

ONE HUNDRED NINTH LEGISLATURE - FIRST SESSION - 2025
COMMITTEE STATEMENT
LB412

Hearing Date: Friday February 21, 2025
Committee On: Judiciary
Introducer: Hallstrom
One Liner: Change provisions relating to interventions in paternity proceedings

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Bosn, DeBoer, Hallstrom, Holdcroft, McKinney, Rountree,
Storer, Storm

Nay:

Absent:

Present Not Voting:

Testimony:

Proponents:
Senator Bob Hallstrom

Representing:
Opening Presenter

Opponents:

Representing:

Neutral:
Tim Hruza

Representing:
Nebraska State Bar Association

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB 412 amends definitions and procedures related to paternity actions. The bill amends section 43-1401 to redefine "child" to except such definition as provided in section 43-1411.

The bill also amends subsection (3) of section 43-1411 to modify the process for establishing paternity. Existing law allows an individual claiming to be the biological father of a child under juvenile court jurisdiction to file a complaint to intervene in the proceedings if he submits an affidavit affirming his belief in his paternity. Upon the filing of such complaint, the juvenile court must order genetic testing.

The bill makes genetic testing optional, at the court's discretion. It also establishes criteria for the court to consider when deciding on genetic testing or paternity establishment, including the child's age and existing relationships with presumptive parents, whether the child could benefit or be harmed by establishing the complainant's paternity, and any other factor the court deems relevant.

For purposes of subsection (3) of section 43-1411, "child" means a person under the age of eighteen years,



regardless of whether the person was born out of wedlock.

Explanation of amendments:

The Judiciary Committee amendment (AM 732) is a white copy amendment that strikes and replaces the original sections of LB 412.

Section-by-Section Summary:

Except for also adding reference to section 43-1414 as an exception to the definition of "child," section 1 is unchanged from Section 1 of LB 412.

Section 2 amends section 43-1411 to allow an individual who has reason to believe he is the biological father of a child to file a civil proceeding to determine paternity in district court. Existing law allows the child's mother or alleged father to initiate paternity proceedings. AM 732 also removes the provision from LB 412 that provided criteria for the court to consider when deciding on genetic testing or paternity establishment, but retains the definition of "child" found in section 43-1411 of the original bill.

Section 3 amends section 43-1414, which details the requirements and process for genetic testing in paternity proceedings, to define "child" as a person under the age of eighteen years, regardless whether the child was born out of wedlock.

Section 4. Repealer.

Carolyn Bosn, Chairperson

