

AMENDMENTS TO LB155

Introduced by Judiciary.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Section 43-1401, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           43-1401 For purposes of sections 43-1401 to 43-1418:

6           (1) Except as provided in subsection (2) of section 43-1411, child  
7 means ~~Child shall mean~~ a child under the age of eighteen years born out  
8 of wedlock;

9           (2) Child born out of wedlock means ~~shall mean~~ a child whose parents  
10 were not married to each other at the time of its birth, except that a  
11 child shall not be considered as born out of wedlock if its parents were  
12 married at the time of its conception but divorced at the time of its  
13 birth. The definition of legitimacy or illegitimacy for other purposes  
14 shall not be affected by the provisions of such sections; and

15           (3) Support includes ~~shall include~~ reasonable education.

16           Sec. 2. Section 43-1411, Revised Statutes Cumulative Supplement,  
17 2020, is amended to read:

18           43-1411 (1) A civil proceeding to establish the paternity of a child  
19 may be instituted, in the court of the district where the child is  
20 domiciled or found or, for cases under the Uniform Interstate Family  
21 Support Act, where the alleged father is domiciled, by (a) the mother or  
22 the alleged father of such child, either during pregnancy or within four  
23 years after the child's birth, unless (i) a valid consent or  
24 relinquishment has been made pursuant to sections 43-104.08 to 43-104.25  
25 or section 43-105 for purposes of adoption or (ii) a county court or  
26 separate juvenile court has jurisdiction over the custody of the child or  
27 jurisdiction over an adoption matter with respect to such child pursuant

1 to sections 43-101 to 43-116 or (b) the guardian or next friend of such  
2 child or the state, either during pregnancy or within eighteen years  
3 after the child's birth. Summons shall issue and be served as in other  
4 civil proceedings, except that such summons may be directed to the  
5 sheriff of any county in the state and may be served in any county.

6 (2)(a) (2) Notwithstanding any other provision of law, a person  
7 claiming to be the biological father of a child over which the juvenile  
8 court already has jurisdiction may file a complaint to intervene in such  
9 juvenile proceeding to institute an action to establish the paternity of  
10 the child. The complaint to intervene shall be accompanied by an  
11 affidavit under oath that the affiant believes he is the biological  
12 father of the juvenile. No filing fee shall be charged for filing the  
13 complaint and affidavit.

14 (b) Upon filing of the complaint and affidavit, the juvenile court  
15 ~~may shall~~ enter an order pursuant to section 43-1414 to require genetic  
16 testing and to require the juvenile to be made available for genetic  
17 testing. The costs of genetic testing shall be paid by the intervenor,  
18 the county, or the state at the discretion of the juvenile court. This  
19 subsection does not authorize intervention by a person whose parental  
20 rights to such child have been terminated by the order of any court of  
21 competent jurisdiction.

22 (c) In determining whether to order genetic testing or establish  
23 paternity pursuant to this subsection, the juvenile court may consider:

24 (i) The child's age;

25 (ii) The relationship between the child and any presumptive parent;

26 (iii) The relationship between the child and any parent whose rights  
27 have been established by acknowledgment or court finding;

28 (iv) The relationship between the child and the intervenor;

29 (v) Whether the child could benefit or be harmed by establishing the  
30 intervenor's paternity; and

31 (vi) Any other factor the juvenile court, in its discretion, deems

1 relevant.

2 (d) For purposes of this subsection, child means a person under the  
3 age of eighteen years, regardless of whether the person was born out of  
4 wedlock.

5 Sec. 3. Original section 43-1401, Reissue Revised Statutes of  
6 Nebraska, and section 43-1411, Revised Statutes Cumulative Supplement,  
7 2020, are repealed.