

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 944**

Introduced by Hansen, 26.

Read first time January 13, 2016

Committee: Judiciary

1 A BILL FOR AN ACT relating to parentage; to amend sections 28-702,  
2 37-1267, 43-104, 43-105, 43-1402, 43-1404, 43-1405, 43-1407,  
3 43-1410, 44-705, 68-149, 68-913, 71-604, 71-617.04, 71-628, 71-640,  
4 71-640.01, 71-640.02, 71-640.03, 71-640.04, 71-641, 71-2103, and  
5 79-233, Reissue Revised Statutes of Nebraska, sections 30-2608,  
6 30-2613, 37-410, 43-292, and 48-604, Revised Statutes Cumulative  
7 Supplement, 2014, and section 43-512.04, Revised Statutes  
8 Supplement, 2015; to change terminology and application of statutes  
9 relating to parentage and marital relationships; and to repeal the  
10 original sections.

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

1 Section 1. Section 28-702, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 28-702 Incestuous marriages are marriages between parents and  
4 children, between grandparents and grandchildren of every degree, between  
5 siblings ~~brothers and sisters~~ of the half as well as the whole blood, and  
6 between uncles or ~~and~~ nieces, aunts and children of their siblings ~~and~~  
7 ~~nephews~~. Incestuous marriages are declared to be absolutely void. This  
8 section shall extend to children and relations born out of wedlock.

9 Sec. 2. Section 30-2608, Revised Statutes Cumulative Supplement,  
10 2014, is amended to read:

11 30-2608 (a) The parents ~~father and mother~~ are the natural guardians  
12 of their minor children and are duly entitled to their custody and to  
13 direct their education, being themselves competent to transact their own  
14 business and not otherwise unsuitable. If either parent dies or is  
15 disqualified for acting, or has abandoned his or her family, the  
16 guardianship devolves upon the other except as otherwise provided in this  
17 section.

18 (b) In the appointment of a parent as a guardian when the other  
19 parent has died and the child was born out of wedlock, the court shall  
20 consider the wishes of the deceased parent as expressed in a valid will  
21 executed by the deceased parent. If in such valid will the deceased  
22 parent designates someone other than the other ~~natural~~ parent as guardian  
23 for the minor children, the court shall take into consideration the  
24 designation by the deceased parent. In determining whether or not the  
25 ~~natural~~ parent should be given priority in awarding custody, the court  
26 shall also consider the ~~natural~~ parent's acknowledgment of paternity,  
27 payment of child support, and whether the ~~natural~~ parent is a fit,  
28 proper, and suitable custodial parent for the child.

29 (c) The court may appoint a standby guardian for a minor whose  
30 parent is chronically ill or near death. The appointment of a guardian  
31 under this subsection does not suspend or terminate the parent's parental

1 rights of custody to the minor. The standby guardian's authority would  
2 take effect, if the minor is left without a remaining parent, upon (1)  
3 the death of the parent, (2) the mental incapacity of the parent, or (3)  
4 the physical debilitation and consent of the parent.

5 (d) The court may appoint a guardian for a minor if all parental  
6 rights of custody have been terminated or suspended by prior or current  
7 circumstances or prior court order. The juvenile court may appoint a  
8 guardian for a child adjudicated to be under subdivision (3)(a) of  
9 section 43-247 as provided in section 43-1312.01. A guardian appointed by  
10 will as provided in section 30-2606 whose appointment has not been  
11 prevented or nullified under section 30-2607 has priority over any  
12 guardian who may be appointed by the court, but the court may proceed  
13 with an appointment upon a finding that the testamentary guardian has  
14 failed to accept the testamentary appointment within thirty days after  
15 notice of the guardianship proceeding.

16 (e) The petition and all other court filings for a guardianship  
17 proceeding shall be filed with the clerk of the county court. The party  
18 shall state in the petition whether such party requests that the  
19 proceeding be heard by the county court or, in cases in which a separate  
20 juvenile court already has jurisdiction over the child in need of a  
21 guardian under the Nebraska Juvenile Code, such separate juvenile court.  
22 Such proceeding is considered a county court proceeding even if heard by  
23 a separate juvenile court judge, and an order of the separate juvenile  
24 court in such guardianship proceeding has the force and effect of a  
25 county court order. The testimony in a guardianship proceeding heard  
26 before a separate juvenile court judge shall be preserved as in any other  
27 separate juvenile court proceeding. The clerks of the district courts  
28 shall transfer all guardianship petitions and other guardianship filings  
29 which were filed with such clerks prior to August 28, 1999, to the clerk  
30 of the county court where the separate juvenile court which heard the  
31 proceeding is situated. The clerk of such county court shall file and

1 docket such petitions and other filings.

2 Sec. 3. Section 30-2613, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:

4 30-2613 (1) A guardian of a minor has the powers and  
5 responsibilities of a parent who has not been deprived of custody of his  
6 or her minor and unemancipated child, except that a guardian is not  
7 legally obligated to provide from his or her own funds for the ward and  
8 is not liable to third persons by reason of the parental relationship for  
9 acts of the ward. In particular, and without qualifying the foregoing, a  
10 guardian has the following powers and duties:

11 (a) He or she must take reasonable care of his or her ward's  
12 personal effects and commence protective proceedings if necessary to  
13 protect other property of the ward.

14 (b) He or she may receive money payable for the support of the ward  
15 to the ward's parent, guardian or custodian under the terms of any  
16 statutory benefit or insurance system, or any private contract, devise,  
17 trust, conservatorship or custodianship. He or she also may receive money  
18 or property of the ward paid or delivered by virtue of section 30-2603.  
19 Any sums so received shall be applied to the ward's current needs for  
20 support, care and education, except as provided in subsections (2) and  
21 (3) of this section. He or she must exercise due care to conserve any  
22 excess for the ward's future needs unless a conservator has been  
23 appointed for the estate of the ward, in which case such excess shall be  
24 paid over at least annually to the conservator. Sums so received by the  
25 guardian are not to be used for compensation for his or her services  
26 except as approved by order of court. A guardian may institute  
27 proceedings to compel the performance by any person of a duty to support  
28 the ward or to pay sums for the welfare of the ward.

29 (c) The guardian is empowered to facilitate the ward's education,  
30 social, or other activities and to authorize medical or other  
31 professional care, treatment, or advice. A guardian is not liable by

1 reason of this consent for injury to the ward resulting from the  
2 negligence or acts of third persons unless it would have been illegal for  
3 a parent to have consented. A guardian may consent to the marriage or  
4 adoption of his or her ward.

5 (d) A guardian must report the condition of his or her ward and of  
6 the ward's estate which has been subject to his or her possession or  
7 control, as ordered by court on petition of any person interested in the  
8 minor's welfare or as required by court rule, and upon termination of the  
9 guardianship settle his or her accounts with the ward or his or her legal  
10 representatives and pay over and deliver all of the estate and effects  
11 remaining in his or her hands or due from him or her on settlement to the  
12 person or persons who shall be lawfully entitled thereto.

13 (2) The appointment of a guardian for a minor shall not relieve his  
14 or her parent or parents, liable for the support of such minor, from  
15 their obligation to provide for such minor. For the purposes of  
16 guardianship of minors, the application of guardianship income and  
17 principal after payment of debts and charges of managing the estate, in  
18 relationship to the respective obligations owed by parents ~~fathers,~~  
19 ~~mothers,~~ and others, for the support, maintenance and education of the  
20 minor shall be:

21 (a) The income and property of the parents ~~father and mother~~ of the  
22 minor in such manner as they can reasonably afford, regard being had to  
23 the situation of the family and to all the circumstances of the case;

24 (b) The guardianship income, in whole or in part, as shall be judged  
25 reasonable considering the extent of the guardianship income and the  
26 parents' financial ability;

27 (c) The income and property of any other person having a legal  
28 obligation to support the minor, in such manner as the person can  
29 reasonably afford, regard being had to the situation of the person's  
30 family and to all the circumstances of the case; and

31 (d) The guardianship principal, either personal or real estate, in

1 whole or in part, as shall be judged for the best interest of the minor,  
2 considering all the circumstances of the minor and those liable for his  
3 or her support.

4 (3) Notwithstanding the provisions of subsection (2) of this  
5 section, the court may from time to time authorize the guardian to use so  
6 much of the guardianship income or principal, whether personal or real  
7 estate, as it may deem proper, considering all the circumstances of the  
8 minor and those liable for his or her support, if it is shown that (a) an  
9 emergency exists which justifies an expenditure, or (b) a fund has been  
10 given to the minor for a special purpose and the court can, with  
11 reasonable certainty, ascertain such purpose.

12 (4) The court may require a guardian to furnish a bond in an amount  
13 and conditioned in accordance with the provisions of section 30-2640.

14 (5) A guardian shall not change a ward's place of abode to a  
15 location outside of the State of Nebraska without court permission.

16 Sec. 4. Section 37-410, Revised Statutes Cumulative Supplement,  
17 2014, is amended to read:

18 37-410 (1) It shall be unlawful (a) for any person who has been  
19 issued a permit under the Game Law to lend or transfer his or her permit  
20 to another or for any person to borrow or use the permit of another, (b)  
21 for any person to procure a permit under an assumed name or to falsely  
22 state the place of his or her legal residence or make any other false  
23 statement in securing a permit, (c) for any person to knowingly issue or  
24 aid in securing a permit under the Game Law for any person not legally  
25 entitled thereto, (d) for any person disqualified for a permit to hunt,  
26 fish, or harvest fur with or without a permit during any period when such  
27 right has been forfeited or for which his or her permit has been revoked  
28 by the commission, or (e) for any nonresident under the age of sixteen  
29 years to receive a permit to harvest fur from any fur-bearing animal  
30 under the Game Law without presenting a written request therefor signed  
31 by his or her parent ~~father, mother,~~ or guardian.

1           (2) All children who are residents of the State of Nebraska and are  
2 under sixteen years of age shall not be required to have a permit to  
3 hunt, harvest fur, or fish.

4           (3) Any person violating subdivision (1)(a), (b), (c), or (d) of  
5 this section shall be guilty of a Class II misdemeanor and, upon  
6 conviction, shall be fined at least one hundred dollars for violations  
7 involving a fishing permit, at least one hundred fifty dollars for  
8 violations involving a small game, fur-harvesting, paddlefish, or deer  
9 permit, at least two hundred fifty dollars for violations involving an  
10 antelope permit, at least five hundred dollars for violations involving  
11 an elk permit, and at least one thousand dollars for violations involving  
12 a mountain sheep permit. Any person violating subdivision (1)(e) of this  
13 section shall be guilty of a Class III misdemeanor and shall be fined at  
14 least seventy-five dollars. Any permits purchased or used in violation of  
15 this section shall be confiscated by the court.

16           Sec. 5. Section 37-1267, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18           37-1267 The owner of a vessel shall be liable for any injury or  
19 damage occasioned by the negligent operation of such vessel, whether such  
20 negligence consists of a violation of the provisions of the statutes of  
21 this state or neglecting to observe such ordinary care and such operation  
22 as the rules of the common law require. The owner shall not be liable  
23 unless such vessel is being used with his or her express or implied  
24 consent. It shall be presumed that such vessel is being operated with the  
25 knowledge and consent of the owner, if at the time of the injury or  
26 damage, it is under the control of his or her spouse, parent ~~father,~~  
27 ~~mother,~~ brother, sister, son, daughter, or other immediate member of the  
28 owner's family. Nothing contained in this section shall be construed to  
29 relieve any other person from any liability which he or she would  
30 otherwise have, but nothing contained in this section shall be construed  
31 to authorize or permit any recovery in excess of injury or damage

1 actually incurred.

2 Sec. 6. Section 43-104, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 43-104 (1) Except as otherwise provided in this section and in the  
5 Nebraska Indian Child Welfare Act, no adoption shall be decreed unless  
6 written consents thereto are filed in the county court of the county in  
7 which the person or persons desiring to adopt reside or in the county  
8 court in which the separate juvenile court having jurisdiction over the  
9 custody of the child is located and the written consents are executed by  
10 (a) the minor child, if over fourteen years of age, or the adult child,  
11 (b) any district court, county court, or separate juvenile court in the  
12 State of Nebraska having jurisdiction of the custody of a minor child by  
13 virtue of proceedings had in any district court, county court, or  
14 separate juvenile court in the State of Nebraska or by virtue of the  
15 Uniform Child Custody Jurisdiction and Enforcement Act, and (c) both  
16 parents of a child born in lawful wedlock if living, the surviving parent  
17 of a child born in lawful wedlock, the biological mother of a child born  
18 out of wedlock, or both the biological mother and biological father of a  
19 child born out of wedlock as determined pursuant to sections 43-104.08 to  
20 43-104.25. On and after April 20, 2002, a written consent or  
21 relinquishment for adoption under this section shall not be valid unless  
22 signed at least forty-eight hours after the birth of the child.

23 (2) Consent shall not be required of any parent who (a) has  
24 relinquished the child for adoption by a written instrument, (b) has  
25 abandoned the child for at least six months next preceding the filing of  
26 the adoption petition, (c) has been deprived of his or her parental  
27 rights to such child by the order of any court of competent jurisdiction,  
28 or (d) is incapable of consenting.

29 (3) Consent shall not be required of a putative father who has  
30 failed to timely file (a) a Notice of Objection to Adoption and Intent to  
31 Obtain Custody pursuant to section 43-104.02 and, with respect to the



1 absence of such filing, a certificate has been filed pursuant to section  
2 43-104.04 or (b) a petition pursuant to section 43-104.05 for the  
3 adjudication of such notice and a determination of whether his consent to  
4 the adoption is required and the mother of the child has timely executed  
5 a valid relinquishment and consent to the adoption pursuant to such  
6 section.

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

10 Sec. 7. Section 43-105, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 43-105 (1) If consent is not required of both parents of a child  
13 born in lawful wedlock if living, the surviving parent of a child born in  
14 lawful wedlock, or the biological mother or biological mother and  
15 biological father of a child born out of wedlock, because of the  
16 provisions of subdivision (1)(c) of section 43-104, substitute consents  
17 shall be filed as follows:

18 (a) Consent to the adoption of a minor child who has been committed  
19 to the Department of Health and Human Services may be given by the  
20 department or its duly authorized agent in accordance with section  
21 43-906;

22 (b) When a parent has relinquished a minor child for adoption to any  
23 child placement agency licensed or approved by the department or its duly  
24 authorized agent, consent to the adoption of such child may be given by  
25 such agency; and

26 (c) In all other cases when consent cannot be given as provided in  
27 subdivision (1)(c) of section 43-104, consent shall be given by the  
28 guardian or guardian ad litem of such minor child appointed by a court,  
29 which consent shall be authorized by the court having jurisdiction of  
30 such guardian or guardian ad litem.

31 (2) Substitute consent provisions of this section do not apply to a

1 biological father whose consent is not required under section 43-104.22.

2 Sec. 8. Section 43-292, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:

4 43-292 The court may terminate all parental rights between the  
5 parents ~~or the mother of a juvenile born out of wedlock~~ and a such  
6 juvenile when the court finds such action to be in the best interests of  
7 the juvenile and it appears by the evidence that one or more of the  
8 following conditions exist:

9 (1) The parents have abandoned the juvenile for six months or more  
10 immediately prior to the filing of the petition;

11 (2) The parents have substantially and continuously or repeatedly  
12 neglected and refused to give the juvenile or a sibling of the juvenile  
13 necessary parental care and protection;

14 (3) The parents, being financially able, have willfully neglected to  
15 provide the juvenile with the necessary subsistence, education, or other  
16 care necessary for his or her health, morals, or welfare or have  
17 neglected to pay for such subsistence, education, or other care when  
18 legal custody of the juvenile is lodged with others and such payment  
19 ordered by the court;

20 (4) The parents are unfit by reason of debauchery, habitual use of  
21 intoxicating liquor or narcotic drugs, or repeated lewd and lascivious  
22 behavior, which conduct is found by the court to be seriously detrimental  
23 to the health, morals, or well-being of the juvenile;

24 (5) The parents are unable to discharge parental responsibilities  
25 because of mental illness or mental deficiency and there are reasonable  
26 grounds to believe that such condition will continue for a prolonged  
27 indeterminate period;

28 (6) Following a determination that the juvenile is one as described  
29 in subdivision (3)(a) of section 43-247, reasonable efforts to preserve  
30 and reunify the family if required under section 43-283.01, under the  
31 direction of the court, have failed to correct the conditions leading to

1 the determination;

2 (7) The juvenile has been in an out-of-home placement for fifteen or  
3 more months of the most recent twenty-two months;

4 (8) The parent has inflicted upon the juvenile, by other than  
5 accidental means, serious bodily injury;

6 (9) The parent of the juvenile has subjected the juvenile or another  
7 minor child to aggravated circumstances, including, but not limited to,  
8 abandonment, torture, chronic abuse, or sexual abuse;

9 (10) The parent has (a) committed murder of another child of the  
10 parent, (b) committed voluntary manslaughter of another child of the  
11 parent, (c) aided or abetted, attempted, conspired, or solicited to  
12 commit murder, or aided or abetted voluntary manslaughter of the juvenile  
13 or another child of the parent, or (d) committed a felony assault that  
14 resulted in serious bodily injury to the juvenile or another minor child  
15 of the parent; or

16 (11) One parent has been convicted of felony sexual assault of the  
17 other parent under section 28-319.01 or 28-320.01 or a comparable crime  
18 in another state.

19 Sec. 9. Section 43-512.04, Revised Statutes Supplement, 2015, is  
20 amended to read:

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

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

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

3 (2) Either parent ~~The father~~, not having entered into a judicially  
4 approved settlement or being in default in the performance of the same,  
5 may be made a respondent in such action. ~~The mother of the child may also~~  
6 ~~be made a respondent in such an action.~~ Such action shall be commenced by  
7 a complaint of the mother of the child, the father of the child whose  
8 paternity has been established, the guardian or next friend of the child,  
9 the county attorney, or an authorized attorney.

10 (3) The complaint shall set forth the basis on which paternity was  
11 previously established or presumed, if the respondent is the father, and  
12 the fact of nonsupport and shall ask that the father, the mother, or both  
13 parents be ordered to provide for the support of the child. Summons shall  
14 issue against the father, the mother, or both parents and be served as in  
15 other civil proceedings, except that such summons may be directed to the  
16 sheriff of any county in the state and may be served in any county. The  
17 method of trial shall be the same as in actions formerly cognizable in  
18 equity, and jurisdiction to hear and determine such actions for support  
19 is hereby vested in the district court of the district or the county  
20 court of the county where the child is domiciled or found or, for cases  
21 under the Uniform Interstate Family Support Act if the child is not  
22 domiciled or found in Nebraska, where the parent of the child is  
23 domiciled.

24 (4) In such proceeding, if the defendant is the presumed father as  
25 described in subdivision (1)(b) of this section, the court shall make a  
26 finding whether or not the presumption of paternity has been rebutted.  
27 The presumption of paternity created by acknowledgment as described in  
28 section 43-1409 may be rebutted as part of an equitable proceeding to  
29 establish support by genetic testing results which exclude the alleged  
30 father as being the biological father of the child. A court in such a  
31 proceeding may order genetic testing as provided in sections 43-1414 to

1 43-1418.

2 (5) If the court finds that either parent ~~the father, the mother,~~ or  
3 both parents have failed adequately to support the child, the court shall  
4 issue a decree directing him, her, or them to do so, specifying the  
5 amount of such support, the manner in which it shall be furnished, and  
6 the amount, if any, of any court costs and attorney's fees to be paid by  
7 the father, the mother, or both parents. Income withholding shall be  
8 ordered pursuant to the Income Withholding for Child Support Act. The  
9 court may require the furnishing of bond to insure the performance of the  
10 decree in the same manner as is provided for in section 42-358.05 or  
11 43-1405. Failure on the part of the defendant to perform the terms of  
12 such decree shall constitute contempt of court and may be dealt with in  
13 the same manner as other contempts. The court may also order medical  
14 support and the payment of expenses as described in section 43-1407.

15 Sec. 10. Section 43-1402, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 43-1402 The father of a child whose paternity is established either  
18 by judicial proceedings or by acknowledgment as hereinafter provided  
19 shall be liable for the child's ~~its~~ support to the same extent and in the  
20 same manner as the parent ~~father~~ of a child born in lawful wedlock is  
21 liable for the child's ~~its~~ support. The mother of a child shall also be  
22 liable for its support. The liability of each parent may be determined,  
23 enforced, and discharged in accordance with the methods hereinafter  
24 provided.

25 Sec. 11. Section 43-1404, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

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

1           Sec. 12. Section 43-1405, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           43-1405 A settlement provided for in section 43-1404 means a  
4 voluntary agreement between one parent ~~the father~~ of the child and the  
5 other parent ~~mother~~ or some person authorized to act in his or her  
6 behalf, or between one parent ~~the father~~ and the next friend or guardian  
7 of the child, whereby the parent ~~father~~ promises to make adequate  
8 provision for the support of the child. In the event that such a  
9 settlement is made it shall be binding on all parties and shall bar all  
10 other remedies ~~of the mother and child and the legal representatives of~~  
11 ~~the child so long as it shall be performed by the father,~~ if such said  
12 settlement is approved by the court having jurisdiction to compel the  
13 support of the child. The court shall approve such settlement only if it  
14 shall find and determine that adequate provision is made for the support  
15 of the child and that the parents ~~father~~ shall have offered clear  
16 evidence of their ~~his~~ willingness and ability to perform the agreement.  
17 The court, in its discretion, may require a parent ~~the father~~ to furnish  
18 bond with proper sureties conditioned upon the performance of the  
19 settlement.

20           Sec. 13. Section 43-1407, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22           43-1407 (1) The parent ~~father~~ of a child shall also be liable for  
23 the reasonable expenses of (a) the child that are associated with the  
24 birth of the child and (b) the mother of such child during the period of  
25 her pregnancy, confinement, and recovery. Such liability shall be  
26 determined and enforced in the same manner as the liability of the parent  
27 ~~father~~ for the support of the child.

28           (2) In cases in which any medical expenses associated with the birth  
29 of the child and the mother of such child during the period of her  
30 pregnancy, confinement, and recovery are paid by the medical assistance  
31 program, the county attorney or authorized attorney, as defined in

1 section 43-1704, may petition the court for a judgment for all or a  
2 portion of the reasonable medical expenses paid by the medical assistance  
3 program. Any medical expenses associated with the birth of such child and  
4 the mother of such child during the period of her pregnancy, confinement,  
5 and recovery that are approved and paid by the medical assistance program  
6 shall be presumed to be medically reasonable. If the other parent ~~father~~  
7 challenges any such expenses as not medically reasonable, he or she ~~has~~  
8 the burden of proving that such expenses were not medically reasonable.

9 (3) A civil proceeding to recover medical expenses pursuant to this  
10 section may be instituted within four years after the child's birth.  
11 Summons shall issue and be served as in other civil proceedings, except  
12 that such summons may be directed to the sheriff of any county in the  
13 state and may be served in any county.

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

16 43-1410 Any judicially approved settlement or order of support made  
17 by a court having jurisdiction in the premises shall be binding on the  
18 legal representatives of the parents ~~father or mother~~ in the event of  
19 their deaths ~~his or her death~~, to the same extent as other contractual  
20 obligations and judicial judgments or decrees.

21 Sec. 15. Section 44-705, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 44-705 A minor not less than ten years of age, as determined by  
24 nearest birthday, shall not be deemed incompetent by reason of such  
25 minority to contract for or with respect to insurance or annuities upon  
26 his or her ~~life~~ or against bodily injury or death by accident or  
27 disability from sickness, for the benefit of himself or herself or his or  
28 her ~~estate~~, or for the benefit of the parent ~~father, mother, spouse~~  
29 ~~husband, wife, brother, or sister~~ of such minor. Such ~~;~~ ~~nor shall~~ such  
30 minor shall not be deemed incompetent by reason of such minority to  
31 surrender such insurance or give a valid discharge on account of any

1 benefit accruing or for money payable under the contract, except that ÷  
2 ~~Provided~~, such surrender or discharge shall be approved in writing by the  
3 parent of such minor or person liable for his or her support.

4 Sec. 16. Section 48-604, Revised Statutes Cumulative Supplement,  
5 2014, is amended to read:

6 48-604 As used in the Employment Security Law, unless the context  
7 otherwise requires, employment shall mean:

8 (1) Any service performed, including service in interstate commerce,  
9 for wages under a contract of hire, written or oral, express or implied;

10 (2) The term employment shall include an individual's entire  
11 service, performed within or both within and without this state if (a)  
12 the service is localized in this state, (b) the service is not localized  
13 in any state but some of the service is performed in this state and the  
14 base of operations or, if there is no base of operations, then the place  
15 from which such service is directed or controlled is in this state or the  
16 base of operations or place from which such service is directed or  
17 controlled is not in any state in which some part of the service is  
18 performed but the individual's residence is in this state, (c) the  
19 service shall be deemed to be localized within a state if (i) the service  
20 is performed entirely within such state or (ii) the service is performed  
21 both within and without such state, but the service performed without  
22 such state is incidental to the individual's service within the state,  
23 for example, is temporary or transitory in nature or consists of isolated  
24 transactions;

25 (3) Services performed outside the state and services performed  
26 outside the United States as follows:

27 (a) Services not covered under subdivision (2) of this section and  
28 performed entirely without this state, with respect to no part of which  
29 contributions are required under an unemployment compensation law of any  
30 other state or of the federal government, shall be deemed to be  
31 employment subject to the Employment Security Law if the commissioner



1 approves the election of the employer, for whom such services are  
2 performed, that the entire service of such individual shall be deemed to  
3 be employment subject to such law;

4 (b) Services of an individual wherever performed within the United  
5 States or Canada if (i) such service is not covered under the employment  
6 compensation law of any other state or Canada and (ii) the place from  
7 which the service is directed or controlled is in this state;

8 (c)(i) Services of an individual who is a citizen of the United  
9 States, performed outside the United States except in Canada in the  
10 employ of an American employer, other than service which is deemed  
11 employment under subdivisions (2) and (3)(a) and (b) of this section or  
12 the parallel provisions of another state's law, if:

13 (A) The employer's principal place of business in the United States  
14 is located in this state;

15 (B) The employer has no place of business in the United States, but  
16 the employer is an individual who is a resident of this state; the  
17 employer is a corporation or limited liability company which is organized  
18 under the laws of this state; or the employer is a partnership or a trust  
19 and the number of the partners or trustees who are residents of this  
20 state is greater than the number who are residents of any other state; or

21 (C) None of the criteria of subdivisions (A) and (B) of this  
22 subdivision are met, but the employer has elected coverage in this state  
23 or, the employer having failed to elect coverage in any state, the  
24 individual has filed a claim for benefits based on such service under the  
25 laws of this state.

26 (ii) American employer, for the purposes of this subdivision, shall  
27 mean: (A) An individual who is a resident of the United States; (B) a  
28 partnership if two-thirds or more of the partners are residents of the  
29 United States; (C) a trust if all the trustees are residents of the  
30 United States; or (D) a corporation or limited liability company  
31 organized under the laws of the United States or of any state.

1 (iii) The term United States for the purpose of this section  
2 includes the states, the District of Columbia, the Virgin Islands, and  
3 the Commonwealth of Puerto Rico;

4 (4)(a) Service performed in the employ of this state or any  
5 political subdivision thereof or any instrumentality of any one or more  
6 of the foregoing or any instrumentality which is wholly owned by this  
7 state and one or more other states or political subdivisions, or any  
8 service performed in the employ of any instrumentality of this state or  
9 of any political subdivision thereof and one or more other states or  
10 political subdivisions if such service is excluded from employment as  
11 defined in the Federal Unemployment Tax Act, as amended, solely by reason  
12 of 26 U.S.C. 3306(c)(7), and is not otherwise excluded under this  
13 section;

14 (b) Service performed by an individual in the employ of a religious,  
15 charitable, educational, or other organization, but only if the following  
16 conditions are met: (i) The service is excluded from employment as  
17 defined in the Federal Unemployment Tax Act, as amended, solely by reason  
18 of 26 U.S.C. 3306(c)(8), and is not otherwise excluded under this  
19 section; and (ii) the organization had four or more individuals in  
20 employment for some portion of a day in each of twenty different weeks,  
21 whether or not such weeks were consecutive, within either the current or  
22 preceding calendar year, regardless of whether they were employed at the  
23 same moment of time;

24 (c)(i) Service performed by an individual in agricultural labor as  
25 defined in subdivision (6)(a) of this section when such service is  
26 performed for a person who during any calendar quarter in either the  
27 current or preceding calendar year paid remuneration in cash of twenty  
28 thousand dollars or more to individuals employed in agricultural labor,  
29 or for some portion of a day in each of twenty different calendar weeks,  
30 whether or not such weeks were consecutive, in either the current or the  
31 preceding calendar year, employed in agricultural labor ten or more

1 individuals, regardless of whether they were employed at the same moment  
2 of time.

3 (ii) For purposes of this subdivision:

4 (A) Any individual who is a member of a crew furnished by a crew  
5 leader to perform services in agricultural labor for any other person  
6 shall be treated as an employee of such crew leader if such crew leader  
7 holds a valid certificate of registration under the Migrant and Seasonal  
8 Agricultural Worker Protection Act, as amended, 29 U.S.C. 1801 et seq. ;  
9 substantially all the members of such crew operate or maintain tractors,  
10 mechanized harvesting or cropdusting equipment, or any other mechanized  
11 equipment, which is provided by such crew leader; and such individual is  
12 not an employee of such other person within the meaning of any other  
13 provisions of this section;

14 (B) In case any individual who is furnished by a crew leader to  
15 perform service in agricultural labor for any other person and who is not  
16 treated as an employee of such crew leader under subdivision (A) of this  
17 subdivision, such other person and not the crew leader shall be treated  
18 as the employer of such individual and such other person shall be treated  
19 as having paid cash remuneration to such individual in an amount equal to  
20 the amount of cash remuneration paid to such individual by the crew  
21 leader, either on his or her own behalf or on behalf of such other  
22 person, for the service in agricultural labor performed for such other  
23 person; and

24 (C) The term crew leader shall mean an individual who furnishes  
25 individuals to perform service in agricultural labor for any other  
26 person, pays, either on his or her own behalf or on behalf of such other  
27 person, the individuals so furnished by him or her for the service in  
28 agricultural labor performed by them, and has not entered into a written  
29 agreement with such other person under which such individual is  
30 designated as an employee of such other person; and

31 (d) Service performed by an individual in domestic service in a

1 private home, local college club, or local chapter of a college  
2 fraternity or sorority if performed for a person who paid cash  
3 remuneration of one thousand dollars or more in the current calendar year  
4 or the preceding calendar year to individuals employed in such domestic  
5 service in any calendar quarter;

6 (5) Services performed by an individual for wages, including wages  
7 received under a contract of hire, shall be deemed to be employment  
8 unless it is shown to the satisfaction of the commissioner that (a) such  
9 individual has been and will continue to be free from control or  
10 direction over the performance of such services, both under his or her  
11 contract of service and in fact, (b) such service is either outside the  
12 usual course of the business for which such service is performed or such  
13 service is performed outside of all the places of business of the  
14 enterprise for which such service is performed, and (c) such individual  
15 is customarily engaged in an independently established trade, occupation,  
16 profession, or business. The provisions of this subdivision are not  
17 intended to be a codification of the common law and shall be considered  
18 complete as written;

19 (6) The term employment shall not include:

20 (a) Agricultural labor, except as provided in subdivision (4)(c) of  
21 this section, including all services performed:

22 (i) On a farm, in the employ of any employer, in connection with  
23 cultivating the soil or in connection with raising or harvesting any  
24 agricultural or horticultural commodity, including the raising, shearing,  
25 feeding, caring for, training, and management of livestock, bees,  
26 poultry, fur-bearing animals, and wildlife;

27 (ii) In the employ of the owner, tenant, or other operator of a  
28 farm, in connection with the operation, management, conservation,  
29 improvement, or maintenance of such farm and its tools and equipment or  
30 in salvaging timber or clearing land of brush and other debris left by a  
31 windstorm, if the major part of such service is performed on a farm;

1 (iii) In connection with the production or harvesting of any  
2 commodity defined as an agricultural commodity in section 15(g) of the  
3 federal Agricultural Marketing Act, as amended, 12 U.S.C. 1141j, in  
4 connection with the operation or maintenance of ditches, canals,  
5 reservoirs, or waterways, not owned or operated for profit, used  
6 exclusively for supplying and storing water for farming purposes;

7 (iv)(A) In the employ of the operator of a farm in handling,  
8 planting, drying, packing, packaging, processing, freezing, grading,  
9 storing, or delivering to storage or to market or to a carrier for  
10 transportation to market, in its unmanufactured state, any agricultural  
11 or horticultural commodity, but only if such operator produced more than  
12 one-half of the commodity with respect to which such service is  
13 performed, or (B) in the employ of a group of operators of farms, or a  
14 cooperative organization of which such operators are members, in the  
15 performance of service described in subdivision (A) of this subdivision,  
16 but only if such operators produced more than one-half of the commodity  
17 with respect to which such service is performed. Subdivisions (A) and (B)  
18 of this subdivision shall not be deemed to be applicable with respect to  
19 service performed in connection with commercial canning or commercial  
20 freezing or in connection with any agricultural or horticultural  
21 commodity after its delivery to a terminal market for distribution for  
22 consumption; or

23 (v) On a farm operated for profit if such service is not in the  
24 course of the employer's trade or business.

25 As used in this section, the term farm includes stock, dairy,  
26 poultry, fruit, fur-bearing animal, and truck farms, plantations,  
27 ranches, nurseries, ranges, greenhouses, or other similar structures used  
28 primarily for the raising of agricultural or horticultural commodities,  
29 and orchards;

30 (b) Domestic service, except as provided in subdivision (4)(d) of  
31 this section, in a private home, local college club, or local chapter of

1 a college fraternity or sorority;

2 (c) Service not in the course of the employer's trade or business  
3 performed in any calendar quarter by an employee, unless the cash  
4 remuneration paid for such service is fifty dollars or more and such  
5 service is performed by an individual who is regularly employed by such  
6 employer to perform such service and, for the purposes of this  
7 subdivision, an individual shall be deemed to be regularly employed by an  
8 employer during a calendar quarter only if (i) on each of some twenty-  
9 four days during such quarter such individual performs for such employer  
10 for some portion of the day service not in the course of the employer's  
11 trade or business, or (ii) such individual was regularly employed, as  
12 determined under subdivision (i) of this subdivision, by such employer in  
13 the performance of such service during the preceding calendar quarter;

14 (d) Service performed by an individual in the employ of his or her  
15 son, daughter, or spouse and service performed by a child under the age  
16 of twenty-one in the employ of his or her parent ~~father or mother~~;

17 (e) Service performed in the employ of the United States Government  
18 or an instrumentality of the United States immune under the Constitution  
19 of the United States from the contributions imposed by sections 48-648  
20 and 48-649, except that, to the extent that the Congress of the United  
21 States shall permit states to require any instrumentalities of the United  
22 States to make payments into an unemployment fund under a state  
23 unemployment compensation act, all of the Employment Security Law shall  
24 be applicable to such instrumentalities and to services performed for  
25 such instrumentalities in the same manner, to the same extent, and on the  
26 same terms as to all other employers, individuals, and services, except  
27 that if this state is not certified for any year by the Secretary of  
28 Labor of the United States under section 3304 of the Internal Revenue  
29 Code as defined in section 49-801.01, the payments required of such  
30 instrumentalities with respect to such year shall be refunded by the  
31 commissioner from the fund in the same manner and within the same period

1 as is provided in section 48-660, with respect to contributions  
2 erroneously collected;

3 (f) Service performed in the employ of this state or any political  
4 subdivision thereof or any instrumentality of any one or more of the  
5 foregoing if such services are performed by an individual in the exercise  
6 of his or her duties: (i) As an elected official; (ii) as a member of the  
7 legislative body or a member of the judiciary of a state or political  
8 subdivision thereof; (iii) as a member of the Army National Guard or Air  
9 National Guard; (iv) as an employee serving on a temporary basis in case  
10 of fire, storm, snow, earthquake, flood, or similar emergency; (v) in a  
11 position which, under or pursuant to the state law, is designated a major  
12 nontenured policymaking or advisory position, or a policymaking or  
13 advisory position, the performance of the duties of which ordinarily does  
14 not require more than eight hours per week; or (vi) as an election  
15 official or election worker if the amount of remuneration received by the  
16 individual during the calendar year for services as an election official  
17 or election worker is less than one thousand dollars;

18 (g) For the purposes of subdivisions (4)(a) and (4)(b) of this  
19 section, service performed:

20 (i) In the employ of (A) a church or convention or association of  
21 churches or (B) an organization which is operated primarily for religious  
22 purposes and which is operated, supervised, controlled, or principally  
23 supported by a church or convention or association of churches;

24 (ii) By a duly ordained, commissioned, or licensed minister of a  
25 church in the exercise of his or her ministry or by a member of a  
26 religious order in the exercise of the duties required by such order;

27 (iii) In a facility conducted for the purpose of carrying out a  
28 program of rehabilitation for an individual whose earning capacity is  
29 impaired by age or physical or mental deficiency or injury, or providing  
30 remunerative work for the individuals who because of their impaired  
31 physical or mental capacity cannot be readily absorbed in the competitive

1 labor market, by an individual receiving such rehabilitation or  
2 remunerative work;

3 (iv) As part of an unemployment work relief or work-training program  
4 assisted or financed in whole or in part by any federal agency or an  
5 agency of a state or political subdivision thereof, by an individual  
6 receiving such work relief or work training; or

7 (v) By an inmate of a custodial or penal institution;

8 (h) Service with respect to which unemployment compensation is  
9 payable under an unemployment compensation system established by an act  
10 of Congress;

11 (i) Service performed in any calendar quarter in the employ of any  
12 organization exempt from income tax under section 501(a) of the Internal  
13 Revenue Code as defined in section 49-801.01, other than an organization  
14 described in section 401(a) of the Internal Revenue Code as defined in  
15 section 49-801.01, or under section 521 thereof, if the remuneration for  
16 such service is less than fifty dollars;

17 (j) Service performed in the employ of a school, college, or  
18 university, if such service is performed (i) by a student who is  
19 enrolled, regularly attending classes at, and working for such school,  
20 college, or university pursuant to a financial assistance arrangement  
21 with such school, college, or university or (ii) by the spouse of such  
22 student, if such spouse is advised, at the time such spouse commences to  
23 perform such service, that (A) the employment of such spouse to perform  
24 such service is provided under a program to provide financial assistance  
25 to such student by such school, college, or university and (B) such  
26 employment will not be covered by any program of unemployment insurance;

27 (k) Service performed as a student nurse in the employ of a hospital  
28 or nurses training school by an individual who is enrolled and is  
29 regularly attending classes in a nurses training school chartered or  
30 approved pursuant to state law; and service performed as an intern in the  
31 employ of a hospital by an individual who has completed a four-year



1 course in a medical school chartered or approved pursuant to state law;

2 (l) Service performed by an individual as a real estate salesperson,  
3 as an insurance agent, or as an insurance solicitor, if all such service  
4 performed by such individual is performed for remuneration solely by way  
5 of commission;

6 (m) Service performed by an individual under the age of eighteen in  
7 the delivery or distribution of newspapers or shopping news, not  
8 including delivery or distribution to any point for subsequent delivery  
9 or distribution;

10 (n) Service performed by an individual in the sale, delivery, or  
11 distribution of newspapers or magazines under a written contract in which

12 (i) the individual acknowledges that the individual performing the  
13 service and the service are not covered and (ii) the newspapers and  
14 magazines are sold by him or her at a fixed price with his or her  
15 compensation being based on the retention of the excess of such price  
16 over the amount at which the newspapers or magazines are charged to him  
17 or her, whether or not he or she is guaranteed a minimum amount of  
18 compensation for such service, or is entitled to be credited with the  
19 unsold newspapers or magazines turned back;

20 (o) Service performed by an individual who is enrolled at a  
21 nonprofit or public educational institution which normally maintains a  
22 regular faculty and curriculum and normally has a regularly organized  
23 body of students in attendance at the place where its educational  
24 activities are carried on, as a student in a full-time program, taken for  
25 credit at such institution, which combines academic instruction with work  
26 experience, if such service is an integral part of such program, and such  
27 institution has so certified to the employer, except that this  
28 subdivision shall not apply to service performed in a program established  
29 for or on behalf of an employer or a group of employers;

30 (p) Service performed in the employ of a hospital, if such service  
31 is performed by a patient of the hospital;

1 (q) Service performed for a motor carrier, as defined in 49 U.S.C.  
2 13102 or section 75-302, as amended, by a lessor leasing one or more  
3 motor vehicles driven by the lessor or one or more drivers provided by  
4 the lessor under a lease, with the motor carrier as lessee, executed  
5 pursuant to 49 C.F.R. part 376, Title 291, Chapter 3, as amended, of the  
6 rules and regulations of the Public Service Commission, or the rules and  
7 regulations of the Division of Motor Carrier Services. This shall not  
8 preclude the determination of an employment relationship between the  
9 lessor and any personnel provided by the lessor in the conduct of the  
10 service performed for the lessee;

11 (r) Service performed by an individual for a business engaged in  
12 compilation of marketing data bases if such service consists only of the  
13 processing of data and is performed in the residence of the individual;

14 (s) Service performed by an individual as a volunteer research  
15 subject who is paid on a per study basis for scientific, medical, or  
16 drug-related testing for any organization other than one described in  
17 section 501(c)(3) of the Internal Revenue Code as defined in section  
18 49-801.01 or any governmental entity;

19 (t) Service performed by a direct seller if:

20 (i) Such person is engaged in sales primarily in person and is:

21 (A) Engaged in the trade or business of selling or soliciting the  
22 sale of consumer products or services to any buyer on a buy-sell basis or  
23 a deposit-commission basis for resale, by the buyer or any other person,  
24 in the home or otherwise than in a permanent retail establishment;

25 (B) Engaged in the trade or business of selling or soliciting the  
26 sale of consumer products or services in the home or otherwise than in a  
27 permanent retail establishment; or

28 (C) Engaged in the trade or business of the delivering or  
29 distribution of newspapers or shopping news, including any services  
30 directly related to such trade or business;

31 (ii) Substantially all the remuneration, whether or not paid in

1 cash, for the performance of the services described in subdivision (t)(i)  
2 of this subdivision is directly related to sales or other output,  
3 including the performance of services, rather than to the number of hours  
4 worked; and

5 (iii) The services performed by the person are performed pursuant to  
6 a written contract between such person and the person for whom the  
7 services are performed and the contract provides that the person will not  
8 be treated as an employee for federal and state tax purposes. Sales by a  
9 person whose business is conducted primarily by telephone or any other  
10 form of electronic sales or solicitation is not service performed by a  
11 direct seller under this subdivision;

12 (u) Service performed by an individual who is a participant in the  
13 National and Community Service State Grant Program, also known as  
14 AmeriCorps, because a participant is not considered an employee of the  
15 organization receiving assistance under the national service laws through  
16 which the participant is engaging in service pursuant to 42 U.S.C.  
17 12511(30)(B); and

18 (v) Service performed at a penal or custodial institution by a  
19 person committed to a penal or custodial institution;

20 (7) If the services performed during one-half or more of any pay  
21 period by an individual for the person employing him or her constitute  
22 employment, all the services of such individual for such period shall be  
23 deemed to be employment, but if the services performed during more than  
24 one-half of any such pay period by an individual for the person employing  
25 him or her do not constitute employment, then none of the services of  
26 such individual for such period shall be deemed to be employment. As used  
27 in this subdivision, the term pay period means a period, of not more than  
28 thirty-one consecutive days, for which a payment of remuneration is  
29 ordinarily made to such individual by the person employing him or her.  
30 This subdivision shall not be applicable with respect to services  
31 performed in a pay period by an individual for the person employing him

1 or her when any of such service is excepted by subdivision (6)(h) of this  
2 section; and

3 (8) Notwithstanding the foregoing exclusions from the definition of  
4 employment, services shall be deemed to be in employment if with respect  
5 to such services a tax is required to be paid under any federal law  
6 imposing a tax against which credit may be taken for contributions  
7 required to be paid into a state unemployment compensation fund or which  
8 as a condition for full tax credit against the tax imposed by the Federal  
9 Unemployment Tax Act, as amended, is required to be covered under the  
10 Employment Security Law.

11 Sec. 17. Section 68-149, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 68-149 The county shall be reimbursed for any medical assistance or  
14 health services by the spouse, ~~father,~~ or parent ~~mother~~ of any recipient  
15 if they or any of them are of sufficient ability. A proceeding may be  
16 instituted in any court of competent jurisdiction in this state against  
17 such relative for reimbursement of medical care or health services made  
18 to or on behalf of a recipient at any time prior to the expiration of one  
19 year after the date of the last assistance payment. Suit shall be  
20 instituted in the name of the county.

21 Sec. 18. Section 68-913, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 68-913 (1) Each public school district shall annually, at the  
24 beginning of the school year, provide written information supplied by the  
25 department to every student describing the availability of children's  
26 health services provided under the medical assistance program.

27 (2) Each hospital shall provide a parent ~~the mother~~ of every child  
28 born in such hospital, at the time of such birth, written information  
29 provided by the department describing the availability of children's  
30 health services provided under the medical assistance program.

31 (3) The department shall develop and implement other activities

1 designed to increase public awareness of the availability of children's  
2 health services provided under the medical assistance program. Such  
3 activities shall include materials and efforts designed to increase  
4 participation in the program by minority populations.

5 Sec. 19. Section 71-604, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 71-604 (1) A certificate for each live birth which occurs in the  
8 State of Nebraska shall be filed on a standard Nebraska certificate form.  
9 Such certificate shall be filed with the department within five business  
10 days after the birth.

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

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

22 (a) The physician or physician assistant in attendance at or  
23 immediately after the birth;

24 (b) Either parent ~~The father, the mother,~~ or, in the absence or  
25 inability of both parents of the father and the inability of the mother,  
26 the person in charge of the premises where the birth occurred; or

27 (c) Any other person in attendance at or immediately after the  
28 birth.

29 Sec. 20. Section 71-617.04, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 71-617.04 In order to request the issuance of a certificate of

1 delayed birth registration, the applicant shall be at least eighteen  
2 years of age. If the applicant is not yet eighteen years of age,  
3 application may be made only by the applicant's parent ~~father, mother,~~  
4 guardian, or attendant at birth.

5 Sec. 21. Section 71-628, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

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

21 Sec. 22. Section 71-640, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 71-640 (1) Until the registrant's first birthday, given names may be  
24 changed upon written request of (a) both parents, (b) the biological  
25 mother in the case of a child born out of wedlock ~~or the death or~~  
26 ~~incapacity of the father~~, (c) one parent ~~the father~~ in the case of the  
27 death or incapacity of the other parent ~~mother~~, or (d) the guardian or  
28 agency having legal custody of the registrant in the case of the death or  
29 incapacity of both parents.

30 (2) At any time after the registrant's first birthday and until the  
31 seventh birthday, given names may be changed upon written request as

1 specified in subsection (1) of this section and submission of one or more  
2 items of documentary evidence to support the change.

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

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

8 71-640.01 The information pertaining to the identification of the  
9 parents ~~father~~ at the time of birth of an infant born in this state and  
10 reported on a birth certificate, filled out and filed pursuant to the  
11 Vital Statistics Act, shall comply with the following:

12 (1) If the mother was married at the time of either conception or  
13 birth or at any time between conception and birth, the name of the mother  
14 and her spouse ~~husband~~ shall be entered on the certificate as the parents  
15 ~~father~~ of the child unless (a) paternity has been determined otherwise by  
16 a court of competent jurisdiction, (b) the mother and the mother's spouse  
17 ~~husband~~ execute affidavits attesting that the mother's spouse ~~husband~~ is  
18 not the parent ~~father~~ of the child, in which case information about the  
19 mother's spouse ~~father~~ shall be omitted from the certificate, (c) the  
20 mother executes an affidavit attesting that she is not the parent and the  
21 biological father executes an affidavit attesting that he is the father  
22 and his spouse executes an affidavit that the father's spouse is the  
23 other parent, or (d e) the mother executes an affidavit attesting that  
24 the mother's spouse ~~husband~~ is not the parent ~~father~~ and that the  
25 putative father is the parent ~~father~~, the putative father executes an  
26 affidavit attesting that he is the parent ~~father~~, and the mother's spouse  
27 ~~husband~~ executes an affidavit attesting that the mother's spouse ~~he~~ is  
28 not the parent ~~father~~. In such event, the putative father shall be shown  
29 as the parent ~~father~~ on the certificate. For affidavits executed under  
30 subdivision (b), (c), or (d e) of this subdivision, each signature shall  
31 be individually notarized;

1 (2) If the mother was not married at the time of either conception  
2 or birth or at any time between conception and birth, the name of the  
3 biological father shall not be entered on the certificate without the  
4 written consent of the mother and the person named as the biological  
5 father;

6 (3) In any case in which paternity of a child is determined by a  
7 court of competent jurisdiction, the name of the father shall be entered  
8 on the certificate in accordance with the finding of the court; and

9 (4) If the biological father is not named on the certificate, no  
10 other information about the father shall be entered thereon.

11 The identification of the biological father as provided in this  
12 section shall not be deemed to affect the legitimacy of the child or duty  
13 to support as set forth in sections 42-377 and 43-1401.

14 Sec. 24. Section 71-640.02, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 71-640.02 The department shall enter on the birth certificate of any  
17 child born out of wedlock the name of the biological father of the child  
18 upon receipt of (1) a certified copy of a court order showing that  
19 paternity has been established or a statement in writing by the father  
20 that he is the biological father of the child and (2) the written request  
21 of (a) the parent having legal custody of the child or (b) the guardian  
22 or agency having legal custody of the child. The surname of the child  
23 shall be determined in accordance with section 71-640.03.

24 Sec. 25. Section 71-640.03, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 71-640.03 (1) In any case in which paternity of a child is  
27 determined by a court of competent jurisdiction, the surname of the child  
28 may be entered on the record the same as the surname of the biological  
29 father.

30 (2) The surname of the child shall be the parents' prerogative,  
31 except that the department shall not accept a birth certificate with a



1 child's surname that implies any obscene or objectionable words or  
2 abbreviations.

3 Sec. 26. Section 71-640.04, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 71-640.04 The name of the biological father as shown on the birth  
6 certificate may be changed and a new certificate issued only when a  
7 determination of paternity is made by a court of competent jurisdiction.  
8 The evidence from which the new certificate is prepared and the original  
9 certificate of birth shall be available for inspection only upon the  
10 order of a court of competent jurisdiction.

11 Sec. 27. Section 71-641, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 71-641 (1) Until the registrant's seventh birthday, the given name,  
14 for a child whose birth was recorded without a given name, may be added  
15 based upon an affidavit signed by (a) both parents, (b) the biological  
16 mother in the case of a child born out of wedlock ~~or the death or~~  
17 ~~incapacity of the father~~, (c) one parent ~~the father~~ in the case of the  
18 death or incapacity of the other parent ~~mother~~, or (d) the guardian or  
19 agency having legal custody of the registrant in the case of the death or  
20 incapacity of both parents. A certificate amended in this manner prior to  
21 the first birthday shall not be marked amended.

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

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

28 Sec. 28. Section 71-2103, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 71-2103 Every hospital, birth center, or other medical facility that  
31 discharges a newborn child shall request that each parent ~~maternity~~

1 ~~patient and father~~ of a newborn child, if available, view a video  
2 presentation and read printed materials, approved by the Department of  
3 Health and Human Services, on the dangers of shaking infants and  
4 children, the symptoms of shaken baby syndrome, the dangers associated  
5 with rough handling or the striking of an infant, safety measures which  
6 can be taken to prevent sudden infant death, and the dangers associated  
7 with infants sleeping in the same bed with other children or adults.  
8 After viewing the presentation and reading the materials or upon a  
9 refusal to do so, the hospital, birth center, or other medical facility  
10 shall request that each parent ~~the mother and father~~, if available, sign  
11 a form stating that he or she has viewed and read or refused to view and  
12 read the presentation and materials. Such presentation, materials, and  
13 forms may be provided by the department.

14 Sec. 29. Section 79-233, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 79-233 For purposes of sections 79-232 to 79-246:

17 (1) Enrollment option program means the program established in  
18 section 79-234;

19 (2) Option school district means the public school district that an  
20 option student chooses to attend instead of his or her resident school  
21 district;

22 (3) Option student means a student that has chosen to attend an  
23 option school district, including a student who resides in a learning  
24 community and began attendance as an option student in an option school  
25 district in such learning community prior to the end of the first full  
26 school year for which the option school district will be a member of such  
27 learning community, but not including a student who resides in a learning  
28 community and who attends pursuant to section 79-2110 another school  
29 district in such learning community;

30 (4) Resident school district means the public school district in  
31 which a student resides or the school district in which the student is

1 admitted as a resident of the school district pursuant to section 79-215;  
2 and

3 (5) Siblings means all children residing in the same household on a  
4 permanent basis who have the same parent ~~mother or father~~ or who are  
5 stepbrother or stepsister to each other.

6 Sec. 30. Original sections 28-702, 37-1267, 43-104, 43-105,  
7 43-1402, 43-1404, 43-1405, 43-1407, 43-1410, 44-705, 68-149, 68-913,  
8 71-604, 71-617.04, 71-628, 71-640, 71-640.01, 71-640.02, 71-640.03,  
9 71-640.04, 71-641, 71-2103, and 79-233, Reissue Revised Statutes of  
10 Nebraska, sections 30-2608, 30-2613, 37-410, 43-292, and 48-604, Revised  
11 Statutes Cumulative Supplement, 2014, and section 43-512.04, Revised  
12 Statutes Supplement, 2015, are repealed.