

## LEGISLATIVE BILL 813

Approved by the Governor April 14, 1986

Introduced by Barrett, 39

AN ACT relating to paternity; to amend section 43-1412, Reissue Revised Statutes of Nebraska, 1943, and section 43-1411, Reissue Revised Statutes of Nebraska, 1943, as amended by section 75, Legislative Bill 7, Eighty-ninth Legislature, Second Special Session, 1985; to change provisions relating to when and by whom paternity proceedings may be instituted; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 43-1411, Reissue Revised Statutes of Nebraska, 1943, as amended by section 75, Legislative Bill 7, Eighty-ninth Legislature, Second Special Session, 1985, be amended to read as follows:

43-1411. A civil proceeding to establish the paternity of a child may be instituted, in any district court of the district where the child is domiciled or found, by (1) the mother or the alleged father of such child, either during pregnancy or within ~~eighteen~~ four years after the child's ~~its~~ birth, unless consent or relinquishment has been made by the mother or pursuant to section 43-105 for purposes of adoption, or by (2) the guardian or next friend of such child within eighteen years after the child's birth. Summons shall issue and be served as in other civil proceedings, except that such summons may be directed to the sheriff of any county in the state and may be served in any county.

Sec. 2. That section 43-1412, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-1412. The method of trial shall be the same as that in other civil proceedings, except that the trial shall be by the court without a jury unless a jury be is requested (1) by the alleged father, in a proceeding instituted by the mother or the guardian or next friend, or (2) by the mother, in a proceeding instituted by the alleged father. It being contrary to public policy that such proceedings should be open to

the general public, no one but the parties, their counsel, and others having a legitimate interest in the controversy shall be admitted to the courtroom during the trial of the case. The alleged father and the mother shall be competent to testify. The uncorroborated testimony (a) of the mother, in a proceeding instituted by the mother or the guardian or next friend, or (b) of the alleged father, in a proceeding instituted by the alleged father, shall not alone be sufficient to support a verdict or finding that the alleged father is actually the father. Should it be determined in this proceeding that the alleged father is actually the father of the child, a judgment shall be entered declaring such to be the case. In the event that such a judgment is entered, the court shall retain jurisdiction of the cause, and enter such order of support as may be proper under the procedure and in the manner specified in section 43-1406.

Sec. 3. That original section 43-1412, Reissue Revised Statutes of Nebraska, 1943, and section 43-1411, Reissue Revised Statutes of Nebraska, 1943, as amended by section 75, Legislative Bill 7, Eighty-ninth Legislature, Second Special Session, 1985, are repealed.