

AMENDMENTS TO LB876

Introduced by Judiciary.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Sections 1 to 5 of this act shall be known and may be
4 cited as the Newborn Safe Haven Act.

5 Sec. 2. For purposes of the Newborn Safe Haven Act:

6 (1) Approved drop-off location means a hospital licensed by the
7 State of Nebraska, staffed fire station, or staffed law enforcement
8 agency displaying a decal or placard as described in section 5 of this
9 act;

10 (2) Department means the Department of Health and Human Services;

11 (3) Emergency medical care provider means an individual or
12 organization licensed in Nebraska to provide emergency medical care
13 pursuant to the Emergency Medical Services Practice Act;

14 (4) Newborn infant means a child who is, or who appears to be,
15 ninety days old or younger; and

16 (5) Newborn safety device means a padded and climate-controlled
17 receptacle, displaying a decal or placard described in section 5 of this
18 act, that meets one of the following requirements:

19 (a) If the receptacle is located at a hospital, the receptacle is
20 conspicuous and visible to hospital staff; and

21 (b) If the receptacle is located at a fire station:

22 (i) The fire station or emergency medical care provider is staffed
23 twenty-four hours per day, seven days per week; and

24 (ii) The receptacle is located in an area that is conspicuous and
25 visible to staff or the receptacle is located in an area that is not
26 visible to staff but is equipped with a motion sensor and a dual alarm
27 system. The dual alarm system shall be programmed to sound first when the

1 receptacle is opened, immediately placing a telephone call to a 911
2 service and dispatching an emergency medical care provider or a
3 firefighter to the location of the receptacle, and to sound a second
4 time, immediately placing a telephone call to a 911 service after
5 movement is detected inside the receptacle.

6 Sec. 3. (1) A parent of a newborn infant may voluntarily release
7 custody of the newborn infant as follows:

8 (a) By surrendering physical custody of the newborn infant, without
9 expressing an intent to regain physical custody, at an approved drop-off
10 location displaying a decal or placard as described in section 5 of this
11 act or by authorizing another person to surrender physical custody on the
12 parent's behalf at an approved drop-off location;

13 (b) By surrendering physical custody of the newborn infant to
14 medical staff at a hospital displaying a decal or placard as described in
15 section 5 of this act, following delivery of the newborn infant in the
16 hospital, when the parent notifies the medical staff that the parent is
17 voluntarily surrendering physical custody of the newborn infant without
18 expressing an intent to regain physical custody; or

19 (c) By surrendering physical custody of the newborn infant, without
20 expressing an intent to regain physical custody, or by authorizing
21 another person to surrender physical custody on behalf of the parent, at
22 an approved drop-off location displaying a decal or placard as described
23 in section 5 of this act or to an emergency medical care provider through
24 a newborn safety device.

25 (2) In lieu of the procedure described in subsection (1) of this
26 section, a parent of a newborn infant, or another person authorized to
27 surrender physical custody of the newborn infant on behalf of the parent,
28 may make telephone contact with a 911 service and surrender physical
29 custody of the newborn infant to an emergency medical care provider
30 responding to such 911 telephone call, without expressing an intent to
31 regain physical custody.

1 (3) For purposes of the Newborn Safe Haven Act and for any judicial
2 proceedings associated with the newborn infant, there shall be a
3 rebuttable presumption that the person who surrenders physical custody
4 pursuant to this section is the newborn infant's parent or has
5 surrendered physical custody with the parent's authorization.

6 (4)(a) Unless the parent or other person surrendering physical
7 custody of a newborn infant clearly expresses an intent to regain
8 physical custody of the newborn infant, any individual on duty at an
9 approved drop-off location or the emergency medical care provider to whom
10 physical custody of the newborn infant was surrendered pursuant to this
11 section shall take physical custody of the newborn infant. The individual
12 on duty at the approved drop-off location or the emergency medical care
13 provider who takes physical custody of the newborn infant shall make a
14 reasonable attempt to obtain from the parent or other person the name of
15 the parent or parents, the circumstances of the newborn infant's birth,
16 the medical history of the newborn infant, and the medical history of the
17 newborn infant's parent or parents. However, the parent or other person
18 is not required to provide the names or medical history information to
19 comply with this section. The individual on duty or medical staff at the
20 approved drop-off location or the emergency medical care provider who
21 takes physical custody of the newborn infant may perform reasonable acts
22 necessary to protect the physical health or safety of the newborn infant
23 and is immune from criminal or civil liability for any acts or omissions
24 made in good faith to comply with the requirements of this section.

25 (b) After the physical custody of a newborn infant is surrendered at
26 an approved drop-off location other than a hospital or an emergency
27 medical care provider, an appropriate staff person shall contact a 911
28 service to have an emergency medical care provider transport the newborn
29 infant to the nearest hospital. Such person shall provide any available
30 parental identification and medical history to the hospital.

31 (5) After the physical custody of a newborn infant is released

1 pursuant to this section, and after such infant is transported to a
2 hospital, if applicable, the staff at the approved drop-off location or
3 the emergency medical care provider shall notify the department as soon
4 as possible.

5 Sec. 4. Subject to available funding, the department shall award
6 grants to be used for the installation, but not for the purchase or
7 ongoing operation, of newborn safety devices, unless the lack of such
8 funding jeopardizes the continued use of an installed device. It is the
9 intent of the Legislature to appropriate fifteen thousand dollars to the
10 department for fiscal year 2024-25 for such purpose.

11 Sec. 5. Subject to available funding, it is the intent of the
12 Legislature to appropriate fifty thousand dollars to the department for
13 fiscal year 2024-25 and ten thousand dollars each year thereafter, to
14 develop, implement, and maintain a public information program to inform
15 the general public of the Newborn Safe Haven Act. Components of the
16 program shall include, but not be limited to:

17 (1) Creation and maintenance of a permanent, interactive website
18 that provides pertinent information to the public about the Newborn Safe
19 Haven Act, including authorized drop-off locations and a method that
20 allows the parent of a newborn infant surrendered under the act to
21 anonymously provide information about the medical history of the infant
22 and family. The website shall also provide a method for a parent to
23 reconsider the surrender of a newborn infant and allow an individual to
24 undergo paternity testing for the purpose of determining the paternity of
25 a surrendered child;

26 (2) Distribution of literature at statewide locations, as determined
27 by the department, including the toll-free telephone number of the
28 National Safe Haven Alliance;

29 (3) Creation and distribution of decals and placards designating
30 authorized drop-off locations and the toll-free telephone number of the
31 National Safe Haven Alliance;

1 (4) Development of educational, promotional, and informational
2 materials in print, audio, video, electronic, and other media formats to
3 provide the toll-free telephone number of the National Safe Haven
4 Alliance; and

5 (5) Training for emergency care providers, 911 operators, hospital
6 staff, firefighters, law enforcement officers, or any member of the
7 public expressing an interest in such training.

8 Sec. 6. Section 28-720, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 28-720 (1) All cases entered into the central registry of child
11 protection cases maintained pursuant to section 28-718 shall be
12 classified as one of the following:

13 (a) Court substantiated, if a court of competent jurisdiction has
14 entered a judgment of guilty against the subject of the report of child
15 abuse or neglect upon a criminal complaint, indictment, or information or
16 there has been an adjudication of jurisdiction of a juvenile court over
17 the child under subdivision (3)(a) of section 43-247 which relates or
18 pertains to the report of child abuse or neglect;

19 (b) Court pending, if a criminal complaint, indictment, or
20 information or a juvenile petition under subdivision (3)(a) of section
21 43-247, which relates or pertains to the subject of the report of abuse
22 or neglect, has been filed and is pending in a court of competent
23 jurisdiction; or

24 (c) Agency substantiated, if the department's determination of child
25 abuse or neglect against the subject of the report of child abuse or
26 neglect was supported by a preponderance of the evidence and based upon
27 an investigation pursuant to section 28-712.01 or 28-713.

28 (2) If a case described in subdivision (1)(b) of this section is
29 dismissed by the court or a juvenile petition under subdivision (3)(a) of
30 section 43-247 is redesignated to indicate there is no fault on the part
31 of the parent, guardian, or custodian, the case shall be immediately

1 expunged from the central registry of child protection cases.

2 (3)(a) If the subject of the report of child abuse or neglect is a
3 minor child who is younger than twelve years of age, the case shall not
4 be entered into the central registry of child protection cases.

5 (b) If a juvenile petition is filed under subdivision (3)(a) of
6 section 43-247 indicating that the juvenile is without proper support
7 through no fault of his or her parent, guardian, or custodian, or solely
8 indicating that a newborn infant has been properly surrendered under the
9 Newborn Safe Haven Act, the case shall not be entered into the central
10 registry of child protection cases.

11 (4) If the subject of the report of child abuse or neglect is a
12 minor child who is twelve years of age or older but younger than nineteen
13 years of age, the case shall not be classified as court pending in the
14 central registry of child protection cases.

15 (5) The department shall report annually, on or before September 15,
16 to the Governor and electronically to the chairpersons of the Health and
17 Human Services Committee of the Legislature and the Judiciary Committee
18 of the Legislature the number of cases entered into the central registry
19 of child protection cases in which the subject is a minor child, the ages
20 of such subjects who are children, and the number of such cases
21 classified as court substantiated or agency substantiated.

22 Sec. 7. Section 29-121, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 29-121 No person shall be prosecuted for any crime based solely upon
25 the act of surrendering a newborn infant pursuant to the Newborn Safe
26 Haven Act for any crime based solely upon the act of leaving a child
27 thirty days old or younger in the custody of an employee on duty at a
28 hospital licensed by the State of Nebraska. The hospital shall promptly
29 contact appropriate authorities to take custody of the child.

30 Sec. 8. Section 43-245, Revised Statutes Cumulative Supplement,
31 2022, is amended to read:

1 43-245 For purposes of the Nebraska Juvenile Code, unless the
2 context otherwise requires:

3 (1) Abandonment means a parent's intentionally withholding from a
4 child, without just cause or excuse, the parent's presence, care, love,
5 protection, and maintenance and the opportunity for the display of
6 parental affection for the child. A parent's proper surrender of a
7 newborn infant under the Newborn Safe Haven Act is not abandonment;

8 (2) Age of majority means nineteen years of age;

9 (3) Alternative to detention means a program or directive that
10 increases supervision of a youth in the community in an effort to ensure
11 the youth attends court and refrains from committing a new law violation.
12 Alternative to detention includes, but is not limited to, electronic
13 monitoring, day and evening reporting centers, house arrest, tracking,
14 family crisis response, and temporary shelter placement. Except for the
15 use of manually controlled delayed egress of not more than thirty
16 seconds, placements that utilize physical construction or hardware to
17 restrain a youth's freedom of movement and ingress and egress from
18 placement are not considered alternatives to detention;

19 (4) Approved center means a center that has applied for and received
20 approval from the Director of the Office of Dispute Resolution under
21 section 25-2909;

22 (5) Civil citation means a noncriminal notice which cannot result in
23 a criminal record and is described in section 43-248.02;

24 (6) Cost or costs means (a) the sum or equivalent expended, paid, or
25 charged for goods or services, or expenses incurred, or (b) the
26 contracted or negotiated price;

27 (7) Criminal street gang means a group of three or more people with
28 a common identifying name, sign, or symbol whose group identity or
29 purposes include engaging in illegal activities;

30 (8) Criminal street gang member means a person who willingly or
31 voluntarily becomes and remains a member of a criminal street gang;

1 (9) Custodian means a nonparental caretaker having physical custody
2 of the juvenile and includes an appointee described in section 43-294;

3 (10) Guardian means a person, other than a parent, who has qualified
4 by law as the guardian of a juvenile pursuant to testamentary or court
5 appointment, but excludes a person who is merely a guardian ad litem;

6 (11) Juvenile means any person under the age of eighteen;

7 (12) Juvenile court means the separate juvenile court where it has
8 been established pursuant to sections 43-2,111 to 43-2,127 and the county
9 court sitting as a juvenile court in all other counties. Nothing in the
10 Nebraska Juvenile Code shall be construed to deprive the district courts
11 of their habeas corpus, common-law, or chancery jurisdiction or the
12 county courts and district courts of jurisdiction of domestic relations
13 matters as defined in section 25-2740;

14 (13) Juvenile detention facility has the same meaning as in section
15 83-4,125;

16 (14) Legal custody has the same meaning as in section 43-2922;

17 (15) Mental health facility means a treatment facility as defined in
18 section 71-914 or a government, private, or state hospital which treats
19 mental illness;

20 (16) Nonoffender means a juvenile who is subject to the jurisdiction
21 of the juvenile court for reasons other than legally prohibited conduct,
22 including, but not limited to, juveniles described in subdivision (3)(a)
23 of section 43-247;

24 (17) Parent means one or both parents or stepparents when the
25 stepparent is married to a parent who has physical custody of the
26 juvenile as of the filing of the petition;

27 (18) Parties means the juvenile as described in section 43-247 and
28 his or her parent, guardian, or custodian;

29 (19) Physical custody has the same meaning as in section 43-2922;

30 (20) Except in proceedings under the Nebraska Indian Child Welfare
31 Act, relative means father, mother, grandfather, grandmother, brother,

1 sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt,
2 first cousin, nephew, or niece;

3 (21) Restorative justice means practices, programs, or services that
4 emphasize repairing the harm caused to victims and the community by
5 persons who have caused the harm or committed an offense. Restorative
6 justice practices may include, but are not limited to, victim youth
7 conferencing, victim-offender mediation, youth or community dialogue,
8 panels, circles, and truancy mediation;

9 (22) Restorative justice facilitator means a qualified individual
10 who has been trained to facilitate restorative justice practices. A
11 qualified individual shall be approved by the referring county attorney,
12 city attorney, or juvenile or county court judge. Factors for approval
13 may include, but are not limited to, an individual's education and
14 training in restorative justice principles and practices; experience in
15 facilitating restorative justice sessions; understanding of the necessity
16 to do no harm to either the victim or the person who harmed the victim;
17 and proven commitment to ethical practices;

18 (23) Seal a record means that a record shall not be available to the
19 public except upon the order of a court upon good cause shown;

20 (24) Secure detention means detention in a highly structured,
21 residential, hardware-secured facility designed to restrict a juvenile's
22 movement;

23 (25) Staff secure juvenile facility means a juvenile residential
24 facility operated by a political subdivision (a) which does not include
25 construction designed to physically restrict the movements and activities
26 of juveniles who are in custody in the facility, (b) in which physical
27 restriction of movement or activity of juveniles is provided solely
28 through staff, (c) which may establish reasonable rules restricting
29 ingress to and egress from the facility, and (d) in which the movements
30 and activities of individual juvenile residents may, for treatment
31 purposes, be restricted or subject to control through the use of

1 intensive staff supervision. Staff secure juvenile facility does not
2 include any institution operated by the Department of Correctional
3 Services;

4 (26) Status offender means a juvenile who has been charged with or
5 adjudicated for conduct which would not be a crime if committed by an
6 adult, including, but not limited to, juveniles charged under subdivision
7 (3)(b) of section 43-247 and sections 53-180.01 and 53-180.02;

8 (27) Traffic offense means any nonfelonious act in violation of a
9 law or ordinance regulating vehicular or pedestrian travel, whether
10 designated a misdemeanor or a traffic infraction; and

11 (28) Young adult means an individual older than eighteen years of
12 age but under twenty-one years of age.

13 Sec. 9. Section 43-247, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 43-247 The juvenile court in each county shall have jurisdiction of:

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

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

24 (3) Any juvenile (a) who is homeless or destitute, or without proper
25 support through no fault of his or her parent, guardian, or custodian;
26 who is abandoned by his or her parent, guardian, or custodian; who lacks
27 proper parental care by reason of the fault or habits of his or her
28 parent, guardian, or custodian; whose parent, guardian, or custodian
29 neglects or refuses to provide proper or necessary subsistence,
30 education, or other care necessary for the health, morals, or well-being
31 of such juvenile; whose parent, guardian, or custodian is unable to

1 provide or neglects or refuses to provide special care made necessary by
2 the mental condition of the juvenile; who is in a situation or engages in
3 an occupation, including prostitution, dangerous to life or limb or
4 injurious to the health or morals of such juvenile; who was a newborn
5 infant properly surrendered under the Newborn Safe Haven Act; or who,
6 beginning July 1, 2017, has committed an act or engaged in behavior
7 described in subdivision (1), (2), (3)(b), or (4) of this section and who
8 was under eleven years of age at the time of such act or behavior, (b)(i)
9 who, until July 1, 2017, by reason of being wayward or habitually
10 disobedient, is uncontrolled by his or her parent, guardian, or
11 custodian; who departs himself or herself so as to injure or endanger
12 seriously the morals or health of himself, herself, or others; or who is
13 habitually truant from home or school or (ii) who, beginning July 1,
14 2017, is eleven years of age or older and, by reason of being wayward or
15 habitually disobedient, is uncontrolled by his or her parent, guardian,
16 or custodian; who departs himself or herself so as to injure or endanger
17 seriously the morals or health of himself, herself, or others; or who is
18 habitually truant from home or school, or (c) who is mentally ill and
19 dangerous as defined in section 71-908;

20 (4) Any juvenile who has committed an act which would constitute a
21 traffic offense as defined in section 43-245 and who, beginning July 1,
22 2017, was eleven years of age or older at the time the act was committed;

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

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

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

30 (8) Any juvenile who was a ward of the juvenile court at the
31 inception of his or her guardianship and whose guardianship has been

1 disrupted or terminated;

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

5 (10) The paternity or custody determination for a child over which
6 the juvenile court already has jurisdiction;

7 (11) The proceedings under the Young Adult Bridge to Independence
8 Act; and

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

13 Notwithstanding the provisions of the Nebraska Juvenile Code, the
14 determination of jurisdiction over any Indian child as defined in section
15 43-1503 shall be subject to the Nebraska Indian Child Welfare Act; and
16 the district court shall have exclusive jurisdiction in proceedings
17 brought pursuant to section 71-510.

18 Sec. 10. Section 43-283.01, Revised Statutes Cumulative Supplement,
19 2022, is amended to read:

20 43-283.01 (1) In determining whether reasonable efforts have been
21 made to preserve and reunify the family and in making such reasonable
22 efforts, the juvenile's health and safety are the paramount concern.

23 (2) Except as provided in subsections (4) and (5) of this section,
24 reasonable efforts shall be made to preserve and reunify families prior
25 to the placement of a juvenile in foster care to prevent or eliminate the
26 need for removing the juvenile from the juvenile's home and to make it
27 possible for a juvenile to safely return to the juvenile's home.

28 (3) If continuation of reasonable efforts to preserve and reunify
29 the family is determined to be inconsistent with the permanency plan
30 determined for the juvenile in accordance with a permanency hearing under
31 section 43-1312, efforts shall be made to place the juvenile in a timely

1 manner in accordance with the permanency plan and to complete whatever
2 steps are necessary to finalize the permanent placement of the juvenile.

3 (4) Reasonable efforts to preserve and reunify the family are not
4 required if a court of competent jurisdiction has determined that:

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

8 (b) The parent of the juvenile has (i) committed first or second
9 degree murder to another child of the parent, (ii) committed voluntary
10 manslaughter to another child of the parent, (iii) aided or abetted,
11 attempted, conspired, or solicited to commit murder, or aided or abetted
12 voluntary manslaughter of the juvenile or another child of the parent,
13 (iv) committed a felony assault which results in serious bodily injury to
14 the juvenile or another minor child of the parent, or (v) been convicted
15 of felony sexual assault of the other parent of the juvenile under
16 section 28-319.01 or 28-320.01 or a comparable crime in another state; ~~or~~

17 (c) The parental rights of the parent to a sibling of the juvenile
18 have been terminated involuntarily, unless the termination of parental
19 rights is based solely on the surrender of a newborn infant under the
20 Newborn Safe Haven Act; or -

21 (d) The newborn infant has been properly surrendered under the
22 Newborn Safe Haven Act and no legal or biological parent has attempted to
23 reclaim the infant.

24 (5) Except as otherwise provided in the Nebraska Indian Child
25 Welfare Act, if the family includes a child who was conceived by the
26 victim of a sexual assault and a biological parent is convicted of the
27 crime under section 28-319 or 28-320 or a law in another jurisdiction
28 similar to either section 28-319 or 28-320, the convicted biological
29 parent of such child shall not be considered a part of the child's family
30 for purposes of requiring reasonable efforts to preserve and reunify the
31 family.

1 (6) If reasonable efforts to preserve and reunify the family are not
2 required because of a court determination made under subsection (4) of
3 this section, a permanency hearing, as provided in section 43-1312, shall
4 be held for the juvenile within thirty days after the determination,
5 reasonable efforts shall be made to place the juvenile in a timely manner
6 in accordance with the permanency plan, and whatever steps are necessary
7 to finalize the permanent placement of the juvenile shall be made.

8 (7) Reasonable efforts to place a juvenile for adoption or with a
9 guardian may be made concurrently with reasonable efforts to preserve and
10 reunify the family, but priority shall be given to preserving and
11 reunifying the family as provided in this section.

12 Sec. 11. Section 43-292.02, Revised Statutes Cumulative Supplement,
13 2022, is amended to read:

14 43-292.02 (1) A petition shall be filed on behalf of the state to
15 terminate the parental rights of the juvenile's parents or, if such a
16 petition has been filed by another party, the state shall join as a party
17 to the petition, and the state shall concurrently identify, recruit,
18 process, and approve a qualified family for an adoption of the juvenile,
19 if:

20 (a) A juvenile has been in foster care under the responsibility of
21 the state for fifteen or more months of the most recent twenty-two
22 months;~~or~~

23 (b) A court of competent jurisdiction has determined the juvenile to
24 be an abandoned infant or has made a determination that the parent has
25 committed murder of another child of the parent, committed voluntary
26 manslaughter of another child of the parent, aided or abetted, attempted,
27 conspired, or solicited to commit murder, or aided or abetted voluntary
28 manslaughter of the juvenile or another child of the parent, or committed
29 a felony assault that has resulted in serious bodily injury to the
30 juvenile or another minor child of the parent. For purposes of this
31 subdivision, infant means a child eighteen months of age or younger; or -

1 (c) A court of competent jurisdiction has determined that the
2 newborn infant has been properly surrendered under the Newborn Safe Haven
3 Act and no legal or biological parent has attempted to reclaim such
4 infant.

5 (2) A petition shall not be filed on behalf of the state to
6 terminate the parental rights of the juvenile's parents or, if such a
7 petition has been filed by another party, the state shall not join as a
8 party to the petition if the sole factual basis for the petition is that
9 (a) the parent or parents of the juvenile are financially unable to
10 provide health care for the juvenile or (b) the parent or parents of the
11 juvenile are incarcerated. The fact that a qualified family for an
12 adoption of the juvenile has been identified, recruited, processed, and
13 approved shall have no bearing on whether parental rights shall be
14 terminated.

15 (3) The petition is not required to be filed on behalf of the state
16 or if a petition is filed the state shall not be required to join in a
17 petition to terminate parental rights or to concurrently find a qualified
18 family to adopt the juvenile under this section if:

19 (a) The child is being cared for by a relative;

20 (b) The Department of Health and Human Services has documented in
21 the case plan or permanency plan, which shall be available for court
22 review, a compelling reason for determining that filing such a petition
23 would not be in the best interests of the juvenile; or

24 (c) The family of the juvenile has not had a reasonable opportunity
25 to avail themselves of the services deemed necessary in the case plan or
26 permanency plan approved by the court if reasonable efforts to preserve
27 and reunify the family are required under section 43-283.01.

28 (4) Except as otherwise provided in the Nebraska Indian Child
29 Welfare Act, if a child is conceived by the victim of a sexual assault, a
30 petition for termination of parental rights of the perpetrator shall be
31 granted if such termination is in the best interests of the child and (a)

1 the perpetrator has been convicted of or pled guilty or nolo contendere
2 to sexual assault of the child's birth parent under section 28-319 or
3 28-320 or a law in another jurisdiction similar to either section 28-319
4 or 28-320 or (b) the perpetrator has fathered the child or given birth to
5 the child as a result of such sexual assault.

6 Sec. 12. Section 43-2,129, Revised Statutes Cumulative Supplement,
7 2022, is amended to read:

8 43-2,129 Sections 43-245 to 43-2,129 and sections 14, 15, 16, and 17
9 of this act shall be known and may be cited as the Nebraska Juvenile
10 Code.

11 Sec. 13. Section 71-604, Reissue Revised Statutes of Nebraska, is
12 amended to read:

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

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

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

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

30 (b) The father, the mother, or, in the absence of the father and the
31 inability of the mother, the person in charge of the premises where the

1 birth occurred; or

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

4 (4)(a) When a newborn infant is surrendered under the Newborn Safe
5 Haven Act, a filing with the department as a result of a court order
6 shall constitute the certificate of birth for the infant.

7 (b) The location where the newborn infant was surrendered or found
8 shall be entered as the place of birth, and the date of birth shall be
9 determined by approximation.

10 (c) The certificate of birth shall be filed with the department
11 within five days after issuance of a court order pursuant to section 17
12 of this act.

13 Sec. 14. The Department of Health and Human Services shall not
14 attempt to locate or identify the parents of a newborn infant properly
15 surrendered under the Newborn Safe Haven Act. If no legal or biological
16 parent has attempted to reclaim a newborn infant pursuant to section 16
17 of this act, the department shall not attempt to locate any relative of
18 the infant. For purposes of this section, relative means any person
19 related to another by blood or marriage to the third degree of
20 consanguinity and includes siblings of the newborn infant.

21 Sec. 15. The parents of a sibling of a newborn infant who has been
22 properly surrendered under the Newborn Safe Haven Act shall not be
23 prosecuted for neglect under the Nebraska Juvenile Code for such sibling.

24 Sec. 16. (1) The county court sitting as a juvenile court or the
25 separate juvenile court with jurisdiction over a newborn infant
26 surrendered under the Newborn Safe Haven Act shall have jurisdiction to
27 determine parentage of the infant.

28 (2) Notice of a juvenile proceeding under subdivision (3)(a) of
29 section 43-247 may be served upon the newborn infant's parents by
30 publication as described in sections 25-519 and 25-520.

31 (3) Within thirty days after service is perfected by publication

1 under subsection (2) of this section, a biological or legal parent
2 seeking to participate in the juvenile court proceeding or establish
3 parental rights to the newborn infant shall:

4 (a) Notify the court where the juvenile proceeding is filed and
5 state such parent's intentions regarding the newborn infant; or

6 (b) File a Request for Notification of Intended Adoption or a Notice
7 of Objection to Adoption and Intent to Obtain Custody with the putative
8 father registry described in section 43-104.01.

9 (4)(a) Prior to proceeding on a petition to terminate parental
10 rights to a newborn infant surrendered under the Newborn Safe Haven Act,
11 the Department of Health and Human Services shall conduct a search of the
12 putative father registry.

13 (b) If a Notice of Objection to Adoption and Intent to Obtain
14 Custody is not timely filed with the putative father registry pursuant to
15 subdivision (3)(b) of this section, the department shall provide to the
16 court a certificate that no such notice has been filed with the putative
17 father registry.

18 (c) If a Notice of Objection to Adoption and Intent to Obtain
19 Custody was timely filed with the putative father registry pursuant to
20 subdivision (3)(b) of this section, the department shall provide to the
21 court a certified copy of such notice to be filed with the court.

22 (5) Upon receipt of the notice required by subdivision (3)(b) of
23 this section or the certificate required by subdivision (3)(c) of this
24 section, the court shall immediately order that the newborn infant and
25 any alleged biological or legal parent undergo genetic testing to
26 determine parentage of the infant.

27 (6) If an alleged biological or legal parent of a newborn infant
28 surrendered under the Newborn Safe Haven Act fails to make reasonable
29 efforts to establish parentage and obtain custody for a period of ninety
30 days from the date such infant was surrendered, the court may order a
31 termination of parental rights action to be filed pursuant to section

1 43-292.

2 (7) In any action to determine parentage under this section, the
3 individual alleging to be the newborn infant's biological or legal parent
4 has the burden of establishing parentage.

5 Sec. 17. (1) The county court sitting as a juvenile court or the
6 separate juvenile court with jurisdiction over a newborn infant
7 surrendered under the Newborn Safe Haven Act shall have jurisdiction to
8 issue an order for a birth certificate for the infant, if no other birth
9 certificate has been issued for the infant or if the Department of Health
10 and Human Services does not have sufficient information to locate a birth
11 certificate for the infant pursuant to section 71-604.

12 (2) The court order shall include the following:

13 (a) The date and location the newborn infant was surrendered;

14 (b) The sex and approximate date of birth of the newborn infant;

15 (c) The name and address of any individual determined to be the
16 biological or legal parent of the newborn infant or a statement that the
17 name and address of the infant's legal parents are unknown;

18 (d) The name given to the newborn infant by the custodian, if any;
19 and

20 (e) Any additional available information as described in section
21 71-602.

22 (3) The court shall send the order for the birth certificate to the
23 Department of Health and Human Services no later than five days after
24 issuance of the order.

25 (4) If the newborn infant is identified and a certificate of birth
26 is located, any evidence used to prepare the new certificate of birth and
27 the new certificate of birth filed by the court pursuant to this section
28 shall be sealed and filed and may be opened only by order of a court of
29 competent jurisdiction.

30 Sec. 18. Original sections 28-720, 29-121, 43-247, and 71-604,
31 Reissue Revised Statutes of Nebraska, and sections 43-245, 43-283.01,

- 1 43-292.02, and 43-2,129, Revised Statutes Cumulative Supplement, 2022,
- 2 are repealed.