The court may
25 order an adoptive home study, a background investigation, or both if the
26 court determines that such would be in the best interests of the adoptive
27 party or the person to be adopted.

28 (g) ~~(vi)~~ Any adoptive home study required by this section shall be
29 conducted by the department or a licensed child placement agency at the
30 expense of the petitioner or petitioners unless such expenses are waived
31 by the department or licensed child placement agency. The department or

1 licensed agency shall determine the fee or rate for the adoptive home
2 study.

3 (h) ~~(vii)~~ The preplacement or postplacement adoptive home study
4 shall be performed as prescribed in rules and regulations of the
5 department and shall include at a minimum an examination into the facts
6 relating to the petitioner or petitioners as may be relevant to the
7 propriety of such adoption. Such rules and regulations shall require an
8 adoptive home study to include a national criminal history record
9 information check and a check of the central registry created in section
10 28-718 for any history of the petitioner or petitioners of behavior
11 injurious to or which may endanger the health or morals of a child.

12 (2) Upon the filing of a petition for adoption, the judge shall
13 require that a complete medical history be provided on the child, except
14 that in the adoption of a child by a stepparent, biological grandparent,
15 or step-grandparent who is married to the biological grandparent at the
16 time of the adoption if both are adopting the child, the provision of a
17 medical history shall be discretionary. ~~The On and after August 27, 2011,~~
18 ~~the~~ complete medical history or histories required under this subsection
19 shall include the race, ethnicity, nationality, Indian tribe when
20 applicable and in compliance with the Nebraska Indian Child Welfare Act,
21 or other cultural history of both biological parents, if available. A
22 medical history shall be provided, if available, on the biological mother
23 and father and their biological families, including, but not limited to,
24 siblings, parents, grandparents, aunts, and uncles, unless the child is
25 foreign born or was abandoned. The medical history or histories shall be
26 reported on a form provided by the department and filed along with the
27 report of adoption as provided by section 71-626. If the medical history
28 or histories do not accompany the report of adoption, the department
29 shall inform the court and the State Court Administrator. The medical
30 history or histories shall be made part of the court record. After the
31 entry of a decree of adoption, the court shall retain a copy and forward

1 the original medical history or histories to the department.—This
2 subsection shall only apply when the relinquishment or consent for an
3 adoption is given on or after September 1, 1988.

4 (3) After the filing of a petition for adoption and before the entry
5 of a decree of adoption for a child who is committed to the Department of
6 Health and Human Services, the person or persons petitioning to adopt the
7 child shall be given the opportunity to read the case file on the child
8 maintained by the department or its duly authorized agent. The department
9 shall not include in the case file to be read any information or
10 documents that the department determines cannot be released based upon
11 state statute, federal statute, federal rule, or federal regulation. The
12 department shall provide a document for such person's or persons'
13 signatures verifying that such person or persons ~~he, she, or they~~ have
14 been given an opportunity to read the case file and are aware that such
15 person or persons ~~he, she, or they~~ can review the child's file at any
16 time following finalization of the adoption upon making a written request
17 to the department. The department shall file such document with the court
18 prior to the entry of a decree of adoption in the case.

19 Sec. 25. Section 43-108, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 43-108 The minor child to be adopted, unless such child is over
22 fourteen years of age, and the person or persons desiring to adopt the
23 child must appear in person before the judge at the time of hearing,
24 except that when the petitioners are married ~~husband and wife~~ and one of
25 them is present in court, the court, in its discretion, may accept the
26 affidavit of an absent spouse who is in the armed forces of the United
27 States and it appears to the court the absent spouse will not be able to
28 be present in court for more than a year because of the absent spouse's
29 ~~his or her~~ military assignment, which affidavit sets forth that the
30 absent spouse favors the adoption.

31 Sec. 26. Section 43-109, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 43-109 (1) If, upon the hearing, the court finds that such adoption
3 is for the best interests of such minor child or such adult child, a
4 decree of adoption shall be entered. No decree of adoption shall be
5 entered unless:

6 (a) It ~~it~~ appears that the child has resided with the person or
7 persons petitioning for such adoption for at least six months next
8 preceding the entering of the decree of adoption, except that such
9 residency requirement shall not apply in an adoption of an adult child; ~~τ~~

10 (b) The ~~the~~ medical histories required by subsection (2) of section
11 43-107 have been made a part of the court record; ~~τ~~

12 (c) The ~~the~~ court record includes an affidavit or affidavits signed
13 by the relinquishing biological parent, or parents if both are available,
14 in which it is affirmed that, pursuant to section 43-106.02, prior to the
15 relinquishment of the child for adoption, the relinquishing parent was,
16 or parents if both are available were; ~~τ~~

17 (i) Presented ~~presented~~ a copy or copies of the nonconsent form
18 provided for in section 43-146.06; ~~τ~~ and

19 (ii) Given ~~given~~ an explanation of the effects of filing or not
20 filing the nonconsent form; ~~τ~~ and

21 (d) If ~~if~~ the child to be adopted is committed to the Department of
22 Health and Human Services, the document required by subsection (3) of
23 section 43-107 is a part of the court record. ~~Subdivisions (b) and (c) of~~
24 ~~this subsection shall only apply when the relinquishment or consent for~~
25 ~~an adoption is given on or after September 1, 1988.~~

26 (2) If the adopted child was born out of wedlock, that fact shall
27 not appear in the decree of adoption.

28 (3) The court may decree such change of name for the adopted child
29 as the petitioner or petitioners may request.

30 Sec. 27. Section 43-111, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 43-111 Except as provided in sections 43-101 and section 43-106.01
2 and the Nebraska Indian Child Welfare Act, after a decree of adoption has
3 been entered, the natural parents of the adopted child shall be relieved
4 of all parental duties toward and all responsibilities for such child and
5 have no rights over such adopted child or to his or her property by
6 descent and distribution.

7 Sec. 28. Section 43-111.01, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 43-111.01 Except as otherwise provided in the Nebraska Indian Child
10 Welfare Act, if, upon a hearing, the court shall deny a petition for
11 adoption, the court may take custody of the child involved and determine
12 whether or not it is in the best interests of the child to remain in the
13 custody of the proposed adopting parents. The court may also, on its own
14 motion, appoint a legal guardian over the person and property of such
15 minor and make disposition in the best interests of the child without
16 further notice, relinquishments, or consents as may otherwise be required
17 by sections 43-102 to 43-112 and section 4 of this act.

18 Sec. 29. Section 43-112, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 43-112 An appeal shall be allowed from any final order, judgment, or
21 decree, rendered under the authority of sections 43-101 to 43-115 and
22 section 4 of this act, from the county court to the Court of Appeals in
23 the same manner as an appeal from district court to the Court of Appeals.

24 An appeal may be taken by any party and may also be taken by any
25 person against whom the final judgment or final order may be made or who
26 may be affected thereby. The judgment of the Court of Appeals shall not
27 vacate the judgment of the county court. The judgment of the Court of
28 Appeals shall be certified without cost to the county court for further
29 proceedings consistent with the determination of the Court of Appeals.

30 Sec. 30. Section 43-115, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 43-115 No adoption heretofore lawfully made shall be affected by the
2 enactment of sections 43-101 to 43-115 and section 4 of this act, but
3 such adoptions shall continue in effect and operation according to the
4 terms thereof.

5 Sec. 31. Section 43-146.01, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 43-146.01 (1) Sections 43-106.02, 43-121, 43-123.01, and 43-146.02
8 to 43-146.16 shall provide the procedures for gaining access to
9 information concerning an adopted person when a relinquishment or consent
10 for an adoption is given on or after September 1, 1988.

11 (2) Sections 43-119 to 43-142 shall remain in effect for a
12 relinquishment or consent for an adoption which is given prior to
13 September 1, 1988.

14 (3) Except as otherwise provided in subsection (2) of section
15 43-107, ~~subdivisions (1)(b), (1)(c), and (1)(d) of section 43-109,~~ and
16 subsection (4) of this section: Sections 43-101 to 43-118 and section 4
17 of this act, 43-143 to 43-146, 43-146.17, 71-626, 71-626.01, and
18 71-627.02 shall apply to all adoptions.

19 (4) Sections 43-143 to 43-146 shall not apply to adopted persons for
20 whom a relinquishment or consent for adoption was given on and after July
21 20, 2002.

22 Sec. 32. Section 43-906, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 43-906 Except as otherwise provided in the Nebraska Indian Child
25 Welfare Act, the Department of Health and Human Services, or its duly
26 authorized agent, may consent to the adoption of children committed to it
27 upon the order of a juvenile court if the parental rights of the parents
28 or of the mother of a child born out of wedlock have been terminated and
29 if no father of a child born out of wedlock has timely asserted his
30 paternity rights under section 43-104.02, or upon the relinquishment to
31 such department by their parents or the mother and, if required under

1 sections 43-104.08 to 43-104.24 ~~43-104.25~~, the father of a child born out
2 of wedlock. The parental rights of parents of a child born out of wedlock
3 shall be determined pursuant to sections 43-104.05 and 43-104.08 to
4 43-104.24 ~~43-104.25~~.

5 Sec. 33. Section 43-1411, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 43-1411 (1) A civil proceeding to establish the paternity of a
8 child may be instituted, in the court of the district where the child is
9 domiciled or found or, for cases under the Uniform Interstate Family
10 Support Act, where the alleged father is domiciled, by:

11 (a) The ~~(1) the~~ mother or the alleged father of such child, either
12 during pregnancy or within four years after the child's birth, unless:

13 (i) A ~~(a)~~ a valid consent or relinquishment has been made pursuant
14 to sections 43-104.08 to 43-104.24 ~~43-104.25~~ or section 43-105 for
15 purposes of adoption; or

16 (ii) A ~~(b)~~ a county court or separate juvenile court has
17 jurisdiction over the custody of the child or jurisdiction over an
18 adoption matter with respect to such child pursuant to sections 43-101 to
19 43-116 and section 4 of this act; or

20 (b) The ~~(2) the~~ guardian or next friend of such child or the state,
21 either during pregnancy or within eighteen years after the child's birth.

22 (2) Summons shall issue and be served as in other civil proceedings,
23 except that such summons may be directed to the sheriff of any county in
24 the state and may be served in any county.

25 Sec. 34. Original sections 25-309, 43-101, 43-104, 43-104.01,
26 43-104.02, 43-104.03, 43-104.05, 43-104.08, 43-104.09, 43-104.12,
27 43-104.13, 43-104.14, 43-104.15, 43-104.16, 43-104.17, 43-104.18,
28 43-104.22, 43-104.23, 43-105, 43-106, 43-107, 43-108, 43-109, 43-111,
29 43-111.01, 43-112, 43-115, 43-146.01, 43-906, and 43-1411, Reissue
30 Revised Statutes of Nebraska, and sections 25-307 and 43-102, Revised
31 Statutes Cumulative Supplement, 2018, are repealed.

1 Sec. 35. The following sections are outright repealed: Sections
2 43-104.19, 43-104.20, 43-104.21, and 43-104.25, Reissue Revised Statutes
3 of Nebraska.