

AMENDMENTS TO LB966

(Amendments to Standing Committee amendments, AM2947)

Introduced by Lathrop, 12.

1 1. Strike section 18 and insert the following new section:

2 Sec. 18. (1) For purposes of this section:

3 (a) Biological mother means a person who is related to a child as
4 the source of the egg that resulted in the conception of the child; and

5 (b) Birth mother means the person who gave birth to the child.

6 (2) During the period immediately before or after the in-hospital
7 birth of a child whose biological mother is not the same as the birth
8 mother, the person in charge of such hospital or such person's designated
9 representative shall provide to the child's biological mother and birth
10 mother the documents and written instructions for such biological mother
11 and birth mother to complete a notarized acknowledgment of maternity.
12 Such acknowledgment, if signed by both parties and notarized, shall be
13 filed with the department at the same time at which the certificate of
14 live birth is filed.

15 (3) Nothing in this section shall be deemed to require the person in
16 charge of such hospital or such person's designee to seek out or
17 otherwise locate an alleged mother who is not readily identifiable or
18 available.

19 (4) The acknowledgment shall be executed on a form prepared by the
20 department. Such form shall be in essentially the same form provided by
21 the department. The acknowledgment shall include, but not be limited to,
22 (a) a statement by the birth mother consenting to the acknowledgment of
23 maternity and a statement that the biological mother is the legal mother
24 of the child, (b) a statement by the biological mother that she is the
25 biological mother of the child, (c) written information regarding
26 parental rights and responsibilities, and (d) the social security numbers

1 of the mothers.

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

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

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

21 (8)(a) The signing of a notarized acknowledgment of maternity,
22 whether under this section or otherwise, by the biological mother shall
23 create a rebuttable presumption of maternity as against the biological
24 mother. The signed, notarized acknowledgment is subject to the right of
25 any signatory to rescind the acknowledgment at any time prior to the
26 earlier of:

27 (i) Sixty days after the acknowledgment; or

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

31 (b) After the rescission period provided for in subdivision (8)(a)

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

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

15 (i) Paternity has been determined otherwise by a court of competent
16 jurisdiction;

17 (ii) The biological mother and the biological mother's spouse
18 execute affidavits attesting that the biological mother's spouse is not
19 the biological parent of the child, in which case information about the
20 other parent shall be omitted from the certificate; or

21 (iii) The biological mother executes an affidavit attesting that her
22 spouse is not the biological father and naming the biological father; the
23 biological father executes an affidavit attesting that he is the
24 biological father; and the biological mother's spouse executes an
25 affidavit attesting that such spouse is not the biological parent of the
26 child. In such case the biological father shall be shown as the other
27 parent on the certificate.

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

30 (10) If the biological mother was not married at the time of either
31 conception or birth or at any time between conception and birth, the name

1 of the biological father shall not be entered on the certificate as the
2 other parent without the written consent of the biological mother and the
3 person named as the biological father.

4 (11) In any case in which paternity of a child is determined by a
5 court of competent jurisdiction, the name of the adjudicated father shall
6 be entered on the certificate as the other parent in accordance with the
7 finding of the court.

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

10 (13) The identification of the father as provided in this section
11 shall not be deemed to affect the legitimacy of the child or the duty to
12 support as set forth in sections 42-377 and 43-1401 to 43-1418.

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