

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 70

Introduced by DeBoer, 10.

Read first time January 09, 2025

Committee: Judiciary

1 A BILL FOR AN ACT relating to children and families; to amend sections
2 43-104.15, 43-107, 43-512.04, 43-1401, 43-1402, 43-1404, 43-1405,
3 and 43-1410, Reissue Revised Statutes of Nebraska, and sections
4 43-101, 43-101.01, 43-102, 43-104, 43-104.08, 43-104.13, and
5 43-2924, Revised Statutes Cumulative Supplement, 2024; to provide
6 for adoption by a second adult person; to define and redefine terms;
7 to change provisions relating to consent to adoption, home studies,
8 terminology, child support and medical support, and the
9 applicability of the Parenting Act; to eliminate obsolete
10 provisions; to harmonize provisions; and to repeal the original
11 sections.
12 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 43-101, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 43-101 (1) Subject to sections 43-101 to 43-115 and except ~~Except~~ as
4 otherwise provided in the Nebraska Indian Child Welfare Act and
5 subsections (4) and (5) of this section: 7

6 (a) Any ~~any~~ minor child may be adopted by any adult person or
7 persons;

8 (b) Any minor ~~and any adult~~ child may be adopted by the spouse of
9 such child's parent; and

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

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

13 (ii) The child has a parent-child relationship with the second adult
14 person; and

15 (iii) An adoptive home study is completed as provided in section
16 43-107.

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

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

21 ~~in the cases and subject to sections 43-101 to 43-115, except that~~
22 ~~no person having a spouse may adopt a minor child unless the spouse joins~~
23 ~~in the petition therefor. If the spouse so joins in the petition~~
24 ~~therefor, the adoption shall be by them jointly, except that an adult~~
25 ~~spouse may adopt a child of the other spouse whether born in or out of~~
26 ~~wedlock.~~

27 ~~(2) Any adult child may be adopted by any person or persons subject~~
28 ~~to sections 43-101 to 43-115, except that no person having a spouse may~~
29 ~~adopt an adult child unless the spouse joins in the petition therefor. If~~
30 ~~the spouse so joins the petition therefor, the adoption shall be by them~~
31 ~~jointly.~~

1 **(b)** The adoption of an adult child by another adult or adults who
2 are not the stepparent of the adult child may be permitted if the adult
3 child has had a parent-child relationship with the prospective parent or
4 parents for a period of at least six months next preceding the adult
5 child's age of majority and:

6 **(i)** ~~The (a) the~~ adult child has no living parents; ~~τ~~

7 **(ii)** ~~The (b) the~~ adult child's parent or parents had been deprived
8 of parental rights to such child by the order of any court of competent
9 jurisdiction; ~~τ~~

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

12 **(iv)** ~~The (d) the~~ parent or parents had abandoned the child for at
13 least six months next preceding the adult child's age of majority or for
14 a substantial portion of the time since the adult child reached the age
15 of majority; ~~τ~~ ~~or~~

16 **(v)** ~~The (e) the~~ parent or parents are incapable of consenting; ~~or~~ ~~τ~~

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

19 **(3)** The substitute consent provisions of section 43-105 do not apply
20 to adoptions under ~~this~~ subsection (2) of this section.

21 **(4)** No person with a spouse may adopt a minor child or an adult
22 child unless the spouse of such person joins in the petition for
23 adoption, in which case the adoption shall be made by such persons
24 jointly.

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

28 **Sec. 2.** Section 43-101.01, Revised Statutes Cumulative Supplement,
29 2024, is amended to read:

30 43-101.01 For purposes of sections 43-101 to 43-115:

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

1 (a) Executed a valid acknowledgment of paternity; or

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

4 (2) Adjudicated father means an individual who has been determined
5 by a court of competent jurisdiction, in this state or in another state
6 or territory of the United States, to be the biological or legal father
7 of a minor child; ~~and~~

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

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

13 **Sec. 3.** Section 43-102, Revised Statutes Cumulative Supplement,
14 2024, is amended to read:

15 43-102 (1) Except as otherwise provided in the Nebraska Indian Child
16 Welfare Act, any person or persons desiring to adopt a minor child or an
17 adult child shall file a petition for adoption signed and sworn to by the
18 person or persons desiring to adopt. The following shall be filed prior
19 to the hearing required under section 43-103:

20 (a) The consent or consents required by sections 43-101, 43-104, and
21 43-105 or section 43-104.07;

22 (b) The documents required by section 43-104.07 or the documents
23 required by sections 43-104.08 to 43-104.24;

24 (c) A completed preplacement adoptive home study if required by
25 section 43-107;

26 (d) The completed and signed affidavit described in section
27 43-104.09 if required by such section;

28 (e) The completed and signed affidavit described in section
29 43-104.16 if required by such section; and

30 (f) When a consent is not required under subdivision (4)(c) of
31 section 43-104, a certified copy of the termination order.

1 (2) The county court of the county in which the person or persons
2 desiring to adopt a child reside has jurisdiction of adoption
3 proceedings, except that if a juvenile court already has jurisdiction
4 over the child to be adopted under the Nebraska Juvenile Code, such
5 juvenile court has concurrent jurisdiction with the county court in such
6 adoption proceeding. If a child to be adopted is a ward of any court or a
7 ward of the state at the time of placement and at the time of filing an
8 adoption petition, the person or persons desiring to adopt shall not be
9 required to be residents of Nebraska. The petition and all other court
10 filings for an adoption proceeding shall be filed with the clerk of the
11 county court. The party shall state in the petition whether such party
12 requests that the proceeding be heard by the county court or, in cases in
13 which a juvenile court already has jurisdiction over the child to be
14 adopted under the Nebraska Juvenile Code, such juvenile court. Such
15 proceeding is considered a county court proceeding even if heard by a
16 juvenile court judge and an order of the juvenile court in such adoption
17 proceeding has the force and effect of a county court order. The
18 testimony in an adoption proceeding heard before a juvenile court judge
19 shall be preserved as in any other juvenile court proceeding.

20 **Sec. 4.** Section 43-104, Revised Statutes Cumulative Supplement,
21 2024, is amended to read:

22 43-104 (1) Except as otherwise provided in this section and in the
23 Nebraska Indian Child Welfare Act, no adoption shall be decreed unless
24 written consents thereto are filed in the county court of the county in
25 which the person or persons desiring to adopt reside or in the county
26 court in which the juvenile court having jurisdiction over the custody of
27 the child is located and the written consents are executed by:

28 (a) The minor child, if over fourteen years of age; and

29 (b) Both parents of a child born in lawful wedlock if living, the
30 surviving parent of a child born in lawful wedlock, the mother of a child
31 born out of wedlock, or both the mother and father of a child born out of

1 wedlock as determined pursuant to sections 43-104.08 to 43-104.24; and -

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) A written consent or relinquishment for adoption under this
8 section shall not be valid unless signed at least forty-eight hours after
9 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) Consent shall not be required of any parent:

17 (a) Who relinquished the child for adoption by a written instrument;

18 (b) Who abandoned the child for at least six months next preceding
19 the filing of the adoption petition;

20 (c) Whose parental rights to such child have been terminated by the
21 order of any court of competent jurisdiction; or

22 (d) Who is incapable of consenting.

23 (5) Consent shall not be required of a putative father who has
24 failed to timely file:

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

28 (b) A petition pursuant to section 43-104.05 for the adjudication of
29 such father's objection to the adoption and a determination of whether
30 his consent to the adoption is required and the mother of the child has
31 timely executed a valid relinquishment and consent to the adoption

1 pursuant to such section.

2 (6) Consent shall not be required of an acknowledged or adjudicated
3 father (a) when he ~~who~~ has failed to timely file a petition pursuant to
4 section 43-104.05 for the adjudication of such notice and a determination
5 of whether his consent to the adoption is required and (b) the mother of
6 the child has timely executed a valid relinquishment and consent to the
7 adoption pursuant to such section.

8 (7) Consent shall not be required of an acknowledged father, an
9 adjudicated father, or a putative father who is not required to consent
10 to the adoption pursuant to section 43-104.05 or 43-104.22.

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

13 (9)(a) In private adoptions not involving relinquishment of a child
14 to the state or to a licensed child placement agency, a parent or parents
15 who relinquish a child for adoption shall be provided legal counsel of
16 their choice independent from that of the adoptive parent or parents.
17 Such counsel shall be provided at the expense of the adoptive parent or
18 parents prior to the execution of a written relinquishment and consent to
19 adoption or execution of a communication and contact agreement under
20 section 43-166, unless specifically waived in writing.

21 (b) In private adoptions and adoptions involving relinquishment of a
22 child to a licensed child placement agency other than the state, a parent
23 or parents contemplating relinquishment of a child for adoption shall be
24 offered, at the expense of the adoptive parent or parents or the agency,
25 at least three hours of professional counseling prior to executing a
26 written relinquishment of parental rights or written consent to adoption.
27 Such relinquishment or consent shall state whether the relinquishing
28 parent or parents received or declined counseling.

29 **Sec. 5.** Section 43-104.08, Revised Statutes Cumulative Supplement,
30 2024, is amended to read:

31 43-104.08 Whenever a child is claimed to be born out of wedlock and

1 the biological mother contacts an adoption agency or attorney to
2 relinquish her rights to the child, or the biological mother joins in a
3 petition for adoption to be filed by the second adult person ~~her spouse~~,
4 the agency or attorney contacted shall attempt to establish the identity
5 of the biological father and further attempt to inform the biological
6 father of his rights, including the right to object to the adoption and
7 the procedure and required timing to object, and his right to execute a
8 relinquishment and consent to adoption, or a denial of paternity and
9 waiver of rights, in the form mandated by section 43-106, pursuant to
10 sections 43-104.08 to 43-104.24.

11 **Sec. 6.** Section 43-104.13, Revised Statutes Cumulative Supplement,
12 2024, is amended to read:

13 43-104.13 The notice sent by the agency or attorney pursuant to
14 section 43-104.12 shall be served sufficiently in advance of the birth of
15 the child, whenever possible, to allow compliance with subdivision (1)(a)
16 of section 43-104.02 and shall state:

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

20 (2) That the child has been relinquished by the biological mother,
21 that she intends to execute a relinquishment and consent to adoption, or
22 that the biological mother has joined or plans to join in a petition for
23 adoption to be filed by another adult person ~~her spouse~~;

24 (3) That the person being notified has been identified as a possible
25 biological father of the child, whether putative, acknowledged, or
26 adjudicated;

27 (4) That the person being notified may have certain rights with
28 respect to such child if he is in fact the biological father;

29 (5) That the person being notified has the right to (a) deny
30 paternity, (b) waive any parental rights he may have, (c) relinquish and
31 consent to adoption of the child, (d) file a Notice of Objection to

1 Adoption and Intent to Obtain Custody any time during the pregnancy or as
2 late as ten business days after birth pursuant to section 43-104.02 if he
3 is a putative father, and (e) object to the adoption in court within
4 forty-five days after the later of receipt of notice under this section
5 or the birth of the child if he is an acknowledged or adjudicated father;

6 (6) That to deny paternity, to waive his parental rights, or to
7 relinquish and consent to the adoption, the person being notified must
8 contact the undersigned agency or attorney representing the biological
9 mother, and that if he wishes to object to the adoption and seek custody
10 of the child he should seek legal counsel from his own attorney
11 immediately; and

12 (7) That if the person being notified is the biological father and
13 if the child is not relinquished for adoption, he has a duty to
14 contribute to the support and education of the child and to the
15 pregnancy-related expenses of the mother and a right to seek a court
16 order for custody, parenting time, visitation, or other access with the
17 child.

18 The agency or attorney representing the biological mother may
19 enclose with the notice a document which is an admission or denial of
20 paternity and a waiver of rights by the person being notified, which such
21 person may choose to complete, in the form mandated by section 43-106,
22 and return to the agency or attorney.

23 **Sec. 7.** Section 43-104.15, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 43-104.15 The notification procedure set forth in sections 43-104.12
26 to 43-104.14 shall, whenever possible, be completed prior to a child
27 being placed in an adoptive home. If the information provided in the
28 biological mother's affidavit prepared pursuant to section 43-104.09
29 presents clear evidence that providing notice to a biological father or
30 possible biological father as contemplated in sections 43-104.12 to
31 43-104.14 would be likely to threaten the safety of the biological mother

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

10 **Sec. 8.** Section 43-107, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 43-107 ~~(1)(a) For adoption placements occurring or in effect prior~~
13 ~~to January 1, 1994, upon the filing of a petition for adoption, the~~
14 ~~county judge shall, except in the adoption of children by stepparents~~
15 ~~when the requirement of an investigation is discretionary, request the~~
16 ~~Department of Health and Human Services or any child placement agency~~
17 ~~licensed by the department to examine the allegations set forth in the~~
18 ~~petition and to ascertain any other facts relating to such minor child~~
19 ~~and the person or persons petitioning to adopt such child as may be~~
20 ~~relevant to the propriety of such adoption, except that the county judge~~
21 ~~shall not be required to request such an examination if the judge~~
22 ~~determines that information compiled in a previous examination or study~~
23 ~~is sufficiently current and comprehensive. Upon the request being made,~~
24 ~~the department or other licensed agency shall conduct an investigation~~
25 ~~and report its findings to the county judge in writing at least one week~~
26 ~~prior to the date set for hearing.~~

27 (1)(a) A (b)(i) ~~For adoption placements occurring on or after~~
28 ~~January 1, 1994, a preplacement adoptive home study shall be filed with~~
29 ~~the court prior to the hearing required in section 43-103. Such study~~
30 ~~shall be , which study is completed by the Department of Health and Human~~
31 ~~Services or a licensed child placement agency within one year before the~~

1 date on which the adoptee is placed with the petitioner or petitioners
2 and indicates that the placement of a child for the purpose of adoption
3 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. 9.** Section 43-512.04, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 43-512.04 (1) An action for child support or medical support may be
22 brought separate and apart from any action for dissolution of marriage.
23 The complaint initiating the action shall be filed with the clerk of the
24 district court and may be heard by the county court or the district court
25 as provided in section 25-2740. Such action for support may be filed on
26 behalf of a child:

27 (a) Whose paternity has been established (i) by prior judicial order
28 in this state, (ii) by a prior determination of paternity made by any
29 other state or by an Indian tribe as described in subsection (1) of
30 section 43-1406, or (iii) by the marriage of his or her parents as
31 described in section 42-377 or subsection (2) of section 43-1406; or

1 (b) Whose paternity is presumed as described in section 43-1409 or
2 subsection (2) of section 43-1415; or -

3 (c) Who has been adopted by a second adult person under subdivision
4 (1)(c) of section 43-101.

5 (2)(a) {2} The father, not having entered into a judicially approved
6 settlement or being in default in the performance of the same, may be
7 made a respondent in such action. The mother of the child may also be
8 made a respondent in such an action. For a child adopted by a second
9 adult person under subdivision (1)(c) of section 43-101, either or both
10 parents, not having entered into a judicially approved settlement or
11 being in default in the performance of the same, may be made respondents
12 in such an action.

13 (b) Such action shall be commenced by a complaint of the mother of
14 the child, the father of the child whose paternity has been established,
15 either parent of a child adopted by a second adult person under
16 subdivision (1)(c) of section 43-101, the guardian or next friend of the
17 child, the county attorney, or an authorized attorney.

18 (3) The complaint shall set forth the basis on which paternity was
19 previously established or presumed, if the respondent is the father, and
20 the fact of nonsupport and shall ask that the father, the mother, either
21 parent of a child adopted by a second adult person under subdivision (1)
22 (c) of section 43-101, or both parents be ordered to provide for the
23 support of the child. Summons shall issue against the father, the mother,
24 either parent of a child adopted by a second adult person under
25 subdivision (1)(c) of section 43-101, or both parents and be served as in
26 other civil proceedings, except that such summons may be directed to the
27 sheriff of any county in the state and may be served in any county. The
28 method of trial shall be the same as in actions formerly cognizable in
29 equity, and jurisdiction to hear and determine such actions for support
30 is hereby vested in the district court of the district or the county
31 court of the county where the child is domiciled or found or, for cases

1 under the Uniform Interstate Family Support Act if the child is not
2 domiciled or found in Nebraska, where the parent of the child is
3 domiciled.

4 (4) In such proceeding, if the defendant is the presumed father as
5 described in subdivision (1)(b) of this section, the court shall make a
6 finding whether or not the presumption of paternity has been rebutted.
7 The presumption of paternity created by acknowledgment as described in
8 section 43-1409 may be rebutted as part of an equitable proceeding to
9 establish support by genetic testing results which exclude the alleged
10 father as being the biological father of the child. A court in such a
11 proceeding may order genetic testing as provided in sections 43-1414 to
12 43-1418.

13 (5) If the court finds that either the father, the mother, or both
14 parents have failed adequately to support the child, the court shall
15 issue a decree directing such parent or parents ~~him, her, or them~~ to do
16 so, specifying the amount of such support, the manner in which it shall
17 be furnished, and the amount, if any, of any court costs and attorney's
18 fees to be paid by such parent or parents ~~the father, the mother, or both~~
19 ~~parents~~. Income withholding shall be ordered pursuant to the Income
20 Withholding for Child Support Act. The court may require the furnishing
21 of bond to insure the performance of the decree in the same manner as is
22 provided for in section 42-358.05 or 43-1405. Failure on the part of the
23 defendant to perform the terms of such decree shall constitute contempt
24 of court and may be dealt with in the same manner as other contempts. The
25 court may also order medical support and the payment of expenses as
26 described in section 43-1407.

27 **Sec. 10.** Section 43-1401, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 43-1401 For purposes of sections 43-1401 to 43-1418:

30 (1) Child means ~~shall mean~~ a child under the age of eighteen years
31 who was:

1 (a) Born born out of wedlock; or

2 (b) Adopted by a second adult person under subdivision (1)(c) of
3 section 43-101;

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

11 (3) Support includes shall include reasonable education.

12 **Sec. 11.** Section 43-1402, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 43-1402 The father of a child whose paternity is established either
15 by judicial proceedings or by acknowledgment as hereinafter provided
16 shall be liable for the child's its support to the same extent and in the
17 same manner as the father of a child born in lawful wedlock is liable for
18 the child's its support. The mother of a child shall also be liable for
19 the child's its support. Both parents of a child adopted by a second
20 adult person under subdivision (1)(c) of section 43-101 shall be liable
21 for the child's support. The liability of each parent may be determined,
22 enforced, and discharged in accordance with the methods hereinafter
23 provided.

24 **Sec. 12.** Section 43-1404, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 43-1404 The liability of the parent for support ~~father or mother~~ of
27 a child ~~for its support~~ shall be discharged by compliance with the terms
28 of a judicial decree for support or the terms of a judicially approved
29 settlement or by the adoption of the child by some other person or
30 persons.

31 **Sec. 13.** Section 43-1405, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 43-1405 (1) A settlement provided for in section 43-1404 means a
3 voluntary agreement:

4 (a) That is between:

5 (i) The ~~the~~ father of the child and the mother or some person
6 authorized to act in her behalf; ~~τ~~

7 (ii) The ~~or between the~~ father and the next friend or guardian of
8 the child; ~~τ~~

9 (iii) A parent of a child adopted by a second adult person under
10 subdivision (1)(c) of section 43-101 and the other such parent or some
11 person authorized to act in such other parent's behalf; or

12 (iv) A parent of a child adopted by a second adult person under
13 subdivision (1)(c) of section 43-101 and the next friend or guardian of
14 the child; and

15 (b) Whereby ~~whereby~~ the father or parent promises to make adequate
16 provision for the support of the child.

17 (2) In the event that such a settlement is made it shall be binding
18 on all parties and shall bar all other remedies of the mother and child,
19 any other parent, and the legal representatives of the child so long as
20 the settlement is ~~it shall be~~ performed by the parent promising to
21 provide support ~~father~~, if such said settlement is approved by the court
22 having jurisdiction to compel the support of the child.

23 (3) The court shall approve such settlement only if the court finds
24 and determines ~~it shall find and determine~~ that adequate provision is
25 made for the support of the child and that the promising parent has
26 ~~father shall have~~ offered clear evidence of ~~his~~ willingness and ability
27 to perform the agreement. The court, in its discretion, may require the
28 promising parent ~~father~~ to furnish bond with proper sureties conditioned
29 upon the performance of the settlement.

30 **Sec. 14.** Section 43-1410, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 43-1410 Any judicially approved settlement or order of support made
2 by a court having jurisdiction in the premises shall be binding on the
3 legal representatives of the parent ~~father or mother~~ in the event of his
4 or her death, to the same extent as other contractual obligations and
5 judicial judgments or decrees.

6 **Sec. 15.** Section 43-2924, Revised Statutes Cumulative Supplement,
7 2024, is amended to read:

8 43-2924 (1) The Parenting Act shall apply to proceedings or
9 modifications ~~filed on or after January 1, 2008,~~ in which parenting
10 functions for a child are at issue:

11 (a) Under ~~under~~ Chapter 42, including, but not limited to,
12 proceedings or modification of orders for dissolution of marriage and
13 child custody; ~~and~~

14 (b) Under ~~under~~ sections 43-1401 to 43-1418; ~~and~~ -

15 (c) In a dispute between parents of a child adopted by a second
16 adult person under subdivision (1)(c) of section 43-101.

17 (2) The Parenting Act may apply to proceedings or modifications in
18 which parenting functions for a child are at issue under Chapter 30 or
19 43.

20 (3) The Parenting Act shall also apply to subsequent modifications
21 of bridge orders entered under section 43-246.02 by a separate juvenile
22 court or county court sitting as a juvenile court and docketed in a
23 district court.

24 (4) ~~(2)~~ The Parenting Act does not apply in any action filed by a
25 county attorney or authorized attorney pursuant to his or her duties
26 under section 42-358, 43-512 to 43-512.18, or 43-1401 to 43-1418, the
27 Income Withholding for Child Support Act, ~~the Revised Uniform Reciprocal~~
28 ~~Enforcement of Support Act before January 1, 1994,~~ or the Uniform
29 Interstate Family Support Act for purposes of the establishment of
30 paternity and the establishment and enforcement of child and medical
31 support or a bridge order entered under section 43-246.02 by a separate

1 juvenile court or county court sitting as a juvenile court and docketed
2 in a district court. A county attorney or authorized attorney shall not
3 participate in the development of or court review of a parenting plan
4 under the Parenting Act. If both parents are parties to a paternity or
5 support action filed by a county attorney or authorized attorney, the
6 parents may proceed with a parenting plan.

7 **Sec. 16.** Original sections 43-104.15, 43-107, 43-512.04, 43-1401,
8 43-1402, 43-1404, 43-1405, and 43-1410, Reissue Revised Statutes of
9 Nebraska, and sections 43-101, 43-101.01, 43-102, 43-104, 43-104.08,
10 43-104.13, and 43-2924, Revised Statutes Cumulative Supplement, 2024, are
11 repealed.