

AMENDMENTS TO LB70

Introduced by Judiciary.

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

3        **Section 1.** Section 43-101, Revised Statutes Cumulative Supplement,  
4 2024, is amended to read:

5        43-101 (1) Subject to sections 43-101 to 43-115 and except ~~Except~~ as  
6 otherwise provided in the Nebraska Indian Child Welfare Act and  
7 subsections (4) and (5) of this section: ~~τ~~

8        (a) Any ~~any~~ minor child may be adopted by any adult person or  
9 persons;

10       (b) Any minor ~~and any adult~~ child may be adopted by the spouse of  
11 such child's parent; and

12       (c) Any minor child who has a sole legal parent may be adopted by a  
13 second adult person if:

14       (i) The sole legal parent consents as provided in section 43-104;

15       (ii) The child has a parent-child relationship with the second adult  
16 person;

17       (iii) The child is the biological child of the second adult person;

18       (iv) The second adult person has not previously had such person's  
19 parental rights to such child terminated; and

20       (v) An adoptive home study is completed as provided in section  
21 43-107.

22       (2) Subject to sections 43-101 to 43-115 and except as otherwise  
23 provided in subsections (4) and (5) of this section:

24       (a) Any adult child may be adopted by the spouse of such adult  
25 child's parent; and

26       ~~in the cases and subject to sections 43-101 to 43-115, except that~~  
27 ~~no person having a spouse may adopt a minor child unless the spouse joins~~

1 ~~in the petition therefor. If the spouse so joins in the petition~~  
2 ~~therefor, the adoption shall be by them jointly, except that an adult~~  
3 ~~spouse may adopt a child of the other spouse whether born in or out of~~  
4 ~~wedlock.~~

5 ~~(2) Any adult child may be adopted by any person or persons subject~~  
6 ~~to sections 43-101 to 43-115, except that no person having a spouse may~~  
7 ~~adopt an adult child unless the spouse joins in the petition therefor. If~~  
8 ~~the spouse so joins the petition therefor, the adoption shall be by them~~  
9 ~~jointly.~~

10 (b) The adoption of an adult child by another adult or adults who  
11 are not the stepparent of the adult child may be permitted if the adult  
12 child has had a parent-child relationship with the prospective parent or  
13 parents for a period of at least six months next preceding the adult  
14 child's age of majority and:

15 (i) The (a) the adult child has no living parents; ~~τ~~

16 (ii) The (b) the adult child's parent or parents had been deprived  
17 of parental rights to such child by the order of any court of competent  
18 jurisdiction; ~~τ~~

19 (iii) The (c) the parent or parents, if living, have relinquished  
20 the adult child for adoption by a written instrument; ~~τ~~

21 (iv) The (d) the parent or parents had abandoned the child for at  
22 least six months next preceding the adult child's age of majority ~~or for~~  
23 a substantial portion of the time since the adult child reached the age  
24 of majority; ~~τ~~ or

25 (v) The (e) the parent or parents are incapable of consenting; ~~or ~~τ~~~~

26 (vi) The adult child has a sole legal parent who consents as  
27 provided in section 43-104.

28 (3) The substitute consent provisions of section 43-105 do not apply  
29 to adoptions under this subsection (2) of this section.

30 (4) No person with a spouse may adopt a minor child or an adult  
31 child unless the spouse of such person joins in the petition for

1 adoption, in which case the adoption shall be made by such persons  
2 jointly.

3 (5) An adoption shall not be permitted under this section if it  
4 would result in a minor or adult child having more than two legal  
5 parents.

6 **Sec. 2.** Section 43-101.01, Revised Statutes Cumulative Supplement,  
7 2024, is amended to read:

8 43-101.01 For purposes of sections 43-101 to 43-115:

9 (1) Acknowledged father means an individual who has:

10 (a) Executed a valid acknowledgment of paternity; or

11 (b) Acknowledged paternity through establishment of a familial  
12 relationship with the child for a period of at least six months;

13 (2) Adjudicated father means an individual who has been determined  
14 by a court of competent jurisdiction, in this state or in another state  
15 or territory of the United States, to be the biological or legal father  
16 of a minor child; ~~and~~

17 (3) Juvenile court means the separate juvenile court where it has  
18 been established pursuant to sections 43-2,111 to 43-2,127 and the county  
19 court sitting as a juvenile court in all other counties; ~~and~~ -

20 (4) Sole legal parent means a legal parent of a child with respect  
21 to whom no other person has parental rights.

22 **Sec. 3.** Section 43-102, Revised Statutes Cumulative Supplement,  
23 2024, is amended to read:

24 43-102 (1) Except as otherwise provided in the Nebraska Indian Child  
25 Welfare Act, any person or persons desiring to adopt a minor child or an  
26 adult child shall file a petition for adoption signed and sworn to by the  
27 person or persons desiring to adopt. The following shall be filed prior  
28 to the hearing required under section 43-103:

29 (a) The consent or consents required by sections 43-101, 43-104, and  
30 43-105 or section 43-104.07;

31 (b) The documents required by section 43-104.07 or the documents

1 required by sections 43-104.08 to 43-104.24;

2 (c) A completed preplacement adoptive home study if required by  
3 section 43-107;

4 (d) The completed and signed affidavit described in section  
5 43-104.09 if required by such section;

6 (e) The completed and signed affidavit described in section  
7 43-104.16 if required by such section; and

8 (f) When a consent is not required under subdivision (4)(c) of  
9 section 43-104, a certified copy of the termination order.

10 (2) The county court of the county in which the person or persons  
11 desiring to adopt a child reside has jurisdiction of adoption  
12 proceedings, except that if a juvenile court already has jurisdiction  
13 over the child to be adopted under the Nebraska Juvenile Code, such  
14 juvenile court has concurrent jurisdiction with the county court in such  
15 adoption proceeding. If a child to be adopted is a ward of any court or a  
16 ward of the state at the time of placement and at the time of filing an  
17 adoption petition, the person or persons desiring to adopt shall not be  
18 required to be residents of Nebraska. The petition and all other court  
19 filings for an adoption proceeding shall be filed with the clerk of the  
20 county court. The party shall state in the petition whether such party  
21 requests that the proceeding be heard by the county court or, in cases in  
22 which a juvenile court already has jurisdiction over the child to be  
23 adopted under the Nebraska Juvenile Code, such juvenile court. Such  
24 proceeding is considered a county court proceeding even if heard by a  
25 juvenile court judge and an order of the juvenile court in such adoption  
26 proceeding has the force and effect of a county court order. The  
27 testimony in an adoption proceeding heard before a juvenile court judge  
28 shall be preserved as in any other juvenile court proceeding.

29 **Sec. 4.** Section 43-104, Revised Statutes Cumulative Supplement,  
30 2024, is amended to read:

31 43-104 (1) Except as otherwise provided in this section and in the

1 Nebraska Indian Child Welfare Act, no adoption shall be decreed unless  
2 written consents thereto are filed in the county court of the county in  
3 which the person or persons desiring to adopt reside or in the county  
4 court in which the juvenile court having jurisdiction over the custody of  
5 the child is located and the written consents are executed by:

6 (a) The minor child, if over fourteen years of age; and

7 (b) Both parents of a child born in lawful wedlock if living, the  
8 surviving parent of a child born in lawful wedlock, the mother of a child  
9 born out of wedlock, or both the mother and father of a child born out of  
10 wedlock as determined pursuant to sections 43-104.08 to 43-104.24; and -

11 (c) In the case of an adoption by a second adult person under  
12 subdivision (1)(c) or (2)(b) of section 43-101, the sole legal parent.  
13 Such consent shall state that the child or adult child has a sole legal  
14 parent and that such sole legal parent wishes for the child or adult  
15 child to be adopted by a second adult person.

16 (2) A written consent or relinquishment for adoption under this  
17 section shall not be valid unless signed at least forty-eight hours after  
18 the birth of the child.

19 (3) A petition for adoption shall attest that, at the time of  
20 filing:

21 (a) There were no pending motions in any other court having  
22 jurisdiction over the minor child; and

23 (b) If a juvenile court has jurisdiction over the child, that  
24 adoption is the permanency goal in proceedings in juvenile court.

25 (4) Consent shall not be required of any parent:

26 (a) Who relinquished the child for adoption by a written instrument;

27 (b) Who abandoned the child for at least six months next preceding  
28 the filing of the adoption petition;

29 (c) Whose parental rights to such child have been terminated by the  
30 order of any court of competent jurisdiction; or

31 (d) Who is incapable of consenting.

1 (5) Consent shall not be required of a putative father who has  
2 failed to timely file:

3 (a) A Notice of Objection to Adoption and Intent to Obtain Custody  
4 pursuant to section 43-104.02 and, with respect to the absence of such  
5 filing, a certificate has been filed pursuant to section 43-104.04; or

6 (b) A petition pursuant to section 43-104.05 for the adjudication of  
7 such father's objection to the adoption and a determination of whether  
8 his consent to the adoption is required and the mother of the child has  
9 timely executed a valid relinquishment and consent to the adoption  
10 pursuant to such section.

11 (6) Consent shall not be required of an acknowledged or adjudicated  
12 father when (a) he who has failed to timely file a petition pursuant to  
13 section 43-104.05 for the adjudication of such notice and a determination  
14 of whether his consent to the adoption is required and (b) the mother of  
15 the child has timely executed a valid relinquishment and consent to the  
16 adoption pursuant to such section.

17 (7) Consent shall not be required of an acknowledged father, an  
18 adjudicated father, or a putative father who is not required to consent  
19 to the adoption pursuant to section 43-104.05 or 43-104.22.

20 (8) The validity of a relinquishment and consent for adoption is not  
21 affected by the fact that a relinquishing person is a minor.

22 (9)(a) In private adoptions not involving relinquishment of a child  
23 to the state or to a licensed child placement agency, a parent or parents  
24 who relinquish a child for adoption shall be provided legal counsel of  
25 their choice independent from that of the adoptive parent or parents.  
26 Such counsel shall be provided at the expense of the adoptive parent or  
27 parents prior to the execution of a written relinquishment and consent to  
28 adoption or execution of a communication and contact agreement under  
29 section 43-166, unless specifically waived in writing.

30 (b) In private adoptions and adoptions involving relinquishment of a  
31 child to a licensed child placement agency other than the state, a parent

1 or parents contemplating relinquishment of a child for adoption shall be  
2 offered, at the expense of the adoptive parent or parents or the agency,  
3 at least three hours of professional counseling prior to executing a  
4 written relinquishment of parental rights or written consent to adoption.  
5 Such relinquishment or consent shall state whether the relinquishing  
6 parent or parents received or declined counseling.

7 **Sec. 5.** Section 43-104.08, Revised Statutes Cumulative Supplement,  
8 2024, is amended to read:

9 43-104.08 Whenever a child is claimed to be born out of wedlock and  
10 the biological mother contacts an adoption agency or attorney to  
11 relinquish her rights to the child, or the biological mother joins in a  
12 petition for adoption to be filed by a second adult person ~~her spouse~~,  
13 the agency or attorney contacted shall attempt to establish the identity  
14 of the biological father and further attempt to inform the biological  
15 father of his rights, including the right to object to the adoption and  
16 the procedure and required timing to object, and his right to execute a  
17 relinquishment and consent to adoption, or a denial of paternity and  
18 waiver of rights, in the form mandated by section 43-106, pursuant to  
19 sections 43-104.08 to 43-104.24.

20 **Sec. 6.** Section 43-104.13, Revised Statutes Cumulative Supplement,  
21 2024, is amended to read:

22 43-104.13 The notice sent by the agency or attorney pursuant to  
23 section 43-104.12 shall be served sufficiently in advance of the birth of  
24 the child, whenever possible, to allow compliance with subdivision (1)(a)  
25 of section 43-104.02 and shall state:

26 (1) The biological mother's name, the fact that she is pregnant or  
27 has given birth to the child, and the expected or actual date of  
28 delivery;

29 (2) That the child has been relinquished by the biological mother,  
30 that she intends to execute a relinquishment and consent to adoption, or  
31 that the biological mother has joined or plans to join in a petition for

1 adoption to be filed by a second adult person ~~her spouse~~;

2 (3) That the person being notified has been identified as a possible  
3 biological father of the child, whether putative, acknowledged, or  
4 adjudicated;

5 (4) That the person being notified may have certain rights with  
6 respect to such child if he is in fact the biological father;

7 (5) That the person being notified has the right to (a) deny  
8 paternity, (b) waive any parental rights he may have, (c) relinquish and  
9 consent to adoption of the child, (d) file a Notice of Objection to  
10 Adoption and Intent to Obtain Custody any time during the pregnancy or as  
11 late as ten business days after birth pursuant to section 43-104.02 if he  
12 is a putative father, and (e) object to the adoption in court within  
13 forty-five days after the later of receipt of notice under this section  
14 or the birth of the child if he is an acknowledged or adjudicated father;

15 (6) That to deny paternity, to waive his parental rights, or to  
16 relinquish and consent to the adoption, the person being notified must  
17 contact the undersigned agency or attorney representing the biological  
18 mother, and that if he wishes to object to the adoption and seek custody  
19 of the child he should seek legal counsel from his own attorney  
20 immediately; and

21 (7) That if the person being notified is the biological father and  
22 if the child is not relinquished for adoption, he has a duty to  
23 contribute to the support and education of the child and to the  
24 pregnancy-related expenses of the mother and a right to seek a court  
25 order for custody, parenting time, visitation, or other access with the  
26 child.

27 The agency or attorney representing the biological mother may  
28 enclose with the notice a document which is an admission or denial of  
29 paternity and a waiver of rights by the person being notified, which such  
30 person may choose to complete, in the form mandated by section 43-106,  
31 and return to the agency or attorney.



1       **Sec. 7.** Section 43-104.15, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3       43-104.15 The notification procedure set forth in sections 43-104.12  
4 to 43-104.14 shall, whenever possible, be completed prior to a child  
5 being placed in an adoptive home. If the information provided in the  
6 biological mother's affidavit prepared pursuant to section 43-104.09  
7 presents clear evidence that providing notice to a biological father or  
8 possible biological father as contemplated in sections 43-104.12 to  
9 43-104.14 would be likely to threaten the safety of the biological mother  
10 or the child or that conception was the result of sexual assault or  
11 incest, notice is not required to be given. If the biological father or  
12 possible biological fathers are not given actual or constructive notice  
13 prior to the time of placement, the agency or attorney shall give the  
14 adoptive parent or parents a statement of legal risk indicating the legal  
15 status of the biological father's parental rights as of the time of  
16 placement, and the adoptive parent or parents shall sign a statement of  
17 legal risk acknowledging ~~their~~ acceptance of the placement,  
18 notwithstanding the legal risk.

19       **Sec. 8.** Section 43-107, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21       43-107 ~~(1)(a) For adoption placements occurring or in effect prior~~  
22 ~~to January 1, 1994, upon the filing of a petition for adoption, the~~  
23 ~~county judge shall, except in the adoption of children by stepparents~~  
24 ~~when the requirement of an investigation is discretionary, request the~~  
25 ~~Department of Health and Human Services or any child placement agency~~  
26 ~~licensed by the department to examine the allegations set forth in the~~  
27 ~~petition and to ascertain any other facts relating to such minor child~~  
28 ~~and the person or persons petitioning to adopt such child as may be~~  
29 ~~relevant to the propriety of such adoption, except that the county judge~~  
30 ~~shall not be required to request such an examination if the judge~~  
31 ~~determines that information compiled in a previous examination or study~~

1 ~~is sufficiently current and comprehensive. Upon the request being made,~~  
2 ~~the department or other licensed agency shall conduct an investigation~~  
3 ~~and report its findings to the county judge in writing at least one week~~  
4 ~~prior to the date set for hearing.~~

5 ~~(1)(a) A (b)(i) For adoption placements occurring on or after~~  
6 ~~January 1, 1994,~~ a preplacement adoptive home study shall be filed with  
7 the court prior to the hearing required in section 43-103. Such study  
8 shall be , ~~which study is~~ completed by the Department of Health and Human  
9 Services or a licensed child placement agency within one year before the  
10 date on which the adoptee is placed with the petitioner or petitioners  
11 and indicates that the placement of a child for the purpose of adoption  
12 would be safe and appropriate.

13 ~~(b) (ii)~~ An adoptive home study shall not be required when the  
14 petitioner is a stepparent of the adoptee unless required by the court.  
15 An adoptive home study may be waived by the court upon a showing of good  
16 cause by the petitioner when the petitioner is a biological grandparent  
17 or a step-grandparent who is married to the biological grandparent at the  
18 time of the adoption if both are adopting the child. The ~~For all~~  
19 ~~petitions filed on or after January 1, 1994,~~ the judge shall order the  
20 petitioner or his or her attorney to request the Nebraska State Patrol to  
21 file a national criminal history record information check by submitting  
22 the request accompanied by two sets of fingerprint cards or an equivalent  
23 electronic submission and the appropriate fee to the Nebraska State  
24 Patrol for a Federal Bureau of Investigation background check and to  
25 request the department to conduct and file a check of the central  
26 registry created in section 28-718 for any history of the petitioner of  
27 behavior injurious to or which may endanger the health or morals of a  
28 child. An adoption decree shall not be issued until such records are on  
29 file with the court. The petitioner shall pay the cost of the national  
30 criminal history record information check and the check of the central  
31 registry.

1        ~~(c) (iii)~~ The placement of a child for foster care made by or  
2        facilitated by the department or a licensed child placement agency in the  
3        home of a person who later petitions the court to adopt the child shall  
4        be exempt from the requirements of a preplacement adoptive home study.  
5        The petitioner or petitioners who meet such criteria shall have a  
6        postplacement adoptive home study completed by the department or a  
7        licensed child placement agency and filed with the court at least one  
8        week prior to the hearing for adoption.

9        ~~(d) (iv)~~ A voluntary placement for purposes other than adoption made  
10       by a parent or guardian of a child without assistance from an attorney,  
11       physician, or other individual or agency which later results in a  
12       petition for the adoption of the child shall be exempt from the  
13       requirements of a preplacement adoptive home study. The petitioner or  
14       petitioners who meet such criteria shall have a postplacement adoptive  
15       home study completed by the department or a licensed child placement  
16       agency and filed with the court at least one week prior to the hearing  
17       for adoption.

18       (e) In the case of an adoption by a second adult person under  
19       subdivision (1)(c) of section 43-101, if the child of a sole legal parent  
20       was adopted by that parent less than six months prior to the filing of an  
21       adoption petition by the second adult person and if the second adult  
22       person was included in an adoptive home study conducted in accordance  
23       with this section, a new adoptive home study is not required unless the  
24       court specifically orders otherwise. The court may order an adoptive home  
25       study, a background investigation, or both if the court determines that  
26       such would be in the best interests of the adoptive party or the person  
27       to be adopted. If the petition for adoption by the second adult person  
28       was filed six months or more after the adoption by the sole legal parent,  
29       a separate adoptive home study report is required as otherwise provided  
30       in this section.

31       ~~(f) (v)~~ The adoption of an adult child as provided in subsection (2)

1 of section 43-101 shall be exempt from the requirements of an adoptive  
2 home study unless the court specifically orders otherwise. The court may  
3 order an adoptive home study, a background investigation, or both if the  
4 court determines that such would be in the best interests of the adoptive  
5 party or the person to be adopted.

6 (g) ~~(vi)~~ Any adoptive home study required by this section shall be  
7 conducted by the department or a licensed child placement agency at the  
8 expense of the petitioner or petitioners unless such expenses are waived  
9 by the department or licensed child placement agency. The department or  
10 licensed agency shall determine the fee or rate for the adoptive home  
11 study.

12 (h) ~~(vii)~~ The preplacement or postplacement adoptive home study  
13 shall be performed as prescribed in rules and regulations of the  
14 department and shall include at a minimum an examination into the facts  
15 relating to the petitioner or petitioners as may be relevant to the  
16 propriety of such adoption. Such rules and regulations shall require an  
17 adoptive home study to include a national criminal history record  
18 information check and a check of the central registry created in section  
19 28-718 for any history of the petitioner or petitioners of behavior  
20 injurious to or which may endanger the health or morals of a child.

21 (2) Upon the filing of a petition for adoption, the judge shall  
22 require that a complete medical history be provided on the child, except  
23 that in the adoption of a child by a stepparent, biological grandparent,  
24 or step-grandparent who is married to the biological grandparent at the  
25 time of the adoption if both are adopting the child, the provision of a  
26 medical history shall be discretionary. ~~The On and after August 27, 2011,~~  
27 ~~the~~ complete medical history or histories required under this subsection  
28 shall include the race, ethnicity, nationality, Indian tribe when  
29 applicable and in compliance with the Nebraska Indian Child Welfare Act,  
30 or other cultural history of both biological parents, if available. A  
31 medical history shall be provided, if available, on the biological mother

1 and father and their biological families, including, but not limited to,  
2 siblings, parents, grandparents, aunts, and uncles, unless the child is  
3 foreign born or was abandoned. The medical history or histories shall be  
4 reported on a form provided by the department and filed along with the  
5 report of adoption as provided by section 71-626. If the medical history  
6 or histories do not accompany the report of adoption, the department  
7 shall inform the court and the State Court Administrator. The medical  
8 history or histories shall be made part of the court record. After the  
9 entry of a decree of adoption, the court shall retain a copy and forward  
10 the original medical history or histories to the department. ~~This~~  
11 ~~subsection shall only apply when the relinquishment or consent for an~~  
12 ~~adoption is given on or after September 1, 1988.~~

13 (3) After the filing of a petition for adoption and before the entry  
14 of a decree of adoption for a child who is committed to the Department of  
15 Health and Human Services, the person or persons petitioning to adopt the  
16 child shall be given the opportunity to read the case file on the child  
17 maintained by the department or its duly authorized agent. The department  
18 shall not include in the case file to be read any information or  
19 documents that the department determines cannot be released based upon  
20 state statute, federal statute, federal rule, or federal regulation. The  
21 department shall provide a document for such person's or persons'  
22 signatures verifying that such person or persons ~~he, she, or they~~ have  
23 been given an opportunity to read the case file and are aware that such  
24 person or persons ~~he, she, or they~~ can review the child's file at any  
25 time following finalization of the adoption upon making a written request  
26 to the department. The department shall file such document with the court  
27 prior to the entry of a decree of adoption in the case.

28 **Sec. 9.** Section 43-512.04, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 43-512.04 (1) An action for child support or medical support may be  
31 brought separate and apart from any action for dissolution of marriage.

1 The complaint initiating the action shall be filed with the clerk of the  
2 district court and may be heard by the county court or the district court  
3 as provided in section 25-2740. Such action for support may be filed on  
4 behalf of a child:

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

10 (b) Whose paternity is presumed as described in section 43-1409 or  
11 subsection (2) of section 43-1415; or -

12 (c) Who has been adopted by a second adult person under subdivision  
13 (1)(c) of section 43-101.

14 (2)(a) {2} The father, not having entered into a judicially approved  
15 settlement or being in default in the performance of the same, may be  
16 made a respondent in such action. The mother of the child may also be  
17 made a respondent in such an action. For a child adopted by a second  
18 adult person under subdivision (1)(c) of section 43-101, either or both  
19 parents, not having entered into a judicially approved settlement or  
20 being in default in the performance of the same, may be made respondents  
21 in such an action.

22 (b) Such action shall be commenced by a complaint of the mother of  
23 the child, the father of the child whose paternity has been established,  
24 either parent of a child adopted by a second adult person under  
25 subdivision (1)(c) of section 43-101, the guardian or next friend of the  
26 child, the county attorney, or an authorized attorney.

27 (3) The complaint shall set forth the basis on which paternity was  
28 previously established or presumed, if the respondent is the father, and  
29 the fact of nonsupport and shall ask that the father, the mother, either  
30 parent of a child adopted by a second adult person under subdivision (1)  
31 (c) of section 43-101, or both parents be ordered to provide for the

1 support of the child. Summons shall issue against the father, the mother,  
2 either parent of a child adopted by a second adult person under  
3 subdivision (1)(c) of section 43-101, or both parents and be served as in  
4 other civil proceedings, except that such summons may be directed to the  
5 sheriff of any county in the state and may be served in any county. The  
6 method of trial shall be the same as in actions formerly cognizable in  
7 equity, and jurisdiction to hear and determine such actions for support  
8 is hereby vested in the district court of the district or the county  
9 court of the county where the child is domiciled or found or, for cases  
10 under the Uniform Interstate Family Support Act if the child is not  
11 domiciled or found in Nebraska, where the parent of the child is  
12 domiciled.

13 (4) In such proceeding, if the defendant is the presumed father as  
14 described in subdivision (1)(b) of this section, the court shall make a  
15 finding whether or not the presumption of paternity has been rebutted.  
16 The presumption of paternity created by acknowledgment as described in  
17 section 43-1409 may be rebutted as part of an equitable proceeding to  
18 establish support by genetic testing results which exclude the alleged  
19 father as being the biological father of the child. A court in such a  
20 proceeding may order genetic testing as provided in sections 43-1414 to  
21 43-1418.

22 (5) If the court finds that either the father, the mother, or both  
23 parents have failed adequately to support the child, the court shall  
24 issue a decree directing such parent or parents ~~him, her, or them~~ to do  
25 so, specifying the amount of such support, the manner in which it shall  
26 be furnished, and the amount, if any, of any court costs and attorney's  
27 fees to be paid by such parent or parents ~~the father, the mother, or both~~  
28 ~~parents~~. Income withholding shall be ordered pursuant to the Income  
29 Withholding for Child Support Act. The court may require the furnishing  
30 of bond to insure the performance of the decree in the same manner as is  
31 provided for in section 42-358.05 or 43-1405. Failure on the part of the

1 defendant to perform the terms of such decree shall constitute contempt  
2 of court and may be dealt with in the same manner as other contempts. The  
3 court may also order medical support and the payment of expenses as  
4 described in section 43-1407.

5 **Sec. 10.** Section 43-1401, Revised Statutes Supplement, 2025, is  
6 amended to read:

7 43-1401 (1) For purposes of sections 43-1401 to 43-1418:

8 (a) ~~Child~~ Except as provided in sections 43-1411 and 43-1414, child  
9 means a child who is under the age of eighteen years and who:

10 (i) Except as provided in sections 43-1411 and 43-1414, was born out  
11 of wedlock; or

12 (ii) Has been adopted by a second adult person under subdivision (1)  
13 (c) of section 43-101;

14 (b) Child born out of wedlock means a child whose parents were not  
15 married to each other at the time of birth, except that a child shall not  
16 be considered as born out of wedlock if the parents were married at the  
17 time of the child's conception but divorced at the time of birth. The  
18 definition of legitimacy or illegitimacy for other purposes shall not be  
19 affected by sections 43-1401 to 43-1418; and

20 (c) Support includes reasonable education.

21 (2) The changes made to this section by Laws 2025, LB150, apply to  
22 actions under sections 43-1401 to 43-1418 that are pending on June 5,  
23 2025, and to cases filed on or after such date.

24 **Sec. 11.** Section 43-1402, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 43-1402 The father of a child whose paternity is established either  
27 by judicial proceedings or by acknowledgment as hereinafter provided  
28 shall be liable for the child's ~~its~~ support to the same extent and in the  
29 same manner as the father of a child born in lawful wedlock is liable for  
30 the child's ~~its~~ support. The mother of a child shall also be liable for  
31 the child's ~~its~~ support. Both parents of a child adopted by a second



1 adult person under subdivision (1)(c) of section 43-101 shall be liable  
2 for the child's support. The liability of each parent may be determined,  
3 enforced, and discharged in accordance with the methods hereinafter  
4 provided.

5 **Sec. 12.** Section 43-1404, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 43-1404 The liability of the parent for support ~~father or mother~~ of  
8 a child ~~for its support~~ shall be discharged by compliance with the terms  
9 of a judicial decree for support or the terms of a judicially approved  
10 settlement or by the adoption of the child by some other person or  
11 persons.

12 **Sec. 13.** Section 43-1405, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 43-1405 (1) A settlement provided for in section 43-1404 means a  
15 voluntary agreement;

16 (a) That is between:

17 (i) The ~~the~~ father of the child and the mother or some person  
18 authorized to act in her behalf; or

19 (ii) The ~~or between the~~ father and the next friend or guardian of  
20 the child; or

21 (iii) A parent of a child adopted by a second adult person under  
22 subdivision (1)(c) of section 43-101 and the other such parent or some  
23 person authorized to act in such other parent's behalf; or

24 (iv) A parent of a child adopted by a second adult person under  
25 subdivision (1)(c) of section 43-101 and the next friend or guardian of  
26 the child; and

27 (b) Whereby ~~whereby~~ the father or parent promises to make adequate  
28 provision for the support of the child.

29 (2) In the event that such a settlement is made it shall be binding  
30 on all parties and shall bar all other remedies of the mother and child,  
31 any other parent, and the legal representatives of the child so long as

1 ~~the settlement is it shall be~~ performed by the parent promising to  
2 provide support father, if such said settlement is approved by the court  
3 having jurisdiction to compel the support of the child.

4 (3) The court shall approve such settlement only if the court finds  
5 and determines ~~it shall find and determine~~ that adequate provision is  
6 made for the support of the child and that the promising parent has  
7 ~~father shall have~~ offered clear evidence of his willingness and ability  
8 to perform the agreement. The court, in its discretion, may require the  
9 promising parent ~~father~~ to furnish bond with proper sureties conditioned  
10 upon the performance of the settlement.

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

13 43-1410 Any judicially approved settlement or order of support made  
14 by a court having jurisdiction in the premises shall be binding on the  
15 legal representatives of the parent ~~father or mother~~ in the event of his  
16 or her death, to the same extent as other contractual obligations and  
17 judicial judgments or decrees.

18 **Sec. 15.** Section 43-2924, Revised Statutes Cumulative Supplement,  
19 2024, is amended to read:

20 43-2924 (1) The Parenting Act shall apply to proceedings or  
21 modifications ~~filed on or after January 1, 2008,~~ in which parenting  
22 functions for a child are at issue;

23 (a) Under ~~under~~ Chapter 42, including, but not limited to,  
24 proceedings or modification of orders for dissolution of marriage and  
25 child custody; ~~and~~

26 (b) Under ~~under~~ sections 43-1401 to 43-1418; and -

27 (c) In a dispute between parents of a child adopted by a second  
28 adult person under subdivision (1)(c) of section 43-101.

29 (2) The Parenting Act may apply to proceedings or modifications in  
30 which parenting functions for a child are at issue under Chapter 30 or  
31 43.

1        (3) The Parenting Act shall also apply to subsequent modifications  
2 of bridge orders entered under section 43-246.02 by a separate juvenile  
3 court or county court sitting as a juvenile court and docketed in a  
4 district court.

5        (4) ~~(2)~~ The Parenting Act does not apply in any action filed by a  
6 county attorney or authorized attorney pursuant to his or her duties  
7 under section 42-358, 43-512 to 43-512.18, or 43-1401 to 43-1418, the  
8 Income Withholding for Child Support Act, ~~the Revised Uniform Reciprocal~~  
9 ~~Enforcement of Support Act before January 1, 1994,~~ or the Uniform  
10 Interstate Family Support Act for purposes of the establishment of  
11 paternity and the establishment and enforcement of child and medical  
12 support or a bridge order entered under section 43-246.02 by a separate  
13 juvenile court or county court sitting as a juvenile court and docketed  
14 in a district court. A county attorney or authorized attorney shall not  
15 participate in the development of or court review of a parenting plan  
16 under the Parenting Act. If both parents are parties to a paternity or  
17 support action filed by a county attorney or authorized attorney, the  
18 parents may proceed with a parenting plan.

19        **Sec. 16.** Original sections 43-104.15, 43-107, 43-512.04, 43-1402,  
20 43-1404, 43-1405, and 43-1410, Reissue Revised Statutes of Nebraska,  
21 sections 43-101, 43-101.01, 43-102, 43-104, 43-104.08, 43-104.13, and  
22 43-2924, Revised Statutes Cumulative Supplement, 2024, and section  
23 43-1401, Revised Statutes Supplement, 2025, are repealed.