

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1245**

Introduced by Cavanaugh, J., 9.

Read first time January 20, 2022

Committee: Judiciary

1 A BILL FOR AN ACT relating to children and families; to amend sections  
2 42-364.17, 42-381, 43-247, 43-1401, 43-1402, 43-1404, 43-1405,  
3 43-1406, 43-1407, 43-1408.01, 43-1409, 43-1410, 43-1412, 43-1412.01,  
4 43-1414, 43-1415, 43-1802, 43-2935, 43-3318, 43-3320, 43-3340,  
5 71-601.01, 71-604, 71-604.05, 71-617.04, 71-628, 71-630, 71-640,  
6 71-640.01, 71-640.02, 71-640.03, 71-640.04, and 71-641, Reissue  
7 Revised Statutes of Nebraska, and sections 24-517, 25-2740, 25-2742,  
8 29-3922, 33-107.02, 43-246.02, 43-1411, 43-1411.01, 43-1611,  
9 43-2924, and 71-604.02, Revised Statutes Cumulative Supplement,  
10 2020; to change provisions and terminology relating to  
11 determinations of paternity and parentage, birth certificates, and  
12 related matters; to define and redefine terms; to harmonize  
13 provisions; and to repeal the original sections.  
14 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 24-517, Revised Statutes Cumulative Supplement,  
2 2020, is amended to read:

3 24-517 Each county court shall have the following jurisdiction:

4 (1) Exclusive original jurisdiction of all matters relating to  
5 decedents' estates, including the probate of wills and the construction  
6 thereof, except as provided in subsection (c) of section 30-2464 and  
7 section 30-2486;

8 (2) Exclusive original jurisdiction in all matters relating to the  
9 guardianship of a person, except if a separate juvenile court already has  
10 jurisdiction over a child in need of a guardian, concurrent original  
11 jurisdiction with the separate juvenile court in such guardianship;

12 (3) Exclusive original jurisdiction of all matters relating to  
13 conservatorship of any person, including (a) original jurisdiction to  
14 consent to and authorize a voluntary selection, partition, and setoff of  
15 a ward's interest in real estate owned in common with others and to  
16 exercise any right of the ward in connection therewith which the ward  
17 could exercise if competent and (b) original jurisdiction to license the  
18 sale of such real estate for cash or on such terms of credit as shall  
19 seem best calculated to produce the highest price subject only to the  
20 requirements set forth in section 30-3201;

21 (4) Concurrent jurisdiction with the district court to involuntarily  
22 partition a ward's interest in real estate owned in common with others;

23 (5) Concurrent original jurisdiction with the district court in all  
24 civil actions of any type when the amount in controversy is forty-five  
25 thousand dollars or less through June 30, 2005, and as set by the Supreme  
26 Court pursuant to subdivision (b) of this subdivision on and after July  
27 1, 2005.

28 (a) When the pleadings or discovery proceedings in a civil action  
29 indicate that the amount in controversy is greater than the  
30 jurisdictional amount of subdivision (5) of this section, the county  
31 court shall, upon the request of any party, certify the proceedings to

1 the district court as provided in section 25-2706. An award of the county  
2 court which is greater than the jurisdictional amount of subdivision (5)  
3 of this section is not void or unenforceable because it is greater than  
4 such amount, however, if an award of the county court is greater than the  
5 jurisdictional amount, the county court shall tax as additional costs the  
6 difference between the filing fee in district court and the filing fee in  
7 county court.

8 (b) The Supreme Court shall adjust the jurisdictional amount for the  
9 county court every fifth year commencing July 1, 2005. The adjusted  
10 jurisdictional amount shall be equal to the then current jurisdictional  
11 amount adjusted by the average percentage change in the unadjusted  
12 Consumer Price Index for All Urban Consumers published by the Federal  
13 Bureau of Labor Statistics for the five-year period preceding the  
14 adjustment date. The jurisdictional amount shall be rounded to the  
15 nearest one-thousand-dollar amount;

16 (6) Concurrent original jurisdiction with the district court in any  
17 criminal matter classified as a misdemeanor or for any infraction. The  
18 district court shall have concurrent original jurisdiction in any  
19 criminal matter classified as a misdemeanor that arises from the same  
20 incident as a charged felony;

21 (7) Concurrent original jurisdiction with the district court in  
22 domestic relations matters as defined in section 25-2740 and with the  
23 district court and separate juvenile court in parentage ~~paternity~~ or  
24 custody determinations as provided in section 25-2740;

25 (8) Concurrent original jurisdiction with the district court in  
26 matters arising under the Nebraska Uniform Trust Code;

27 (9) Exclusive original jurisdiction in any action based on violation  
28 of a city or village ordinance, except with respect to violations  
29 committed by persons under eighteen years of age;

30 (10) The jurisdiction of a juvenile court as provided in the  
31 Nebraska Juvenile Code when sitting as a juvenile court in counties which

1 have not established separate juvenile courts;

2 (11) Exclusive original jurisdiction in matters of adoption, except  
3 if a separate juvenile court already has jurisdiction over the child to  
4 be adopted, concurrent original jurisdiction with the separate juvenile  
5 court;

6 (12) Exclusive original jurisdiction in matters arising under the  
7 Nebraska Uniform Custodial Trust Act;

8 (13) Concurrent original jurisdiction with the district court in any  
9 matter relating to a power of attorney and the action or inaction of any  
10 agent acting under a power of attorney;

11 (14) Exclusive original jurisdiction in any action arising under  
12 sections 30-3401 to 30-3432;

13 (15) Exclusive original jurisdiction in matters arising under the  
14 Nebraska Uniform Transfers to Minors Act;

15 (16) Concurrent original jurisdiction with the district court in  
16 matters arising under the Uniform Principal and Income Act;

17 (17) Concurrent original jurisdiction with the district court in  
18 matters arising under the Uniform Testamentary Additions to Trusts Act  
19 (1991) except as otherwise provided in subdivision (1) of this section;

20 (18) Concurrent original jurisdiction with the district court to  
21 determine contribution rights under section 68-919; and

22 (19) All other jurisdiction heretofore provided and not specifically  
23 repealed by Laws 1972, Legislative Bill 1032, and such other jurisdiction  
24 as hereafter provided by law.

25 Sec. 2. Section 25-2740, Revised Statutes Cumulative Supplement,  
26 2020, is amended to read:

27 25-2740 (1) For purposes of this section:

28 (a) Domestic relations matters means proceedings under sections  
29 28-311.09 and 28-311.10 (including harassment protection orders and valid  
30 foreign harassment protection orders), sections 28-311.11 and 28-311.12  
31 (including sexual assault protection orders and valid foreign sexual

1 assault protection orders), the Conciliation Court Law and sections  
2 42-347 to 42-381 (including dissolution, separation, annulment, custody,  
3 and support), section 43-512.04 (including child support or medical  
4 support), section 42-924 (including domestic protection orders), sections  
5 43-1401 to 43-1418 (including parentage paternity determinations and  
6 parental support), and sections 43-1801 to 43-1803 (including grandparent  
7 visitation); and

8 (b) Parentage Paternity or custody determinations means proceedings  
9 to establish the parentage paternity of a child under sections 43-1411 to  
10 43-1418 or proceedings to determine custody of a child under section  
11 42-364.

12 (2) Except as provided in subsection (3) of this section, in  
13 domestic relations matters, a party shall file his or her petition or  
14 complaint and all other court filings with the clerk of the district  
15 court. The party shall state in the petition or complaint whether such  
16 party requests that the proceeding be heard by a county court judge or by  
17 a district court judge. If the party requests the case be heard by a  
18 county court judge, the county court judge assigned to hear cases in the  
19 county in which the matter is filed at the time of the hearing is deemed  
20 appointed by the district court and the consent of the county court judge  
21 is not required. Such proceeding is considered a district court  
22 proceeding, even if heard by a county court judge, and an order or  
23 judgment of the county court in a domestic relations matter has the force  
24 and effect of a district court judgment. The testimony in a domestic  
25 relations matter heard before a county court judge shall be preserved as  
26 provided in section 25-2732.

27 (3) In addition to the jurisdiction provided for parentage paternity  
28 or custody determinations under subsection (2) of this section, a county  
29 court or separate juvenile court which already has jurisdiction over the  
30 child whose parentage paternity or custody is to be determined has  
31 jurisdiction over such parentage paternity or custody determination.

1           Sec. 3. Section 25-2742, Revised Statutes Cumulative Supplement,  
2 2020, is amended to read:

3           25-2742 (1) The County Court Expedited Civil Actions Act applies to  
4 civil actions in county court in which the sole relief sought is a money  
5 judgment and in which the claim of each plaintiff is less than or equal  
6 to the county court jurisdictional amount set forth in subdivision (5) of  
7 section 24-517, including damages of any kind, penalties, interest  
8 accrued before the filing date, and attorney's fees, but excluding  
9 prejudgment interest accrued after the filing date, postjudgment  
10 interest, and costs.

11           (2) The act does not apply to Small Claims Court actions or domestic  
12 relations matters or parentage ~~paternity~~ or custody determinations as  
13 defined in section 25-2740.

14           (3) For the purposes of the act, side means all litigants with  
15 generally common interests in the litigation.

16           Sec. 4. Section 29-3922, Revised Statutes Cumulative Supplement,  
17 2020, is amended to read:

18           29-3922 For purposes of the County Revenue Assistance Act:

19           (1) Chief counsel means an attorney appointed to be the primary  
20 administrative officer of the commission pursuant to section 29-3928;

21           (2) Commission means the Commission on Public Advocacy;

22           (3) Commission staff means attorneys, investigators, and support  
23 staff who are performing work for the capital litigation division,  
24 appellate division, DNA testing division, and major case resource center;

25           (4) Contracting attorney means an attorney contracting to act as a  
26 public defender pursuant to sections 23-3404 to 23-3408;

27           (5) Court-appointed attorney means an attorney other than a  
28 contracting attorney or a public defender appointed by the court to  
29 represent an indigent person;

30           (6) Indigent defense services means legal services provided to  
31 indigent persons by an indigent defense system in capital cases, felony

1 cases, misdemeanor cases, juvenile cases, mental health commitment cases,  
2 child support enforcement cases, and parentage ~~paternity~~ establishment  
3 cases;

4 (7) Indigent defense system means a system of providing services,  
5 including any services necessary for litigating a case, by a contracting  
6 attorney, court-appointed attorney, or public defender;

7 (8) Indigent person means a person who is indigent and unable to  
8 obtain legal counsel as determined pursuant to subdivision (3) of section  
9 29-3901; and

10 (9) Public defender means an attorney appointed or elected pursuant  
11 to sections 23-3401 to 23-3403.

12 Sec. 5. Section 33-107.02, Revised Statutes Cumulative Supplement,  
13 2020, is amended to read:

14 33-107.02 (1) A mediation fee of fifty dollars and a civil legal  
15 services fee of fifteen dollars shall be collected by the clerk of the  
16 county court or the clerk of the district court for each paternity or  
17 parentage ~~determination~~ or parental support proceeding under sections  
18 43-1401 to 43-1418, for each complaint or action to modify a decree of  
19 dissolution or annulment of marriage, and for each complaint or action to  
20 modify an award of child support, child custody, parenting time,  
21 visitation, or other access as defined in section 43-2922. Such fees  
22 shall be remitted to the State Treasurer on forms prescribed by the State  
23 Treasurer within ten days after the close of each month. The civil legal  
24 services fee shall be credited to the Legal Aid and Services Fund, and  
25 the mediation fee shall be credited to the Parenting Act Fund.

26 (2) Any proceeding filed by a county attorney or an authorized  
27 attorney, in a case in which services are being provided under Title IV-D  
28 of the federal Social Security Act, as amended, shall not be subject to  
29 the provisions of subsection (1) of this section. In any such proceeding,  
30 a mediation fee of fifty dollars and a civil legal services fee of  
31 fifteen dollars shall be collected by the clerk of the county court or

1 the clerk of the district court for any pleading in such proceeding filed  
2 by any party, other than a county attorney or authorized attorney,  
3 subsequent to the paternity filing if such pleading is to modify an award  
4 of child support or to establish or modify custody, parenting time,  
5 visitation, or other access as defined in section 43-2922. Such fees  
6 shall be remitted to the State Treasurer on forms prescribed by the State  
7 Treasurer within ten days after the close of each month. The mediation  
8 fee shall be credited to the Parenting Act Fund and the civil legal  
9 services fee shall be credited to the Legal Aid and Services Fund.

10 (3) For purposes of this section, authorized attorney has the same  
11 meaning as in section 43-1704.

12 Sec. 6. Section 42-364.17, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 42-364.17 A decree of dissolution, legal separation, or order  
15 establishing parentage ~~paternity~~ shall incorporate financial arrangements  
16 for each party's responsibility for reasonable and necessary medical,  
17 dental, and eye care, medical reimbursements, day care, extracurricular  
18 activity, education, and other extraordinary expenses of the child and  
19 calculation of child support obligations.

20 Sec. 7. Section 42-381, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 42-381 In any final decree or decree of modification in an action  
23 for dissolution of marriage, declaration concerning the validity of a  
24 marriage, legal separation, or declaration of parentage ~~paternity~~,  
25 regardless of the determination of the court relating to the custody of a  
26 minor child, (1) each parent shall continue to have full and equal access  
27 to the education and medical records of his or her child unless the court  
28 orders to the contrary and (2) either parent may make emergency decisions  
29 affecting the health or safety of his or her child while the child is in  
30 the physical custody of such parent.

31 Sec. 8. Section 43-246.02, Revised Statutes Cumulative Supplement,



1 2020, is amended to read:

2 43-246.02 (1) A juvenile court may terminate its jurisdiction under  
3 subdivision (3)(a) of section 43-247 by transferring jurisdiction over  
4 the juvenile's custody, physical care, and visitation to the district  
5 court through a bridge order, if all of the following criteria are met:

6 (a) The juvenile has been adjudicated under subdivision (3)(a) of  
7 section 43-247 in an active juvenile court case and a dispositional order  
8 in that case is in place;

9 (b) Parentage ~~Paternity~~ of the juvenile has been legally  
10 established, including by operation of law due to an individual's  
11 marriage to the mother at the time of conception, birth, or at any time  
12 during the period between conception and birth of the child; by operation  
13 of law pursuant to section 43-1409; by order of a court of competent  
14 jurisdiction; or by administrative order when authorized by law;

15 (c) The juvenile has been safely placed by the juvenile court with a  
16 legal parent; and

17 (d) The juvenile court has determined that its jurisdiction under  
18 subdivision (3)(a) of section 43-247 should properly end once orders for  
19 custody, physical care, and visitation are entered by the district court.

20 (2) When the criteria in subsection (1) of this section are met, a  
21 legal parent or guardian ad litem to a juvenile adjudicated under  
22 subdivision (3)(a) of section 43-247 in juvenile court may file a motion  
23 with the juvenile court for a bridge order under subsection (3) of this  
24 section. The parent is not required to intervene in the action. The  
25 motion shall be set for evidentiary hearing by the juvenile court no less  
26 than thirty days or more than ninety days from the date of the filing of  
27 the motion. The juvenile court, on its own motion, may also set an  
28 evidentiary hearing on the issue of a bridge order if such hearing is set  
29 no less than thirty days from the date of notice to the parties. The  
30 court may waive the evidentiary hearing if all issues raised in the  
31 motion for a bridge order are resolved by agreement of all parties and

1 entry of a stipulated order.

2 (3) A motion for a bridge order shall:

3 (a) Allege that the juvenile court action filed under subdivision  
4 (3)(a) of section 43-247 may safely be closed once orders for custody,  
5 physical care, and visitation have been entered by the district court;

6 (b) State the relief sought by the petitioning legal parent or  
7 guardian ad litem;

8 (c) Disclose any other action or proceedings affecting custody of  
9 the juvenile, including proceedings related to domestic violence,  
10 protection orders, terminations of parental rights, and adoptions,  
11 including the docket number, court, county, and state of any such  
12 proceeding;

13 (d) State the names and addresses of any persons other than the  
14 legal parents who have a court order for physical custody or claim to  
15 have custody or visitation rights with the juvenile; and

16 (e) Name as a respondent any other person who has any relation to  
17 the controversy.

18 (4) A juvenile court shall designate the petitioner and respondent  
19 for purposes of a bridge order. A bridge order shall only address matters  
20 of legal and physical custody and parenting time. All other matters,  
21 including child support, shall be resolved by filing a separate petition  
22 or motion or by action of the child support enforcement office and shall  
23 be subject to existing applicable statutory provisions. No mediation or  
24 specialized alternative dispute resolution under section 42-364 shall be  
25 required in either district court or juvenile court where the juvenile  
26 has entered a bridge order. The Parenting Act shall not apply to the  
27 entry of the bridge order in juvenile or district court.

28 (5) When necessary and feasible, the juvenile court shall obtain  
29 child custody determinations from foreign jurisdictions pursuant to the  
30 Uniform Child Custody Jurisdiction and Enforcement Act.

31 (6) Upon transferring jurisdiction from a juvenile court to a

1 district court, the clerk of the district court shall docket the case  
2 under either a new docket or any previous docket establishing custody or  
3 parentage ~~paternity~~ of a child. The transfer of jurisdiction shall not  
4 result in new filing fees and other court costs being assessed against  
5 the parties.

6 (7) The district court shall give full force and effect to the  
7 juvenile court bridge order as to custody and parenting time and shall  
8 not modify the juvenile court bridge order without modification  
9 proceedings as provided in subsection (9) of this section.

10 (8) A district court shall take judicial notice of the juvenile  
11 court pleadings and orders in any hearing held subsequent to transfer.  
12 Records contained in the district court case file that were copied or  
13 transferred from the juvenile court file concerning the case shall be  
14 subject to section 43-2,108 and other confidentiality provisions of the  
15 Nebraska Juvenile Code, and such records shall only be disclosed, upon  
16 request, to the child support enforcement office without a court order.

17 (9) Following the issuance of a bridge order, a party may file a  
18 petition in district court for modification of the bridge order as to  
19 legal and physical custody or parenting time. If the petition for  
20 modification is filed within one year after the filing date of the bridge  
21 order, the party requesting modification shall not be required to  
22 demonstrate a substantial change of circumstance but instead shall  
23 demonstrate that such modification is in the best interests of the child.  
24 If a petition for modification is filed within one year after the filing  
25 date of the bridge order, filing fees and other court costs shall not be  
26 assessed against the parties.

27 (10) Nothing in this section shall be construed to require  
28 appointment of counsel for the parties in the district court action.

29 (11) Nothing in this section shall be construed to interfere with  
30 the jurisdictional provisions of section 25-2740.

31 Sec. 9. Section 43-247, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 43-247 The juvenile court in each county shall have jurisdiction of:

3 (1) Any juvenile who has committed an act other than a traffic  
4 offense which would constitute a misdemeanor or an infraction under the  
5 laws of this state, or violation of a city or village ordinance, and who,  
6 beginning July 1, 2017, was eleven years of age or older at the time the  
7 act was committed;

8 (2) Any juvenile who has committed an act which would constitute a  
9 felony under the laws of this state and who, beginning July 1, 2017, was  
10 eleven years of age or older at the time the act was committed;

11 (3) Any juvenile (a) who is homeless or destitute, or without proper  
12 support through no fault of his or her parent, guardian, or custodian;  
13 who is abandoned by his or her parent, guardian, or custodian; who lacks  
14 proper parental care by reason of the fault or habits of his or her  
15 parent, guardian, or custodian; whose parent, guardian, or custodian  
16 neglects or refuses to provide proper or necessary subsistence,  
17 education, or other care necessary for the health, morals, or well-being  
18 of such juvenile; whose parent, guardian, or custodian is unable to  
19 provide or neglects or refuses to provide special care made necessary by  
20 the mental condition of the juvenile; who is in a situation or engages in  
21 an occupation, including prostitution, dangerous to life or limb or  
22 injurious to the health or morals of such juvenile; or who, beginning  
23 July 1, 2017, has committed an act or engaged in behavior described in  
24 subdivision (1), (2), (3)(b), or (4) of this section and who was under  
25 eleven years of age at the time of such act or behavior, (b)(i) who,  
26 until July 1, 2017, by reason of being wayward or habitually disobedient,  
27 is uncontrolled by his or her parent, guardian, or custodian; who departs  
28 himself or herself so as to injure or endanger seriously the morals or  
29 health of himself, herself, or others; or who is habitually truant from  
30 home or school or (ii) who, beginning July 1, 2017, is eleven years of  
31 age or older and, by reason of being wayward or habitually disobedient,

1 is uncontrolled by his or her parent, guardian, or custodian; who departs  
2 himself or herself so as to injure or endanger seriously the morals or  
3 health of himself, herself, or others; or who is habitually truant from  
4 home or school, or (c) who is mentally ill and dangerous as defined in  
5 section 71-908;

6 (4) Any juvenile who has committed an act which would constitute a  
7 traffic offense as defined in section 43-245 and who, beginning July 1,  
8 2017, was eleven years of age or older at the time the act was committed;

9 (5) The parent, guardian, or custodian of any juvenile described in  
10 this section;

11 (6) The proceedings for termination of parental rights;

12 (7) Any juvenile who has been voluntarily relinquished, pursuant to  
13 section 43-106.01, to the Department of Health and Human Services or any  
14 child placement agency licensed by the Department of Health and Human  
15 Services;

16 (8) Any juvenile who was a ward of the juvenile court at the  
17 inception of his or her guardianship and whose guardianship has been  
18 disrupted or terminated;

19 (9) The adoption or guardianship proceedings for a child over which  
20 the juvenile court already has jurisdiction under another provision of  
21 the Nebraska Juvenile Code;

22 (10) The parentage ~~paternity~~ or custody determination for a child  
23 over which the juvenile court already has jurisdiction;

24 (11) The proceedings under the Young Adult Bridge to Independence  
25 Act; and

26 (12) Except as provided in subdivision (11) of this section, any  
27 individual adjudged to be within the provisions of this section until the  
28 individual reaches the age of majority or the court otherwise discharges  
29 the individual from its jurisdiction.

30 Notwithstanding the provisions of the Nebraska Juvenile Code, the  
31 determination of jurisdiction over any Indian child as defined in section

1 43-1503 shall be subject to the Nebraska Indian Child Welfare Act; and  
2 the district court shall have exclusive jurisdiction in proceedings  
3 brought pursuant to section 71-510.

4 Sec. 10. Section 43-1401, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 43-1401 (1) For purposes of sections 43-1401 to 43-1418:

7 (a) Birth parent means the person who gave birth to the child;

8 (b) ~~(1)~~ Child shall mean a child under the age of eighteen years  
9 born out of wedlock;

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

16 (d) Other parent means a person other than the birth parent who is a  
17 legal parent of a child;

18 (e) Parentage means the legal relationship between a child and a  
19 parent of the child; and

20 (f) ~~(3)~~ Support shall include reasonable education.

21 (2) Nothing in sections 43-1401 to 43-1418 shall be construed to  
22 allow a child to have more than two legal parents.

23 Sec. 11. Section 43-1402, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 43-1402 The parent ~~father~~ of a child whose parentage ~~paternity~~ is  
26 established either by judicial proceedings or by acknowledgment as  
27 hereinafter provided shall be liable for the child's ~~its~~ support to the  
28 same extent and in the same manner as the parent ~~father~~ of a child born  
29 in lawful wedlock ~~is liable for its support~~. The birth parent ~~mother~~ of a  
30 child shall also be liable for the child's ~~its~~ support. The liability of  
31 each parent may be determined, enforced, and discharged in accordance

1 with the methods hereinafter provided.

2 Sec. 12. Section 43-1404, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 43-1404 The liability of a parent for child ~~the father or mother of~~  
5 ~~a child for its~~ support shall be discharged by compliance with the terms  
6 of a judicial decree for support or the terms of a judicially approved  
7 settlement or by the adoption of the child by some other person or  
8 persons.

9 Sec. 13. Section 43-1405, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 43-1405 (1) A settlement provided for in section 43-1404 means a  
12 voluntary agreement ~~between the father of the child and the mother or~~  
13 ~~some person authorized to act in her behalf, or between the father and~~  
14 ~~the next friend or guardian of the child,~~ whereby the other parent father  
15 promises to make adequate provision for the support of the child and  
16 which agreement is between the other parent and:

17 (a) The birth parent;

18 (b) A person authorized to act in behalf of the birth parent; or

19 (c) The next friend or guardian of the child.

20 (2) In the event that such a settlement is made it shall be binding  
21 on all parties and shall bar all other remedies of the birth parent  
22 ~~mother~~ and child and the legal representatives of the child so long as it  
23 shall be performed by the other parent father, if said settlement is  
24 approved by the court having jurisdiction to compel the support of the  
25 child. The court shall approve such settlement only if it shall find and  
26 determine that adequate provision is made for the support of the child  
27 and that the other parent ~~has father shall have~~ offered clear evidence of  
28 ~~his~~ willingness and ability to perform the agreement. The court, in its  
29 discretion, may require the other parent father to furnish bond with  
30 proper sureties conditioned upon the performance of the settlement.

31 Sec. 14. Section 43-1406, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 43-1406 (1) A determination of parentage ~~paternity~~ made by any other  
3 state or by an Indian tribe as defined in section 43-1503, whether  
4 established through voluntary acknowledgment, genetic testing, tribal  
5 law, or administrative or judicial processes, shall be given full faith  
6 and credit by this state.

7 (2) A child whose parents marry is legitimate.

8 Sec. 15. Section 43-1407, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 43-1407 (1) The other parent ~~father~~ of a child shall also be liable  
11 for the reasonable expenses of (a) the child that are associated with the  
12 birth of the child and (b) the birth parent ~~mother~~ of such child during  
13 the period of ~~her~~ pregnancy, confinement, and recovery. Such liability  
14 shall be determined and enforced in the same manner as the liability of  
15 the other parent ~~father~~ for the support of the child.

16 (2) In cases in which any medical expenses associated with the birth  
17 of the child and the birth parent ~~mother of such child~~ during the period  
18 of ~~her~~ pregnancy, confinement, and recovery are paid by the medical  
19 assistance program, the county attorney or authorized attorney, as  
20 defined in section 43-1704, may petition the court for a judgment for all  
21 or a portion of the reasonable medical expenses paid by the medical  
22 assistance program. Any medical expenses associated with the birth of  
23 such child and with the birth parent ~~mother of such child~~ during the  
24 period of ~~her~~ pregnancy, confinement, and recovery that are approved and  
25 paid by the medical assistance program shall be presumed to be medically  
26 reasonable. If the other parent ~~father~~ challenges any such expenses as  
27 not medically reasonable, the other parent ~~he~~ has the burden of proving  
28 that such expenses were not medically reasonable.

29 (3) A civil proceeding to recover medical expenses pursuant to this  
30 section may be instituted within four years after the child's birth.  
31 Summons shall issue and be served as in other civil proceedings, except



1 that such summons may be directed to the sheriff of any county in the  
2 state and may be served in any county.

3 Sec. 16. Section 43-1408.01, Reissue Revised Statutes of Nebraska,  
4 is amended to read:

5 43-1408.01 (1) During the period immediately before or after the in-  
6 hospital birth of a child whose birth parent ~~mother~~ was not married at  
7 the time of either conception or birth of the child or at any time  
8 between conception and birth of the child, the person in charge of such  
9 hospital or his or her designated representative shall provide to the  
10 birth parent ~~child's mother~~ and any alleged other parent ~~alleged father~~,  
11 if the alleged other parent ~~father~~ is readily identifiable and available,  
12 the documents and written instructions for such parents ~~mother and father~~  
13 to complete a notarized acknowledgment of parentage ~~paternity~~. Such  
14 acknowledgment, if signed by both parties and notarized, shall be filed  
15 with the Department of Health and Human Services at the same time at  
16 which the certificate of live birth is filed.

17 Nothing in this section shall be deemed to require the person in  
18 charge of such hospital or his or her designee to seek out or otherwise  
19 locate an alleged other parent ~~father~~ who is not readily identifiable or  
20 available.

21 (2) The acknowledgment shall be executed on a form prepared by the  
22 department. Such form shall be in essentially the same form provided by  
23 the department and used for obtaining signatures required by section  
24 71-640.02. The acknowledgment shall include, but not be limited to, (a) a  
25 statement by the birth parent ~~mother~~ consenting to the acknowledgment of  
26 parentage ~~paternity~~ and a statement that the alleged other parent ~~father~~  
27 is a ~~the~~ biological parent ~~father~~ of the child, (b) a statement by the  
28 alleged other parent ~~father~~ that such person ~~he~~ is a ~~the~~ biological  
29 parent ~~father~~ of the child, (c) written information regarding parental  
30 rights and responsibilities, and (d) the social security numbers of the  
31 parents.

1 (3) The form provided for in subsection (2) of this section shall  
2 also contain instructions for completion and filing with the department  
3 if it is not completed and filed with a birth certificate as provided in  
4 subsection (1) of this section.

5 (4) The department shall accept completed acknowledgment forms and  
6 make available to county attorneys or authorized attorneys a record of  
7 acknowledgments it has received, as provided in subsection (1) of section  
8 71-612. The department may prepare photographic, electronic, or other  
9 reproductions of acknowledgments. Such reproductions, when certified and  
10 approved by the department, shall be accepted as the original records,  
11 and the documents from which permanent reproductions have been made may  
12 be disposed of as provided by rules and regulations of the department.

13 (5) The department may by regulation establish a nominal payment and  
14 procedure for payment by the department for each acknowledgment filed  
15 with the department. The amount of such payments and the entities  
16 receiving such payments shall be within the limits allowed by Title IV-D  
17 of the federal Social Security Act, as amended.

18 Sec. 17. Section 43-1409, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 43-1409 (1) The signing of a notarized acknowledgment, whether  
21 under section 43-1408.01 or otherwise, by the alleged other parent ~~father~~  
22 shall create a rebuttable presumption of parentage ~~paternity~~ as against  
23 the other parent ~~alleged father~~. The signed, notarized acknowledgment is  
24 subject to the right of any signatory to rescind the acknowledgment  
25 within the earlier of (a) ~~(1)~~ sixty days or (b) ~~(2)~~ the date of an  
26 administrative or judicial proceeding relating to the child, including a  
27 proceeding to establish a support order in which the signatory is a  
28 party.

29 (2) After the rescission period a signed, notarized acknowledgment  
30 is considered a legal finding which may be challenged only on the basis  
31 of fraud, duress, or material mistake of fact with the burden of proof

1 upon the challenger, and the legal responsibilities, including the child  
2 support obligation, of any signatory arising from the acknowledgment  
3 shall not be suspended during the challenge, except for good cause shown.

4 ~~(3)~~ Such a signed and notarized acknowledgment or a certified copy  
5 or certified reproduction thereof shall be:

6 (a) Admissible ~~admissible~~ in evidence in any proceeding to establish  
7 support; ~~and -~~

8 (b) Sufficient to establish parentage for purposes of section  
9 71-640.02.

10 Sec. 18. Section 43-1410, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 43-1410 Any judicially approved settlement or order of support made  
13 by a court having jurisdiction in the premises shall be binding on the  
14 legal representatives of any parent ~~the father or mother~~ in the event of  
15 such parent's ~~his or her~~ death, to the same extent as other contractual  
16 obligations and judicial judgments or decrees.

17 Sec. 19. Section 43-1411, Revised Statutes Cumulative Supplement,  
18 2020, is amended to read:

19 43-1411 (1) A civil proceeding to establish the parentage ~~paternity~~  
20 of a child may be instituted, in the court of the district where the  
21 child is domiciled or found or, for cases under the Uniform Interstate  
22 Family Support Act, where the alleged other parent ~~father~~ is domiciled,  
23 by (a) the birth parent ~~mother~~ or the alleged other parent ~~father~~ of such  
24 child, either during pregnancy or within four years after the child's  
25 birth, unless (i) a valid consent or relinquishment has been made  
26 pursuant to sections 43-104.08 to 43-104.25 or section 43-105 for  
27 purposes of adoption or (ii) a county court or separate juvenile court  
28 has jurisdiction over the custody of the child or jurisdiction over an  
29 adoption matter with respect to such child pursuant to sections 43-101 to  
30 43-116 or (b) the guardian or next friend of such child or the state,  
31 either during pregnancy or within eighteen years after the child's birth.

1 Summons shall issue and be served as in other civil proceedings, except  
2 that such summons may be directed to the sheriff of any county in the  
3 state and may be served in any county.

4 (2) Notwithstanding any other provision of law, a person claiming to  
5 be a the biological parent ~~father~~ of a child over which the juvenile  
6 court already has jurisdiction may file a complaint to intervene in such  
7 juvenile proceeding to institute an action to establish the parentage  
8 ~~paternity~~ of the child. The complaint to intervene shall be accompanied  
9 by an affidavit under oath that the affiant believes the affiant ~~he~~ is  
10 the biological parent ~~father~~ of the juvenile. No filing fee shall be  
11 charged for filing the complaint and affidavit. Upon filing of the  
12 complaint and affidavit, the juvenile court shall enter an order pursuant  
13 to section 43-1414 to require genetic testing and to require the juvenile  
14 to be made available for genetic testing. The costs of genetic testing  
15 shall be paid by the intervenor, the county, or the state at the  
16 discretion of the juvenile court. This subsection does not authorize  
17 intervention by a person whose parental rights to such child have been  
18 terminated by the order of any court of competent jurisdiction.

19 Sec. 20. Section 43-1411.01, Revised Statutes Cumulative Supplement,  
20 2020, is amended to read:

21 43-1411.01 (1) An action for parentage ~~paternity~~ or parental support  
22 under sections 43-1401 to 43-1418 may be initiated by filing a complaint  
23 with the clerk of the district court as provided in section 25-2740. Such  
24 proceeding may be heard by the county court or the district court as  
25 provided in section 25-2740. A parentage ~~paternity~~ determination under  
26 sections 43-1411 to 43-1418 may also be decided in a county court or  
27 separate juvenile court if the county court or separate juvenile court  
28 already has jurisdiction over the child whose parentage ~~paternity~~ is to  
29 be determined.

30 (2) Whenever termination of parental rights is placed in issue in  
31 any case arising under sections 43-1401 to 43-1418, the Nebraska Juvenile

1 Code and the Parenting Act shall apply to such proceedings.

2 (3) The court may stay the parentage paternity action if there is a  
3 pending criminal allegation of sexual assault under section 28-319 or  
4 28-320 or a law in another jurisdiction similar to either section 28-319  
5 or 28-320 against the alleged other parent father with regard to the  
6 conception of the child.

7 Sec. 21. Section 43-1412, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 43-1412 (1) The method of trial shall be the same as that in other  
10 civil proceedings, except that the trial shall be by the court without a  
11 jury unless a jury is requested (a) by the alleged other parent father,  
12 in a proceeding instituted by the birth parent mother or the guardian or  
13 next friend, or (b) by the birth parent mother, in a proceeding  
14 instituted by the alleged other parent father. It being contrary to  
15 public policy that such proceedings should be open to the general public,  
16 no one but the parties, their counsel, and others having a legitimate  
17 interest in the controversy shall be admitted to the courtroom during the  
18 trial of the case. The alleged other parent father and the birth parent  
19 mother shall be competent to testify. The uncorroborated testimony (i) of  
20 the birth parent mother, in a proceeding instituted by the birth parent  
21 mother or the guardian or next friend, or (ii) of the alleged other  
22 parent father, in a proceeding instituted by the alleged other parent  
23 father, shall not alone be sufficient to support a verdict or finding  
24 that the alleged other parent father is actually a parent the father.  
25 Refusal by the alleged other parent father to comply with an order of the  
26 court for genetic testing shall be deemed corroboration of the allegation  
27 of parentage paternity. A signed and notarized acknowledgment of  
28 parentage paternity or a certified copy or certified reproduction thereof  
29 shall be admissible in evidence in any proceeding to establish parentage  
30 paternity without the need for foundation testimony or other proof of  
31 authenticity or accuracy.

1           If it is determined in this proceeding that the alleged other parent  
2 ~~father~~ is actually a parent ~~the father~~ of the child, a judgment shall be  
3 entered declaring the alleged other parent ~~father~~ to be a parent ~~the~~  
4 ~~father~~ of the child.

5           (2) A default judgment shall be entered upon a showing of service  
6 and failure of the defendant to answer or otherwise appear.

7           (3) If a judgment is entered under this section declaring the  
8 alleged other parent ~~father~~ to be a parent ~~the father~~ of the child, the  
9 court shall retain jurisdiction of the cause and enter such order of  
10 support, including the amount, if any, of any court costs and attorney's  
11 fees which the court in its discretion deems appropriate to be paid by  
12 the other parent ~~father~~, as may be proper under the procedure and in the  
13 manner specified in section 43-512.04. If it is not determined in the  
14 proceeding that the alleged other parent ~~father~~ is actually a parent ~~the~~  
15 ~~father~~ of the child, the court shall, if it finds that the action was  
16 frivolous, award court costs and attorney's fees incurred by the alleged  
17 other parent ~~father~~, with such costs and fees to be paid by the  
18 plaintiff.

19           (4) All judgments under this section declaring the alleged other  
20 parent ~~father~~ to be a parent ~~the father~~ of the child shall include the  
21 alleged other parent's ~~father's~~ social security number. The social  
22 security number of the declared parent ~~father~~ of the child shall be  
23 furnished to the clerk of the district court in a document accompanying  
24 the judgment.

25           Sec. 22. Section 43-1412.01, Reissue Revised Statutes of Nebraska,  
26 is amended to read:

27           43-1412.01 An individual may file a complaint for relief and the  
28 court may set aside a final judgment, court order, administrative order,  
29 obligation to pay child support, or any other legal determination of  
30 parentage ~~paternity~~ if a scientifically reliable genetic test performed  
31 in accordance with sections 43-1401 to 43-1418 establishes the exclusion

1 of the individual named as a parent ~~father~~ in the legal determination.  
2 The court shall appoint a guardian ad litem to represent the interest of  
3 the child. The filing party shall pay the costs of such test. A court  
4 that sets aside a determination of parentage ~~paternity~~ in accordance with  
5 this section shall order completion of a new birth record and may order  
6 any other appropriate relief, including setting aside an obligation to  
7 pay child support. No support order may be retroactively modified, but  
8 may be modified with respect to any period during which there is a  
9 pending complaint for relief from a determination of paternity under this  
10 section, but only from the date that notice of the complaint was served  
11 on the nonfiling party. A court shall not grant relief from determination  
12 of parentage ~~paternity~~ if the individual named as a parent ~~father~~ (1)  
13 completed a notarized acknowledgment of parentage ~~paternity~~ pursuant to  
14 section 43-1408.01, (2) adopted the child, or (3) knew that the child was  
15 conceived through artificial insemination.

16 Sec. 23. Section 43-1414, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 43-1414 (1) In any proceeding to establish parentage ~~paternity~~, the  
19 court may, on its own motion, or shall, on a timely request of a party,  
20 after notice and hearing, require the child, any parent, and any alleged  
21 other parent ~~the mother, and the alleged father~~ to submit to genetic  
22 testing to be performed on blood or any other appropriate genetic testing  
23 material. Failure to comply with such requirement for genetic testing  
24 shall constitute contempt and may be dealt with in the same manner as  
25 other contempts. If genetic testing is required, the court shall direct  
26 that inherited characteristics be determined by appropriate testing  
27 procedures and shall appoint an expert in genetic testing and qualified  
28 as an examiner of genetic markers to analyze and interpret the results  
29 and to report to the court. The court shall determine the number of  
30 experts required.

31 (2) In any proceeding to establish parentage ~~paternity~~, the

1 Department of Health and Human Services, county attorneys, and authorized  
2 attorneys have the authority to require the child, any parent, and any  
3 alleged other parent ~~the mother, and the alleged father~~ to submit to  
4 genetic testing to be performed on blood or any other appropriate genetic  
5 testing material. All genetic testing shall be performed by a laboratory  
6 accredited by the College of American Pathologists or any other national  
7 accrediting body or public agency which has requirements that are  
8 substantially equivalent to or more comprehensive than those of the  
9 college.

10 (3) Except as authorized under sections 43-1414 to 43-1418, a person  
11 shall not disclose information obtained from genetic ~~paternity~~ testing  
12 that is done pursuant to such sections.

13 (4) If an alleged other parent ~~father~~ who is tested as part of an  
14 action under such sections is found to be a parent ~~the child's father~~,  
15 the testing laboratory shall retain the genetic testing material of the  
16 parent, alleged other parent ~~alleged father, mother, and child~~ for no  
17 longer than the period of years prescribed by the national standards  
18 under which the laboratory is accredited. If an alleged other parent a  
19 ~~man~~ is found not to be a parent ~~the child's father~~, the testing  
20 laboratory shall destroy such person's ~~the man's~~ genetic testing material  
21 in the presence of a witness after such material is used in the paternity  
22 action. The witness may be an individual who is a party to the  
23 destruction of the genetic testing material. After such person's ~~the~~  
24 ~~man's~~ genetic testing material is destroyed, the testing laboratory shall  
25 make and keep a written record of the destruction and have the individual  
26 who witnessed the destruction sign the record. The testing laboratory  
27 shall also expunge its records regarding the genetic ~~paternity~~ testing  
28 performed on the genetic testing material in accordance with the national  
29 standards under which the laboratory is accredited. The testing  
30 laboratory shall retain the genetic testing material of the parent ~~mother~~  
31 and child for no longer than the period of years prescribed by the



1 national standards under which the laboratory is accredited. After a  
2 testing laboratory destroys an individual's genetic testing material as  
3 provided in this subsection, it shall notify the adult individual, or the  
4 parent or legal guardian of a minor individual, by certified mail that  
5 the genetic testing material was destroyed.

6 (5) A testing laboratory is required to protect the confidentiality  
7 of genetic testing material, except as required for a parentage ~~paternity~~  
8 determination. The court and its officers shall not use or disclose  
9 genetic testing material for a purpose other than the parentage ~~paternity~~  
10 determination.

11 (6) A person shall not buy, sell, transfer, or offer genetic testing  
12 material obtained under sections 43-1414 to 43-1418.

13 (7) A testing laboratory shall annually have an independent audit  
14 verifying the contracting laboratory's compliance with this section. The  
15 audit shall not disclose the names of, or otherwise identify, the test  
16 subjects required to submit to testing during the previous year. The  
17 testing laboratory shall forward the audit to the department.

18 (8) Any person convicted of violating this section shall be guilty  
19 of a Class IV misdemeanor for the first offense and a Class III  
20 misdemeanor for the second or subsequent offense.

21 (9) For purposes of sections 43-1414 to 43-1418, an expert in  
22 genetic testing means a person who has formal doctoral training or  
23 postdoctoral training in human genetics.

24 Sec. 24. Section 43-1415, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 43-1415 (1) The results of the tests, including the statistical  
27 probability of parentage ~~paternity~~, shall be admissible evidence and,  
28 except as provided in subsection (2) of this section, shall be weighed  
29 along with other evidence of parentage ~~paternity~~.

30 (2) When the results of tests, whether or not such tests were  
31 ordered pursuant to section 43-1414, show a probability of parentage

1 ~~paternity~~ of ninety-nine percent or more, there shall exist a rebuttable  
2 presumption of parentage ~~paternity~~.

3 (3) Such evidence may be introduced by verified written report  
4 without the need for foundation testimony or other proof of authenticity  
5 or accuracy unless there is a timely written request for personal  
6 testimony of the expert at least thirty days prior to trial.

7 Sec. 25. Section 43-1611, Revised Statutes Cumulative Supplement,  
8 2020, is amended to read:

9 43-1611 A district court, separate juvenile court, or county court  
10 may by rule or order refer or assign any and all matters regarding the  
11 establishment, modification, enforcement, and collection of child,  
12 spousal, or medical support, parentage ~~paternity~~ matters, and protection  
13 orders issued under section 42-924 to a child support referee for  
14 findings and recommendations.

15 Sec. 26. Section 43-1802, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 43-1802 (1) A grandparent may seek visitation with his or her minor  
18 grandchild if:

19 (a) The child's parent or parents are deceased;

20 (b) The marriage of the child's parents has been dissolved or  
21 petition for the dissolution of such marriage has been filed, is still  
22 pending, but no decree has been entered; or

23 (c) The parents of the minor child have never been married but  
24 parentage ~~paternity~~ has been legally established.

25 (2) In determining whether a grandparent shall be granted  
26 visitation, the court shall require evidence concerning the beneficial  
27 nature of the relationship of the grandparent to the child. The evidence  
28 may be presented by affidavit and shall demonstrate that a significant  
29 beneficial relationship exists, or has existed in the past, between the  
30 grandparent and the child and that it would be in the best interests of  
31 the child to allow such relationship to continue. Reasonable rights of

1 visitation may be granted when the court determines by clear and  
2 convincing evidence that there is, or has been, a significant beneficial  
3 relationship between the grandparent and the child, that it is in the  
4 best interests of the child that such relationship continue, and that  
5 such visitation will not adversely interfere with the parent-child  
6 relationship.

7 (3) The court may modify an order granting or denying such  
8 visitation upon a showing that there has been a material change in  
9 circumstances which justifies such modification and that the modification  
10 would serve the best interests of the child.

11 Sec. 27. Section 43-2924, Revised Statutes Cumulative Supplement,  
12 2020, is amended to read:

13 43-2924 (1) The Parenting Act shall apply to proceedings or  
14 modifications filed on or after January 1, 2008, in which parenting  
15 functions for a child are at issue (a) under Chapter 42, including, but  
16 not limited to, proceedings or modification of orders for dissolution of  
17 marriage and child custody and (b) under sections 43-1401 to 43-1418. The  
18 Parenting Act may apply to proceedings or modifications in which  
19 parenting functions for a child are at issue under Chapter 30 or 43. The  
20 Parenting Act shall also apply to subsequent modifications of bridge  
21 orders entered under section 43-246.02 by a separate juvenile court or  
22 county court sitting as a juvenile court and docketed in a district  
23 court.

24 (2) The Parenting Act does not apply in any action filed by a county  
25 attorney or authorized attorney pursuant to his or her duties under  
26 section 42-358, 43-512 to 43-512.18, or 43-1401 to 43-1418, the Income  
27 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 parentage ~~paternity~~ and the establishment and enforcement of child and  
31 medical support or a bridge order entered under section 43-246.02 by a

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

7 Sec. 28. Section 43-2935, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 43-2935 (1) After a hearing on the record, the court shall determine  
10 whether the submitted parenting plan meets all of the requirements of the  
11 Parenting Act and is in the best interests of the child. If the parenting  
12 plan lacks any of the elements required by the act or is not in the  
13 child's best interests, the court shall modify and approve the parenting  
14 plan as modified, reject the parenting plan and order the parties to  
15 develop a new parenting plan, or reject the parenting plan and create a  
16 parenting plan that meets all the required elements and is in the best  
17 interests of the child. The court may include in the parenting plan:

18 (a) A provision for resolution of disputes that arise under the  
19 parenting plan, including provisions for suspension of parenting time,  
20 visitation, and other access when new findings of child abuse or neglect,  
21 domestic intimate partner abuse, criminal activity affecting the best  
22 interests of a child, or the violation of a protection order, restraining  
23 order, or criminal no-contact order occur, until a modified custody order  
24 or parenting plan with provisions for safety or a transition plan, or  
25 both, is in place; and

26 (b) Consequences for failure to follow parenting plan provisions.

27 (2) A hearing is not required under this section:

28 (a) In a divorce action, if both parties have waived in writing the  
29 requirement for a hearing under section 42-361;

30 (b) In an action for a legal separation, if both parties have waived  
31 in writing the requirement for a hearing under section 42-361.01; or

1 (c) In any other action creating or modifying a parenting plan  
2 including an action to establish parentage ~~paternity~~, if (i) all parties  
3 have waived in writing the requirement of the hearing, (ii) the court has  
4 sufficient basis to make a finding that it has subject matter  
5 jurisdiction over the action and personal jurisdiction over all parties,  
6 (iii) all documents required by the court and by law have been filed, and  
7 (iv) the parties have entered into a written agreement, signed by the  
8 parties under oath, resolving all issues presented by the pleadings.

9 Sec. 29. Section 43-3318, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 43-3318 (1) The Department of Health and Human Services, county  
12 attorney, authorized attorney, or court of competent jurisdiction may  
13 certify in writing to the Department of Motor Vehicles, relevant  
14 licensing authorities, and, if the license holder is a member of the  
15 Nebraska State Bar Association, the Counsel for Discipline of the  
16 Nebraska Supreme Court, that a license holder is a license holder  
17 described in subsection (1) of section 43-3314 if:

18 (a) The license holder does not timely request either administrative  
19 review or judicial review upon issuance of a notice under subsection (2)  
20 of section 43-3314, is still a license holder described in subsection (1)  
21 of section 43-3314 thirty-one days after issuance of the notice, and does  
22 not obtain a written confirmation of compliance from the Department of  
23 Health and Human Services, county attorney, or authorized attorney  
24 pursuant to section 43-3320 within thirty-one days after issuance of the  
25 notice;

26 (b) The Department of Health and Human Services issues a decision  
27 after a hearing that finds the license holder is a license holder  
28 described in subsection (1) of section 43-3314, the license holder is  
29 still a license holder described in such subsection thirty-one days after  
30 issuance of that decision, and the license holder does not seek judicial  
31 review of the decision within the ten-day appeal period provided in

1 section 43-3317; or

2 (c) The court of competent jurisdiction enters a judgment on a  
3 petition for judicial review, initiated under either section 43-3315 or  
4 43-3317, that finds the license holder is a license holder described in  
5 subsection (1) of section 43-3314.

6 (2) The court of competent jurisdiction, after providing appropriate  
7 notice, may certify a license holder to the Department of Motor Vehicles  
8 and relevant licensing authorities if a license holder has failed to  
9 comply with subpoenas or warrants relating to parentage ~~paternity~~ or  
10 child support proceedings.

11 (3) If the Department of Health and Human Services, county attorney,  
12 authorized attorney, or court of competent jurisdiction determines to  
13 certify a license holder to the appropriate licensing authority, then the  
14 department, county attorney, authorized attorney, or court of competent  
15 jurisdiction shall certify a license holder in the following order and in  
16 compliance with the following restrictions:

17 (a) To the Department of Motor Vehicles to suspend the license  
18 holder's operator's license, except the Department of Motor Vehicles  
19 shall not suspend the license holder's commercial driver's license or  
20 restricted commercial driver's license. If a license holder possesses a  
21 commercial driver's license or restricted commercial driver's license,  
22 the Department of Health and Human Services, county attorney, authorized  
23 attorney, or court of competent jurisdiction shall certify such license  
24 holder pursuant to subdivision (b) of this subsection. If the license  
25 holder fails to come into compliance with the support order as provided  
26 in section 43-3314 or with subpoenas and warrants relating to parentage  
27 ~~paternity~~ or child support proceedings within ten working days after the  
28 date on which the license holder's operator's license suspension becomes  
29 effective, then the department, county attorney, authorized attorney, or  
30 court of competent jurisdiction may certify the license holder pursuant  
31 to subdivision (b) of this subsection without further notice;

1 (b) To the relevant licensing authority to suspend the license  
2 holder's recreational license once the Game and Parks Commission has  
3 operative the electronic or other automated retrieval system necessary to  
4 suspend recreational licenses. If the license holder does not have a  
5 recreational license and until the Game and Parks Commission has  
6 operative the electronic or other automated retrieval system necessary to  
7 suspend recreational licenses, the department, county attorney,  
8 authorized attorney, or court of competent jurisdiction may certify the  
9 license holder pursuant to subdivision (c) of this subsection. If the  
10 license holder fails to come into compliance with the support order as  
11 provided in section 43-3314 or with subpoenas and warrants relating to  
12 parentage ~~paternity~~ or child support proceedings within ten working days  
13 after the date on which the license holder's recreational license  
14 suspension becomes effective, the department, county attorney, authorized  
15 attorney, or court of competent jurisdiction may certify the license  
16 holder pursuant to subdivision (c) of this subsection without further  
17 notice; and

18 (c) To the relevant licensing authority to suspend the license  
19 holder's professional license, occupational license, commercial driver's  
20 license, or restricted commercial driver's license.

21 (4) If the Department of Health and Human Services, county attorney,  
22 authorized attorney, or court of competent jurisdiction certifies the  
23 license holder to the Department of Motor Vehicles, the Department of  
24 Motor Vehicles shall suspend the operator's license of the license holder  
25 ten working days after the date of certification. The Department of Motor  
26 Vehicles shall without undue delay notify the license holder by certified  
27 mail that the license holder's operator's license will be suspended and  
28 the date the suspension becomes effective. No person shall be issued an  
29 operator's license by the State of Nebraska if at the time of application  
30 for a license the person's operator's license is suspended under this  
31 section. Any person whose operator's license has been suspended shall

1 return his or her license to the Department of Motor Vehicles within five  
2 working days after receiving the notice of the suspension. If any person  
3 fails to return the license, the Department of Motor Vehicles shall  
4 direct any peace officer to secure possession of the operator's license  
5 and to return it to the Department of Motor Vehicles. The peace officer  
6 who is directed to secure possession of the license shall make every  
7 reasonable effort to secure the license and return it to the Department  
8 of Motor Vehicles or shall show good cause why the license cannot be  
9 returned. An appeal of the suspension of an operator's license under this  
10 section shall be pursuant to section 60-4,105. A license holder whose  
11 operator's license has been suspended under this section may apply for an  
12 employment driving permit as provided by sections 60-4,129 and 60-4,130,  
13 except that the license holder is not required to fulfill the driver  
14 improvement or driver education and training course requirements of  
15 subsection (2) of section 60-4,130.

16 (5) Except as provided in subsection (6) of this section as it  
17 pertains to a license holder who is a member of the Nebraska State Bar  
18 Association, if the Department of Health and Human Services, county  
19 attorney, authorized attorney, or court of competent jurisdiction  
20 certifies the license holder to a relevant licensing authority, the  
21 relevant licensing authority, notwithstanding any other provision of law,  
22 shall suspend the license holder's professional, occupational, or  
23 recreational license and the license holder's right to renew the  
24 professional, occupational, or recreational license ten working days  
25 after the date of certification. The relevant licensing authority shall  
26 without undue delay notify the license holder by certified mail that the  
27 license holder's professional, occupational, or recreational license will  
28 be suspended and the date the suspension becomes effective.

29 (6) If the department, county attorney, authorized attorney, or  
30 court of competent jurisdiction certifies a license holder who is a  
31 member of the Nebraska State Bar Association to the Counsel for



1 Discipline of the Nebraska Supreme Court, the Nebraska Supreme Court may  
2 suspend the license holder's license to practice law. It is the intent of  
3 the Legislature to encourage all license holders to comply with their  
4 child support obligations. Therefor, the Legislature hereby requests that  
5 the Nebraska Supreme Court adopt amendments to the rules regulating  
6 attorneys, if necessary, which provide for the discipline of an attorney  
7 who is delinquent in the payment of or fails to pay his or her child  
8 support obligation.

9 (7) The Department of Health and Human Services, or court of  
10 competent jurisdiction when appropriate, shall send by certified mail to  
11 the license holder at the license holder's last-known address a copy of  
12 any certification filed with the Department of Motor Vehicles or a  
13 relevant licensing authority and a notice which states that the license  
14 holder's operator's license will be suspended ten working days after the  
15 date of certification and that the suspension of a professional,  
16 occupational, or recreational license pursuant to subsection (5) of this  
17 section becomes effective ten working days after the date of  
18 certification.

19 Sec. 30. Section 43-3320, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 43-3320 (1) When a license holder comes into compliance with the  
22 support order as provided in section 43-3314, the department, county  
23 attorney, or authorized attorney shall provide the license holder with  
24 written confirmation that the license holder is in compliance.

25 (2) When a license holder comes into compliance with subpoenas and  
26 warrants relating to parentage ~~paternity~~ or child support proceedings,  
27 the court of competent jurisdiction shall provide the license holder with  
28 written confirmation that the license holder is in compliance.

29 Sec. 31. Section 43-3340, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 43-3340 (1) To aid child support enforcement pursuant to federal

1 law, 42 U.S.C. 666(a), the social security numbers of the following  
2 individuals shall be recorded on the application, in the court records,  
3 or on the death certificate, as appropriate:

4 (a) Any applicant for a professional license, commercial driver's  
5 license, occupational license, or marriage license;

6 (b) Any individual who is subject to a divorce decree, support  
7 order, or ~~parentage~~ ~~paternity~~ determination or acknowledgment; and

8 (c) Any individual who has died.

9 (2) The Department of Health and Human Services shall adopt and  
10 promulgate rules and regulations which provide a procedure for the  
11 collection of the social security numbers recorded pursuant to this  
12 section and for the use of such numbers in the child support enforcement  
13 as provided in 42 U.S.C. 666(a).

14 Sec. 32. Section 71-601.01, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 71-601.01 (1) For purposes of the Vital Statistics Act:

17 (a) ~~(1)~~ Abstract of marriage means a certified document that  
18 summarizes the facts of marriage, including, but not limited to, the name  
19 of the bride and groom, the date of the marriage, the place of the  
20 marriage, and the name of the office filing the original marriage  
21 license. An abstract of marriage does not include signatures;

22 (b) ~~(2)~~ Certificate means the record of a vital event. Certificate  
23 does not include a commemorative certificate;

24 (c) ~~(3)~~ Certification means the process of recording, filing,  
25 amending, or preserving a certificate, which process may be by any means,  
26 including, but not limited to, microfilm, electronic, imaging,  
27 photographic, typewritten, or other means designated by the department;

28 (d) ~~(4)~~ Commemorative certificate means a document commemorating a  
29 nonviable birth;

30 (e) ~~(5)~~ Department means the Department of Health and Human  
31 Services; ~~and~~

1           (f) ~~(6)~~ Nonviable birth means an unintentional, spontaneous fetal  
2 demise occurring prior to the twentieth week of gestation during a  
3 pregnancy that has been verified by a health care practitioner; -

4           (g) Other parent means the person other than the birth parent who is  
5 a legal parent of a child; and

6           (h) Parentage means the legal relationship between a child and a  
7 parent of the child.

8           (2) Nothing in the Vital Statistics Act shall be construed to allow  
9 a child to have more than two legal parents.

10           Sec. 33. Section 71-604, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12           71-604 (1) A certificate for each live birth which occurs in the  
13 State of Nebraska shall be filed on a standard Nebraska certificate form.  
14 Such certificate shall be filed with the department within five business  
15 days after the birth.

16           (2) When a birth occurs in an institution or en route thereto, the  
17 person in charge of the institution or his or her authorized designee  
18 shall obtain the personal data, prepare the certificate which shall  
19 include the name, title, and address of the attendant, certify that the  
20 child was born alive at the place and time and on the date stated either  
21 by standard procedure or by an approved electronic process, and file the  
22 certificate. The physician, physician assistant, or other person in  
23 attendance shall provide the medical information required for the  
24 certificate within seventy-two hours after the birth.

25           (3) When a birth occurs outside an institution, the certificate of  
26 birth shall be prepared and filed by one of the following:

27           (a) The physician or physician assistant in attendance at or  
28 immediately after the birth;

29           (b) A parent ~~The father, the mother, or, in the absence or of the~~  
30 ~~father and the inability of a parent the mother,~~ the person in charge of  
31 the premises where the birth occurred; or

1 (c) Any other person in attendance at or immediately after the  
2 birth.

3 Sec. 34. Section 71-604.02, Revised Statutes Cumulative Supplement,  
4 2020, is amended to read:

5 71-604.02 (1) For purposes of this section:

6 (a) Biological parent ~~mother~~ means a person who is related to a  
7 child as the source of the egg that resulted in the conception of the  
8 child; ~~and~~

9 (b) Birth parent ~~mother~~ means the person who gave birth to the  
10 child; and -

11 (c) Other parent means a parent other than the biological parent or  
12 birth parent.

13 (2) During the period immediately before or after the in-hospital  
14 birth of a child whose biological parent ~~mother~~ is not the same as the  
15 birth parent ~~mother~~, the person in charge of such hospital or such  
16 person's designated representative shall provide to the child's  
17 biological parent ~~mother~~ and birth parent ~~mother~~ the documents and  
18 written instructions for such biological parent ~~mother~~ and birth parent  
19 ~~mother~~ to complete a notarized acknowledgment of parentage ~~maternity~~.  
20 Such acknowledgment, if signed by both parties and notarized, shall be  
21 filed with the department at the same time at which the certificate of  
22 live birth is filed.

23 (3) Nothing in this section shall be deemed to require the person in  
24 charge of such hospital or such person's designee to seek out or  
25 otherwise locate an alleged parent ~~mother~~ who is not readily identifiable  
26 or available.

27 (4) The acknowledgment shall be executed on a form prepared by the  
28 department. Such form shall be in essentially the same form provided by  
29 the department. The acknowledgment shall include, but not be limited to,  
30 (a) a statement by the birth parent ~~mother~~ consenting to the  
31 acknowledgment of parentage ~~maternity~~ and a statement that the biological

1 ~~parent mother~~ is the legal ~~parent mother~~ of the child, (b) a statement by  
2 the biological ~~parent mother~~ that she is the biological ~~parent mother~~ of  
3 the child, (c) written information regarding parental rights and  
4 responsibilities, and (d) the social security numbers of the biological  
5 parent and birth parent mothers.

6 (5) The form provided for in subsection (4) of this section shall  
7 also contain instructions for completion and filing with the department  
8 if it is not completed and filed with a birth certificate as provided in  
9 subsection (2) of this section.

10 (6) The department shall accept completed acknowledgment forms. The  
11 department may prepare photographic, electronic, or other reproductions  
12 of acknowledgments. Such reproductions, when certified and approved by  
13 the department, shall be accepted as the original records, and the  
14 documents from which permanent reproductions have been made may be  
15 disposed of as provided by rules and regulations of the department.

16 (7) The department shall enter on the birth certificate of any child  
17 described in subsection (2) of this section the name of the biological  
18 ~~parent mother~~ of the child upon receipt of an acknowledgment of parentage  
19 maternity as provided in this section signed by the biological parent  
20 mother of the child and the birth parent mother of the child. The name of  
21 the birth ~~parent mother~~ shall not be entered on the birth certificate. If  
22 the birth ~~parent mother~~ is married, the name of the birth parent's  
23 mother's spouse shall not be entered on the birth certificate unless  
24 parentage paternity for such spouse is otherwise established by law.

25 (8)(a) The signing of a notarized acknowledgment of parentage  
26 maternity, whether under this section or otherwise, by the biological  
27 ~~parent mother~~ shall create a rebuttable presumption of parentage  
28 maternity as against the biological ~~parent mother~~. The signed, notarized  
29 acknowledgment is subject to the right of any signatory to rescind the  
30 acknowledgment at any time prior to the earlier of:

31 (i) Sixty days after the acknowledgment; or

1 (ii) The date of an administrative or judicial proceeding relating  
2 to the child, including a proceeding to establish a support order in  
3 which the signatory is a party.

4 (b) After the rescission period provided for in subdivision (8)(a)  
5 of this section, a signed, notarized acknowledgment is considered a legal  
6 finding which may be challenged only on the basis of fraud, duress, or  
7 material mistake of fact with the burden of proof upon the challenger,  
8 and the legal responsibilities, including the child support obligation,  
9 of any signatory arising from the acknowledgment shall not be suspended  
10 during the challenge, except for good cause shown. Such a signed and  
11 notarized acknowledgment or a certified copy or certified reproduction  
12 thereof shall be admissible in evidence in any proceeding to establish  
13 support.

14 (9)(a) If the biological parent ~~mother~~ was married at the time of  
15 either conception or birth or at any time between conception and birth of  
16 a child described in subsection (2) of this section, the name of the  
17 biological parent's ~~mother's~~ spouse shall be entered on the certificate  
18 as the other parent of the child unless:

19 (i) Parentage ~~Paternity~~ has been determined otherwise by a court of  
20 competent jurisdiction;

21 (ii) The biological parent ~~mother~~ and the biological parent's  
22 ~~mother's~~ spouse execute affidavits attesting that the biological parent's  
23 ~~mother's~~ spouse is not a the biological parent of the child, in which  
24 case information about the other parent shall be omitted from the  
25 certificate; or

26 (iii) The biological parent ~~mother~~ executes an affidavit attesting  
27 that the biological parent's ~~her~~ spouse is not a parent ~~the biological~~  
28 ~~father~~ and naming a third person as the other parent ~~biological father~~;  
29 the third person ~~biological father~~ executes an affidavit attesting that  
30 such person ~~he~~ is a parent ~~the biological father~~; and the biological  
31 parent's ~~mother's~~ spouse executes an affidavit attesting that such spouse

1 is not a the biological parent of the child. In such case the third  
2 person biological father shall be shown as the other parent on the  
3 certificate.

4 (b) For affidavits executed under subdivision (8)(a)(ii) or (iii) of  
5 this section, each signature shall be individually notarized.

6 (10) If the biological parent mother was not married at the time of  
7 either conception or birth or at any time between conception and birth,  
8 the name of the other parent biological father shall not be entered on  
9 the certificate as a the other parent without the written consent of the  
10 biological parent mother and the person named as the other parent  
11 biological father.

12 (11) In any case in which parentage paternity of a child is  
13 determined by a court of competent jurisdiction, the name of the  
14 adjudicated parent father shall be entered on the certificate as a the  
15 other parent in accordance with the finding of the court.

16 (12) If the other parent is not named on the certificate, no other  
17 information about the other parent shall be entered thereon.

18 (13) The identification of a person as the other parent the father  
19 as provided in this section shall not be deemed to affect the legitimacy  
20 of the child or the duty to support as set forth in sections 42-377 and  
21 43-1401 to 43-1418.

22 (14) The department may adopt and promulgate rules and regulations  
23 as necessary and proper to assist it in the implementation and  
24 administration of this section and to establish a nominal payment and  
25 procedure for payment for each acknowledgment filed with the department.

26 Sec. 35. Section 71-604.05, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 71-604.05 (1) The department shall not file (a) a certificate of  
29 live birth, (b) a certificate of delayed birth registration for a  
30 registrant who is under twenty-five years of age when an application for  
31 such certificate is filed, (c) a certificate of live birth filed after

1 adoption of a Nebraska-born person who is under twenty-five years of age  
2 or a person born outside of the jurisdiction of the United States, or (d)  
3 a certificate of live birth issued pursuant to section 71-628 unless the  
4 social security number or numbers issued to the parents are furnished by  
5 the person seeking to register the birth. No such certificate may be  
6 amended to show paternity unless the social security number or numbers  
7 issued to the parent or parents are of the father is furnished by the  
8 person requesting the amendment. The social security number shall not be  
9 required if no social security number has been issued to the parent or if  
10 the social security number is unknown.

11 (2) Social security numbers (a) shall be recorded on the birth  
12 certificate but shall not be considered part of the birth certificate and  
13 (b) shall only be used for the purpose of enforcement of child support  
14 orders in Nebraska as permitted by Title IV-D of the federal Social  
15 Security Act, as amended, or as permitted by section 7(a) of the federal  
16 Privacy Act of 1974, as amended.

17 (3) The department may release data to the Social Security  
18 Administration which is necessary to obtain a social security number and  
19 which is contained on the birth certificate of any individual who has  
20 applied for or is receiving medicaid or Supplemental Nutrition Assistance  
21 Program benefits. The department shall make such data available only for  
22 the purpose of obtaining a social security number for the individual.

23 (4) The department shall provide to the Social Security  
24 Administration each parent's name and social security number collected in  
25 the birth certification process as required by the federal Taxpayer  
26 Relief Act of 1997.

27 Sec. 36. Section 71-617.04, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 71-617.04 In order to request the issuance of a certificate of  
30 delayed birth registration, the applicant shall be at least eighteen  
31 years of age. If the applicant is not yet eighteen years of age,



1 application may be made only by the applicant's parent ~~father, mother,~~  
2 guardian, or attendant at birth.

3 Sec. 37. Section 71-628, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 71-628 In case of the legitimation of any child born in Nebraska by  
6 the subsequent marriage of such child's parents as provided in section  
7 43-1406, the department, upon the receipt of a certified copy of the  
8 marriage certificate or abstract of marriage of the parents and a  
9 statement of the parents acknowledging parentage ~~paternity~~, shall prepare  
10 a new certificate of birth in the new name of the child so legitimated,  
11 in substantially the same form as that used for other live births. The  
12 department shall charge and collect the same fee as prescribed in  
13 subsection (1) of section 71-612. All such fees shall be remitted to the  
14 State Treasurer for credit to the Health and Human Services Cash Fund.  
15 The department shall charge and collect an additional fee of one dollar  
16 for each new certificate of birth filed. All amounts collected from such  
17 additional fee shall be remitted to the State Treasurer for credit to the  
18 Nebraska Child Abuse Prevention Fund.

19 Sec. 38. Section 71-630, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 71-630 (1) A birth or death certificate filed with the department  
22 may be amended only in accordance with this section and sections 71-635  
23 to 71-644 and rules and regulations adopted pursuant thereto by the  
24 department as necessary and proper to protect the integrity and accuracy  
25 of records of vital statistics.

26 (2) A certificate that is amended under this section shall have a  
27 properly dated reference placed on the face of the certificate and state  
28 that it is amended, except as provided in subsection (4) of this section.

29 (3) Upon receipt of a certified copy of a court order changing the  
30 name of a person born in this state and upon request of such person or  
31 his or her parent, guardian, or legal representative, the department

1 shall amend the certificate of birth to reflect the change in name.

2 (4) Upon request and receipt of a sworn acknowledgment of parentage  
3 ~~paternity~~ of a child born out of wedlock signed by both parents, the  
4 department shall amend the certificate of birth to show such parentage  
5 ~~paternity~~ if ~~paternity is~~ not shown on the birth certificate. Such  
6 certificate shall not be marked amended.

7 Sec. 39. Section 71-640, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 71-640 (1) Until the registrant's first birthday, given names may be  
10 changed upon written request of (a) both parents, (b) one parent ~~the~~  
11 ~~mother~~ in the case of a child with only one legal parent ~~born out of~~  
12 ~~wedlock or the death or incapacity of the father~~, (c) one parent ~~the~~  
13 ~~father~~ in the case of the death or incapacity of the other parent ~~mother~~,  
14 or (d) the guardian or agency having legal custody of the registrant in  
15 the case of the death or incapacity of all legal ~~both~~ parents.

16 (2) At any time after the registrant's first birthday and until the  
17 seventh birthday, given names may be changed upon written request as  
18 specified in subsection (1) of this section and submission of one or more  
19 items of documentary evidence to support the change.

20 (3) These procedures may be employed to change a given name only  
21 once. Thereafter, and at any time after the seventh birthday, given names  
22 may be changed only upon submission of a court order.

23 Sec. 40. Section 71-640.01, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 71-640.01 (1) The information pertaining to the identification of a  
26 person as the other parent ~~the father~~ at the time of birth of an infant  
27 born in this state and reported on a birth certificate, filled out and  
28 filed pursuant to the Vital Statistics Act, shall comply with the  
29 following:

30 (a) ~~(1)~~ If the birth parent ~~mother~~ was married at the time of either  
31 conception or birth or at any time between conception and birth, the name

1 of the birth parent's spouse ~~the husband~~ shall be entered on the  
2 certificate as the other parent ~~father~~ of the child unless (a) parentage  
3 paternity has been determined otherwise by a court of competent  
4 jurisdiction, (b) the birth parent ~~mother~~ and spouse ~~the mother's husband~~  
5 execute affidavits attesting that the spouse ~~husband~~ is not a parent ~~the~~  
6 ~~father of the child~~, in which case information about the spouse ~~father~~  
7 shall be omitted from the certificate, or (c) the birth parent ~~mother~~  
8 executes an affidavit attesting that the spouse ~~husband~~ is not a parent  
9 ~~the father~~ and that a third person is the other parent, such person ~~the~~  
10 ~~putative father is the father~~, the putative father executes an affidavit  
11 attesting that such person is the other parent ~~he is the father~~, and the  
12 spouse ~~husband~~ executes an affidavit attesting that the spouse is not a  
13 parent ~~he is not the father~~. In such event, such third person ~~the~~  
14 ~~putative father~~ shall be shown as the other parent ~~the father~~ on the  
15 certificate. For affidavits executed under subdivision (b) or (c) of this  
16 subdivision, each signature shall be individually notarized;

17 (b) (2) If the birth parent ~~mother~~ was not married at the time of  
18 either conception or birth or at any time between conception and birth,  
19 the name of the other parent ~~father~~ shall not be entered on the  
20 certificate without the written consent of the birth parent ~~mother~~ and  
21 the person named as the other parent ~~father~~;

22 (c) (3) In any case in which parentage ~~paternity~~ of a child is  
23 determined by a court of competent jurisdiction, the name of the other  
24 parent ~~father~~ shall be entered on the certificate in accordance with the  
25 finding of the court; and

26 (d) (4) If the other parent ~~father~~ is not named on the certificate,  
27 no other information about the other parent ~~father~~ shall be entered  
28 thereon.

29 (2) The identification of the other parent ~~father~~ as provided in  
30 this section shall not be deemed to affect the legitimacy of the child or  
31 duty to support as set forth in sections 42-377 and 43-1401.

1           (3) For purposes of this section, birth parent has the same meaning  
2 as in section 71-604.02.

3           Sec. 41. Section 71-640.02, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           71-640.02 The department shall enter on the birth certificate of any  
6 child born out of wedlock the name of the other parent ~~father~~ of the  
7 child upon receipt of (1) a certified copy of a court order showing that  
8 parentage ~~paternity~~ has been established or a statement in writing by a  
9 person that such person is the other parent ~~the father that he is the~~  
10 ~~father~~ of the child and (2) the written request of (a) the parent having  
11 legal custody of the child or (b) the guardian or agency having legal  
12 custody of the child. The surname of the child shall be determined in  
13 accordance with section 71-640.03.

14           Sec. 42. Section 71-640.03, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16           71-640.03 (1) In any case in which parentage ~~paternity~~ of a child is  
17 determined by a court of competent jurisdiction, the surname of the child  
18 may be entered on the record the same as the surname of either parent ~~the~~  
19 ~~father~~.

20           (2) The surname of the child shall be the parents' prerogative,  
21 except that the department shall not accept a birth certificate with a  
22 child's surname that implies any obscene or objectionable words or  
23 abbreviations.

24           Sec. 43. Section 71-640.04, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26           71-640.04 The name of the other parent ~~father~~ as shown on the birth  
27 certificate may be changed and a new certificate issued only when a  
28 determination of parentage ~~paternity~~ is made by a court of competent  
29 jurisdiction. The evidence from which the new certificate is prepared and  
30 the original certificate of birth shall be available for inspection only  
31 upon the order of a court of competent jurisdiction.

1           Sec. 44. Section 71-641, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           71-641 (1) Until the registrant's seventh birthday, the given name,  
4 for a child whose birth was recorded without a given name, may be added  
5 based upon an affidavit signed by (a) both parents, (b) one parent the  
6 ~~mother~~ in the case of a child with only one legal parent born out of  
7 ~~wedlock or the death or incapacity of the father~~, (c) one parent the  
8 ~~father~~ in the case of the death or incapacity of the other parent ~~mother~~,  
9 or (d) the guardian or agency having legal custody of the registrant in  
10 the case of the death or incapacity of all legal ~~both~~ parents. A  
11 certificate amended in this manner prior to the first birthday shall not  
12 be marked amended.

13           (2) After the seventh birthday, one or more items of documentary  
14 evidence must be submitted to substantiate the name being added.

15           (3) For a legal change of name, a certified copy of the court order  
16 changing the name must be presented to the department along with data to  
17 identify the birth certificate and a request that it be amended to show  
18 the new name.

19           Sec. 45. Original sections 42-364.17, 42-381, 43-247, 43-1401,  
20 43-1402, 43-1404, 43-1405, 43-1406, 43-1407, 43-1408.01, 43-1409,  
21 43-1410, 43-1412, 43-1412.01, 43-1414, 43-1415, 43-1802, 43-2935,  
22 43-3318, 43-3320, 43-3340, 71-601.01, 71-604, 71-604.05, 71-617.04,  
23 71-628, 71-630, 71-640, 71-640.01, 71-640.02, 71-640.03, 71-640.04, and  
24 71-641, Reissue Revised Statutes of Nebraska, and sections 24-517,  
25 25-2740, 25-2742, 29-3922, 33-107.02, 43-246.02, 43-1411, 43-1411.01,  
26 43-1611, 43-2924, and 71-604.02, Revised Statutes Cumulative Supplement,  
27 2020, are repealed.