

AMENDMENTS TO LB876

(Amendments to Standing Committee amendments, AM2458)

Introduced by Blood, 3.

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

3           Section 1. Sections 1 to 4 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 4 of this  
9 act. Such fire station or law enforcement agency shall be staffed twenty-  
10 four hours per day, seven days per week;

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

12           (3) Emergency medical care provider means an individual or  
13 organization licensed in Nebraska to provide emergency medical care  
14 twenty-four hours per day, seven days per week, pursuant to the Emergency  
15 Medical Services Practice Act; and

16           (4) Newborn infant means a child who is, or who appears to be,  
17 ninety days old or younger.

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

20           (a) By surrendering physical custody of the newborn infant, without  
21 expressing an intent to regain physical custody, at an approved drop-off  
22 location displaying a decal or placard as described in section 4 of this  
23 act or by authorizing another person to surrender physical custody on the  
24 parent's behalf at an approved drop-off location;

25           (b) By surrendering physical custody of the newborn infant to  
26 medical staff at a hospital displaying a decal or placard as described in

1 section 4 of this act, following delivery of the newborn infant in the  
2 hospital, when the parent notifies the medical staff that the parent is  
3 voluntarily surrendering physical custody of the newborn infant without  
4 expressing an intent to regain physical custody; or

5 (c) By surrendering physical custody of the newborn infant, without  
6 expressing an intent to regain physical custody, or by authorizing  
7 another person to surrender physical custody on behalf of the parent to  
8 an emergency medical care provider.

9 (2) In lieu of the procedure described in subsection (1) of this  
10 section, a parent of a newborn infant, or another person authorized to  
11 surrender physical custody of the newborn infant on behalf of the parent,  
12 may make telephone contact with a 911 service and surrender physical  
13 custody of the newborn infant to an emergency medical care provider  
14 responding to such 911 telephone call, without expressing an intent to  
15 regain physical custody.

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

21 (4)(a) Unless the parent or other person surrendering physical  
22 custody of a newborn infant clearly expresses an intent to regain  
23 physical custody of the newborn infant, any individual on duty at an  
24 approved drop-off location or the emergency medical care provider to whom  
25 physical custody of the newborn infant was surrendered pursuant to this  
26 section shall take physical custody of the newborn infant. The individual  
27 on duty at the approved drop-off location or the emergency medical care  
28 provider who takes physical custody of the newborn infant shall make a  
29 reasonable attempt to obtain from the parent or other person the name of  
30 the parent or parents, the circumstances of the newborn infant's birth,  
31 the medical history of the newborn infant, and the medical history of the

1 newborn infant's parent or parents. However, the parent or other person  
2 is not required to provide the names or medical history information to  
3 comply with this section. The individual on duty or medical staff at the  
4 approved drop-off location or the emergency medical care provider who  
5 takes physical custody of the newborn infant may perform reasonable acts  
6 necessary to protect the physical health or safety of the newborn infant  
7 and is immune from criminal or civil liability for any acts or omissions  
8 made in good faith to comply with the requirements of this section.

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

15 (5) After the physical custody of a newborn infant is released  
16 pursuant to this section, and after such infant is transported to a  
17 hospital, if applicable, the staff at the approved drop-off location or  
18 the emergency medical care provider shall notify the department as soon  
19 as possible.

20 Sec. 4. Subject to available funding, it is the intent of the  
21 Legislature to appropriate fifty thousand dollars to the department for  
22 fiscal year 2024-25 and ten thousand dollars each year thereafter, to  
23 develop, implement, and maintain a public information program to inform  
24 the general public of the Newborn Safe Haven Act. Components of the  
25 program shall include, but not be limited to:

26 (1) Creation and maintenance of a permanent, interactive website  
27 that provides pertinent information to the public about the Newborn Safe  
28 Haven Act, including authorized drop-off locations and a method that  
29 allows the parent of a newborn infant surrendered under the act to  
30 anonymously provide information about the medical history of the infant  
31 and family. The website shall also provide a method for a parent to

1 reconsider the surrender of a newborn infant and allow an individual to  
2 undergo paternity testing for the purpose of determining the paternity of  
3 a surrendered child;

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

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

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

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

17 Sec. 5. Section 28-720, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 28-720 (1) All cases entered into the central registry of child  
20 protection cases maintained pursuant to section 28-718 shall be  
21 classified as one of the following:

22 (a) Court substantiated, if a court of competent jurisdiction has  
23 entered a judgment of guilty against the subject of the report of child  
24 abuse or neglect upon a criminal complaint, indictment, or information or  
25 there has been an adjudication of jurisdiction of a juvenile court over  
26 the child under subdivision (3)(a) of section 43-247 which relates or  
27 pertains to the report of child abuse or neglect;

28 (b) Court pending, if a criminal complaint, indictment, or  
29 information or a juvenile petition under subdivision (3)(a) of section  
30 43-247, which relates or pertains to the subject of the report of abuse  
31 or neglect, has been filed and is pending in a court of competent

1 jurisdiction; or

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

6 (2) If a case described in subdivision (1)(b) of this section is  
7 dismissed by the court or a juvenile petition under subdivision (3)(a) of  
8 section 43-247 is redesignated to indicate there is no fault on the part  
9 of the parent, guardian, or custodian, the case shall be immediately  
10 expunged from the central registry of child protection cases.

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

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

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

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

31 Sec. 6. Section 29-121, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 29-121 No person shall be prosecuted for any crime based solely upon  
3 the act of surrendering a newborn infant pursuant to the Newborn Safe  
4 Haven Act ~~for any crime based solely upon the act of leaving a child~~  
5 ~~thirty days old or younger in the custody of an employee on duty at a~~  
6 ~~hospital licensed by the State of Nebraska. The hospital shall promptly~~  
7 ~~contact appropriate authorities to take custody of the child.~~

8 Sec. 7. Section 43-245, Revised Statutes Cumulative Supplement,  
9 2022, is amended to read:

10 43-245 For purposes of the Nebraska Juvenile Code, unless the  
11 context otherwise requires:

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

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

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

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

31 (5) Civil citation means a noncriminal notice which cannot result in

1 a criminal record and is described in section 43-248.02;

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

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

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

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

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

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

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

23 (13) Juvenile detention facility has the same meaning as in section  
24 83-4,125;

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

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

29 (16) Nonoffender means a juvenile who is subject to the jurisdiction  
30 of the juvenile court for reasons other than legally prohibited conduct,  
31 including, but not limited to, juveniles described in subdivision (3)(a)

1 of section 43-247;

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

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

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

8 (20) Except in proceedings under the Nebraska Indian Child Welfare  
9 Act, relative means father, mother, grandfather, grandmother, brother,  
10 sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt,  
11 first cousin, nephew, or niece;

12 (21) Restorative justice means practices, programs, or services that  
13 emphasize repairing the harm caused to victims and the community by  
14 persons who have caused the harm or committed an offense. Restorative  
15 justice practices may include, but are not limited to, victim youth  
16 conferencing, victim-offender mediation, youth or community dialogue,  
17 panels, circles, and truancy mediation;

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

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

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



1 (25) Staff secure juvenile facility means a juvenile residential  
2 facility operated by a political subdivision (a) which does not include  
3 construction designed to physically restrict the movements and activities  
4 of juveniles who are in custody in the facility, (b) in which physical  
5 restriction of movement or activity of juveniles is provided solely  
6 through staff, (c) which may establish reasonable rules restricting  
7 ingress to and egress from the facility, and (d) in which the movements  
8 and activities of individual juvenile residents may, for treatment  
9 purposes, be restricted or subject to control through the use of  
10 intensive staff supervision. Staff secure juvenile facility does not  
11 include any institution operated by the Department of Correctional  
12 Services;

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

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

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

22 Sec. 8. Section 43-247, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 43-247 The juvenile court in each county shall have jurisdiction of:

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

30 (2) Any juvenile who has committed an act which would constitute a  
31 felony under the laws of this state and who, beginning July 1, 2017, was

1 eleven years of age or older at the time the act was committed;

2 (3) Any juvenile (a) who is homeless or destitute, or without proper  
3 support through no fault of his or her parent, guardian, or custodian;  
4 who is abandoned by his or her parent, guardian, or custodian; who lacks  
5 proper parental care by reason of the fault or habits of his or her  
6 parent, guardian, or custodian; whose parent, guardian, or custodian  
7 neglects or refuses to provide proper or necessary subsistence,  
8 education, or other care necessary for the health, morals, or well-being  
9 of such juvenile; whose parent, guardian, or custodian is unable to  
10 provide or neglects or refuses to provide special care made necessary by  
11 the mental condition of the juvenile; who is in a situation or engages in  
12 an occupation, including prostitution, dangerous to life or limb or  
13 injurious to the health or morals of such juvenile; who was a newborn  
14 infant properly surrendered under the Newborn Safe Haven Act; or who,  
15 beginning July 1, 2017, has committed an act or engaged in behavior  
16 described in subdivision (1), (2), (3)(b), or (4) of this section and who  
17 was under eleven years of age at the time of such act or behavior, (b)(i)  
18 who, until July 1, 2017, by reason of being wayward or habitually  
19 disobedient, is uncontrolled by his or her parent, guardian, or  
20 custodian; who departs himself or herself so as to injure or endanger  
21 seriously the morals or health of himself, herself, or others; or who is  
22 habitually truant from home or school or (ii) who, beginning July 1,  
23 2017, is eleven years of age or older and, by reason of being wayward or  
24 habitually disobedient, is uncontrolled by his or her parent, guardian,  
25 or custodian; who departs himself or herself so as to injure or endanger  
26 seriously the morals or health of himself, herself, or others; or who is  
27 habitually truant from home or school, or (c) who is mentally ill and  
28 dangerous as defined in section 71-908;

29 (4) Any juvenile who has committed an act which would constitute a  
30 traffic offense as defined in section 43-245 and who, beginning July 1,  
31 2017, was eleven years of age or older at the time the act was committed;

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

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

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

8 (8) Any juvenile who was a ward of the juvenile court at the  
9 inception of his or her guardianship and whose guardianship has been  
10 disrupted or terminated;

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

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

16 (11) The proceedings under the Young Adult Bridge to Independence  
17 Act; and

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

22 Notwithstanding the provisions of the Nebraska Juvenile Code, the  
23 determination of jurisdiction over any Indian child as defined in section  
24 43-1503 shall be subject to the Nebraska Indian Child Welfare Act; and  
25 the district court shall have exclusive jurisdiction in proceedings  
26 brought pursuant to section 71-510.

27 Sec. 9. Section 43-283.01, Revised Statutes Cumulative Supplement,  
28 2022, is amended to read:

29 43-283.01 (1) In determining whether reasonable efforts have been  
30 made to preserve and reunify the family and in making such reasonable  
31 efforts, the juvenile's health and safety are the paramount concern.

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

6 (3) If continuation of reasonable efforts to preserve and reunify  
7 the family is determined to be inconsistent with the permanency plan  
8 determined for the juvenile in accordance with a permanency hearing under  
9 section 43-1312, efforts shall be made to place the juvenile in a timely  
10 manner in accordance with the permanency plan and to complete whatever  
11 steps are necessary to finalize the permanent placement of the juvenile.

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

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

17 (b) The parent of the juvenile has (i) committed first or second  
18 degree murder to another child of the parent, (ii) committed voluntary  
19 manslaughter to another child of the parent, (iii) aided or abetted,  
20 attempted, conspired, or solicited to commit murder, or aided or abetted  
21 voluntary manslaughter of the juvenile or another child of the parent,  
22 (iv) committed a felony assault which results in serious bodily injury to  
23 the juvenile or another minor child of the parent, or (v) been convicted  
24 of felony sexual assault of the other parent of the juvenile under  
25 section 28-319.01 or 28-320.01 or a comparable crime in another state; ~~or~~

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

30 (d) The newborn infant has been properly surrendered under the  
31 Newborn Safe Haven Act and no legal or biological parent has attempted to

1 reclaim the infant.

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

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

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

21 Sec. 10. Section 43-292.02, Revised Statutes Cumulative Supplement,  
22 2022, is amended to read:

23 43-292.02 (1) A petition shall be filed on behalf of the state to  
24 terminate the parental rights of the juvenile's parents or, if such a  
25 petition has been filed by another party, the state shall join as a party  
26 to the petition, and the state shall concurrently identify, recruit,  
27 process, and approve a qualified family for an adoption of the juvenile,  
28 if:

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

1 (b) A court of competent jurisdiction has determined the juvenile to  
2 be an abandoned infant or has made a determination that the parent has  
3 committed murder of another child of the parent, committed voluntary  
4 manslaughter of another child of the parent, aided or abetted, attempted,  
5 conspired, or solicited to commit murder, or aided or abetted voluntary  
6 manslaughter of the juvenile or another child of the parent, or committed  
7 a felony assault that has resulted in serious bodily injury to the  
8 juvenile or another minor child of the parent. For purposes of this  
9 subdivision, infant means a child eighteen months of age or younger; or -

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

14 (2) A petition shall not 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 not join as a  
17 party to the petition if the sole factual basis for the petition is that  
18 (a) the parent or parents of the juvenile are financially unable to  
19 provide health care for the juvenile or (b) the parent or parents of the  
20 juvenile are incarcerated. The fact that a qualified family for an  
21 adoption of the juvenile has been identified, recruited, processed, and  
22 approved shall have no bearing on whether parental rights shall be  
23 terminated.

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

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

29 (b) The Department of Health and Human Services has documented in  
30 the case plan or permanency plan, which shall be available for court  
31 review, a compelling reason for determining that filing such a petition

1 would not be in the best interests of the juvenile; or

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

6 (4) Except as otherwise provided in the Nebraska Indian Child  
7 Welfare Act, if a child is conceived by the victim of a sexual assault, a  
8 petition for termination of parental rights of the perpetrator shall be  
9 granted if such termination is in the best interests of the child and (a)  
10 the perpetrator has been convicted of or pled guilty or nolo contendere  
11 to sexual assault of the child's birth parent under section 28-319 or  
12 28-320 or a law in another jurisdiction similar to either section 28-319  
13 or 28-320 or (b) the perpetrator has fathered the child or given birth to  
14 the child as a result of such sexual assault.

15 Sec. 11. Section 43-2,129, Revised Statutes Cumulative Supplement,  
16 2022, is amended to read:

17 43-2,129 Sections 43-245 to 43-2,129 and sections 13, 14, 15, and 16  
18 of this act shall be known and may be cited as the Nebraska Juvenile  
19 Code.

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

22 71-604 (1) A certificate for each live birth which occurs in the  
23 State of Nebraska shall be filed on a standard Nebraska certificate form.  
24 Such certificate shall be filed with the department within five business  
25 days after the birth.

26 (2) When a birth occurs in an institution or en route thereto, the  
27 person in charge of the institution or his or her authorized designee  
28 shall obtain the personal data, prepare the certificate which shall  
29 include the name, title, and address of the attendant, certify that the  
30 child was born alive at the place and time and on the date stated either  
31 by standard procedure or by an approved electronic process, and file the

1 certificate. The physician, physician assistant, or other person in  
2 attendance shall provide the medical information required for the  
3 certificate within seventy-two hours after the birth.

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

6 (a) The physician or physician assistant in attendance at or  
7 immediately after the birth;

8 (b) The father, the mother, or, in the absence of the father and the  
9 inability of the mother, the person in charge of the premises where the  
10 birth occurred; or

11 (c) Any other person in attendance at or immediately after the  
12 birth.

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

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

19 (c) The certificate of birth shall be filed with the department  
20 within five days after issuance of a court order pursuant to section 16  
21 of this act.

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

30 Sec. 14. The parents of a sibling of a newborn infant who has been  
31 properly surrendered under the Newborn Safe Haven Act shall not be



1 prosecuted for neglect under the Nebraska Juvenile Code for such sibling.

2 Sec. 15. (1) The county court sitting as a juvenile court or the  
3 separate juvenile court with jurisdiction over a newborn infant  
4 surrendered under the Newborn Safe Haven Act shall have jurisdiction to  
5 determine parentage of the infant.

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

9 (3) Within thirty days after service is perfected by publication  
10 under subsection (2) of this section, a biological or legal parent  
11 seeking to participate in the juvenile court proceeding or establish  
12 parental rights to the newborn infant shall:

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

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

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

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

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

31 (5) Upon receipt of the notice required by subdivision (3)(b) of

1 this section or the certificate required by subdivision (4)(c) of this  
2 section, the court shall immediately order that the newborn infant and  
3 any alleged biological or legal parent undergo genetic testing to  
4 determine parentage of the infant.

5 (6) If an alleged biological or legal parent of a newborn infant  
6 surrendered under the Newborn Safe Haven Act fails to make reasonable  
7 efforts to establish parentage and obtain custody for a period of ninety  
8 days from the date such infant was surrendered, the court may order a  
9 termination of parental rights action to be filed pursuant to section  
10 43-292.

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

14 Sec. 16. (1) The county court sitting as a juvenile court or the  
15 separate juvenile court with jurisdiction over a newborn infant  
16 surrendered under the Newborn Safe Haven Act shall have jurisdiction to  
17 issue an order for a birth certificate for the infant, if no other birth  
18 certificate has been issued for the infant or if the Department of Health  
19 and Human Services does not have sufficient information to locate a birth  
20 certificate for the infant pursuant to section 71-604.

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

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

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

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

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

29 (e) Any additional available information as described in section  
30 71-602.

31 (3) The court shall send the order for the birth certificate to the

1 Department of Health and Human Services no later than five days after  
2 issuance of the order.

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

8 Sec. 17. Original sections 28-720, 29-121, 43-247, and 71-604,  
9 Reissue Revised Statutes of Nebraska, and sections 43-245, 43-283.01,  
10 43-292.02, and 43-2,129, Revised Statutes Cumulative Supplement, 2022,  
11 are repealed.