

AMENDMENTS TO LB412

Introduced by Judiciary.

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

3 **Section 1.** Section 43-1401, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 43-1401 For purposes of sections 43-1401 to 43-1418:

6 (1) Except as provided in sections 43-1411 and 43-1414, child means
7 ~~Child shall mean~~ a child under the age of eighteen years born out of
8 wedlock;

9 (2) Child born out of wedlock means ~~shall mean~~ a child whose parents
10 were not married to each other at the time of ~~its~~ birth, except that a
11 child shall not be considered as born out of wedlock if the ~~its~~ parents
12 were married at the time of the child's ~~its~~ conception but divorced at
13 the time of ~~its~~ birth. The definition of legitimacy or illegitimacy for
14 other purposes shall not be affected by ~~the provisions of such~~ sections
15 43-1401 to 43-1418; and

16 (3) Support includes ~~shall include~~ reasonable education.

17 **Sec. 2.** Section 43-1411, Revised Statutes Cumulative Supplement,
18 2024, is amended to read:

19 43-1411 (1) A civil proceeding to establish the paternity of a child
20 may be instituted, in the court of the district where the child is
21 domiciled or found or, for cases under the Uniform Interstate Family
22 Support Act, where the alleged father is domiciled, by:

23 (a) The mother or the alleged father of such child, or by a person
24 who has reason to believe he is the biological father of the child,
25 either during pregnancy or within four years after the child's birth,
26 unless:

27 (i) A valid consent or relinquishment has been made pursuant to

1 sections 43-104.08 to 43-104.24 or section 43-105 for purposes of
2 adoption; or

3 (ii) A county court or separate juvenile court has jurisdiction over
4 the custody of the child or jurisdiction over an adoption matter with
5 respect to such child pursuant to sections 43-101 to 43-116; or

6 (b) The guardian or next friend of such child or the state, either
7 during pregnancy or within eighteen years after the child's birth.

8 (2) Summons shall issue and be served as in other civil proceedings,
9 except that such summons may be directed to the sheriff of any county in
10 the state and may be served in any county.

11 (3)(a) (3) Notwithstanding any other provision of law, a person who
12 has reason to believe he is claiming to be the biological father of a
13 child over which the juvenile court already has jurisdiction may file a
14 complaint to intervene in such juvenile proceeding to institute an action
15 to establish the paternity of the child. The complaint to intervene shall
16 be accompanied by an affidavit under oath that the complainant affiant
17 believes he is the biological father of the juvenile. No filing fee shall
18 be charged for filing the complaint and affidavit.

19 (b) Upon filing of the complaint and affidavit, the juvenile court
20 may shall enter an order pursuant to section 43-1414 to require genetic
21 testing and to require the juvenile to be made available for genetic
22 testing. The costs of genetic testing shall be paid by the complainant
23 intervenor, the county, or the state at the discretion of the juvenile
24 court.

25 (c) This subsection does not authorize intervention by a person
26 whose parental rights to such child have been terminated by the order of
27 any court of competent jurisdiction.

28 (4) For purposes of this section, child means a person under the age
29 of eighteen years, regardless of whether the person was born out of
30 wedlock.

31 **Sec. 3.** Section 43-1414, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 43-1414 (1)(a) ~~(1)~~ In any proceeding to establish paternity, the
3 court may, on its own motion, or shall, on a timely request of a party,
4 after notice and hearing, require the child, the mother, and the alleged
5 father to submit to genetic testing to be performed on blood or any other
6 appropriate genetic testing material. Failure to comply with such
7 requirement for genetic testing shall constitute contempt and may be
8 dealt with in the same manner as other contempts. If genetic testing is
9 required, the court shall direct that inherited characteristics be
10 determined by appropriate testing procedures and shall appoint an expert
11 in genetic testing and qualified as an examiner of genetic markers to
12 analyze and interpret the results and to report to the court. The court
13 shall determine the number of experts required.

14 (b) For purposes of this subsection, child means a person under the
15 age of eighteen years, regardless of whether the person was born out of
16 wedlock.

17 (2) In any proceeding to establish paternity, the Department of
18 Health and Human Services, county attorneys, and authorized attorneys
19 have the authority to require the child, the mother, and the alleged
20 father to submit to genetic testing to be performed on blood or any other
21 appropriate genetic testing material. All genetic testing shall be
22 performed by a laboratory accredited by the College of American
23 Pathologists or any other national accrediting body or public agency
24 which has requirements that are substantially equivalent to or more
25 comprehensive than those of the college.

26 (3) Except as authorized under sections 43-1414 to 43-1418, a person
27 shall not disclose information obtained from genetic paternity testing
28 that is done pursuant to such sections.

29 (4) If an alleged father who is tested as part of an action under
30 such sections is found to be the child's father, the testing laboratory
31 shall retain the genetic testing material of the alleged father, mother,

1 and child for no longer than the period of years prescribed by the
2 national standards under which the laboratory is accredited. If a man is
3 found not to be the child's father, the testing laboratory shall destroy
4 the man's genetic testing material in the presence of a witness after
5 such material is used in the paternity action. The witness may be an
6 individual who is a party to the destruction of the genetic testing
7 material. After the man's genetic testing material is destroyed, the
8 testing laboratory shall make and keep a written record of the
9 destruction and have the individual who witnessed the destruction sign
10 the record. The testing laboratory shall also expunge its records
11 regarding the genetic paternity testing performed on the genetic testing
12 material in accordance with the national standards under which the
13 laboratory is accredited. The testing laboratory shall retain the genetic
14 testing material of the mother and child for no longer than the period of
15 years prescribed by the national standards under which the laboratory is
16 accredited. After a testing laboratory destroys an individual's genetic
17 testing material as provided in this subsection, it shall notify the
18 adult individual, or the parent or legal guardian of a minor individual,
19 by certified mail that the genetic testing material was destroyed.

20 (5) A testing laboratory is required to protect the confidentiality
21 of genetic testing material, except as required for a paternity
22 determination. The court and its officers shall not use or disclose
23 genetic testing material for a purpose other than the paternity
24 determination.

25 (6) A person shall not buy, sell, transfer, or offer genetic testing
26 material obtained under sections 43-1414 to 43-1418.

27 (7) A testing laboratory shall annually have an independent audit
28 verifying the contracting laboratory's compliance with this section. The
29 audit shall not disclose the names of, or otherwise identify, the test
30 subjects required to submit to testing during the previous year. The
31 testing laboratory shall forward the audit to the department.

1 (8) Any person convicted of violating this section shall be guilty
2 of a Class IV misdemeanor for the first offense and a Class III
3 misdemeanor for the second or subsequent offense.

4 (9) For purposes of sections 43-1414 to 43-1418, an expert in
5 genetic testing means a person who has formal doctoral training or
6 postdoctoral training in human genetics.

7 **Sec. 4.** Original sections 43-1401 and 43-1414, Reissue Revised
8 Statutes of Nebraska, and section 43-1411, Revised Statutes Cumulative
9 Supplement, 2024, are repealed.