

LEGISLATIVE BILL 93

Approved by the Governor February 12, 2020

Introduced by Wayne, 13.

A BILL FOR AN ACT relating to paternity; to amend section 43-1411, Reissue Revised Statutes of Nebraska; to provide for intervention by a biological parent in certain proceedings involving juveniles as prescribed; to harmonize provisions; and to repeal the original section.
Be it enacted by the people of the State of Nebraska,

Section 1. Section 43-1411, Reissue Revised Statutes of Nebraska, is amended to read:

43-1411 (1) A civil proceeding to establish the paternity of a child may be instituted, in the court of the district where the child is domiciled or found or, for cases under the Uniform Interstate Family Support Act, where the alleged father is domiciled, by (a) ~~(1)~~ the mother or the alleged father of such child, either during pregnancy or within four years after the child's birth, unless (i) ~~(a)~~ a valid consent or relinquishment has been made pursuant to sections 43-104.08 to 43-104.25 or section 43-105 for purposes of adoption or (ii) ~~(b)~~ a county court or separate juvenile court has jurisdiction over the custody of the child or jurisdiction over an adoption matter with respect to such child pursuant to sections 43-101 to 43-116 or (b) ~~(2)~~ the guardian or next friend of such child or the state, either during pregnancy or 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.

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

Sec. 2. Original section 43-1411, Reissue Revised Statutes of Nebraska, is repealed.