

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 93**

Introduced by Wayne, 13.

Read first time January 10, 2019

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to civil procedure; to amend section 25-328,
- 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 25-328, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 25-328 Any person who has or claims an interest in the matter in  
4 litigation, in the success of either of the parties to an action, or  
5 against both, in any action pending or to be brought in any of the courts  
6 of the State of Nebraska, may become a party to an action between any  
7 other persons or corporations:

8 (1) By ~~either~~ by joining the plaintiff in claiming what is sought  
9 by the complaint, ~~or~~ by uniting with the defendants in resisting the  
10 claim of the plaintiff, or by demanding anything adversely to both the  
11 plaintiff and defendant, either before or after issue has been joined in  
12 the action, and before the trial commences; ~~or~~ -

13 (2) As provided in section 2 of this act.

14 Sec. 2. Notwithstanding any other provision of law, in any  
15 proceeding in any court involving a juvenile who is in the custody of the  
16 State of Nebraska for one of the reasons stated in section 43-247, a  
17 person claiming to be a biological parent of such juvenile may file a  
18 complaint to intervene in such proceeding. The complaint shall be  
19 accompanied by an affidavit stating, under oath, that the affiant  
20 believes he or she is a biological parent of such juvenile. No filing fee  
21 shall be charged relating to such complaint and affidavit. Upon the  
22 filing of such complaint and affidavit, the court shall order a DNA test  
23 to be conducted and shall order that the juvenile be made available for  
24 such DNA testing, both at the expense of the intervenor.

25 Sec. 3. Original section 25-328, Reissue Revised Statutes of  
26 Nebraska, is repealed.