

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 97

Introduced by DeBoer, 10.

Read first time January 07, 2021

Committee: Judiciary

1 A BILL FOR AN ACT relating to adoptions; to amend sections 43-101,
2 43-104, 43-104.08, 43-104.13, 43-104.15, 43-104.18, 43-104.19,
3 43-107, 43-108, 43-111, 43-111.01 , 43-112, 43-115, and 43-146.01,
4 Reissue Revised Statutes of Nebraska, and sections 43-102 and
5 43-1411, Revised Statutes Cumulative Supplement, 2020; to provide
6 for adoption by two persons jointly; to define a term; to change
7 provisions relating to consent to adoption, home studies, and
8 terminology; to eliminate obsolete provisions; to harmonize
9 provisions; and to repeal the original sections.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-101, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 43-101 (1) Subject to sections 43-101 to 43-115 and section 2 of
4 this act and except ~~Except~~ as otherwise provided in the Nebraska Indian
5 Child Welfare Act and subsections (4) and (5) of this section:

6 (a) Any ~~, any~~ minor child may be adopted by any adult person or
7 persons jointly, regardless of their marital status;

8 (b) Any minor ~~and any adult~~ child may be adopted by the spouse of
9 such child's parent; and in the cases and subject to sections 43-101 to
10 43-115, except that no person having a husband or wife may adopt a minor
11 child unless the husband or wife joins in the petition therefor. If the
12 husband or wife so joins in the petition therefor, the adoption shall be
13 by them jointly, except that an adult husband or wife may adopt a child
14 of the other spouse whether born in or out of wedlock.

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

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

18 (ii) The child has a parent-child relationship with the second adult
19 person; and

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

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

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

27 (b) (2) Any adult child may be adopted by any person or persons
28 subject to sections 43-101 to 43-115, except that no person having a
29 husband or wife may adopt an adult child unless the husband or wife joins
30 in the petition therefor. If the husband or wife so joins the petition
31 therefor, the adoption shall be by them jointly. The adoption of an adult

1 child by another adult or adults who are not the stepparent of the adult
2 child may be permitted if the adult child has had a parent-child
3 relationship with the prospective parent or parents for a period of at
4 least six months next preceding the adult child's age of majority and:

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

6 (ii) The ~~, (b)~~ the adult child's parent or parents had been deprived
7 of parental rights to such child by the order of any court of competent
8 jurisdiction;

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

11 (iv) The ~~, (d)~~ the parent or parents had abandoned the child for at
12 least six months next preceding the adult child's age of majority or for
13 a substantial portion of the time since the adult child reached the age
14 of majority;

15 (v) The ~~, or (e)~~ the parent or parents are incapable of consenting;
16 or

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

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

21 (4) No person with a spouse may adopt a minor child or an adult
22 child unless the spouse of such person joins in the petition for
23 adoption, in which case the adoption shall be made by such persons
24 jointly.

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

28 Sec. 2. For purposes of sections 43-101 to 43-115, sole legal
29 parent means a legal parent of a child with respect to whom no other
30 person has parental rights.

31 Sec. 3. Section 43-102, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

2 43-102 (1) Except as otherwise provided in the Nebraska Indian
3 Child Welfare Act, any person or persons desiring to adopt a minor child
4 or an adult child shall file a petition for adoption signed and sworn to
5 by the person or persons desiring to adopt. The following shall be filed
6 prior to the hearing required under section 43-103:

7 (a) The consent or consents required by sections ~~43-101, 43-104,~~ and
8 43-105 or section 43-104.07;

9 (b) The ~~the~~ documents required by section 43-104.07 or the
10 documents required by sections 43-104.08 to 43-104.25; ~~and~~

11 (c) A ~~a~~ completed preplacement adoptive home study if required by
12 section 43-107 ~~shall be filed prior to the hearing required in section~~
13 ~~43-103.~~

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

1 adoption proceeding heard before a separate juvenile court judge shall be
2 preserved as in any other separate juvenile court proceeding.

3 (3) Except as set out in subdivisions (1)(b), (c), (d), (e), and (f)
4 (1)(b)(ii), (iii), (iv), and (v) of section 43-107, an adoption decree
5 shall not be issued until at least six months after an adoptive home
6 study has been completed by the Department of Health and Human Services
7 or a licensed child placement agency.

8 Sec. 4. Section 43-104, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 43-104 (1) Except as otherwise provided in this section and in the
11 Nebraska Indian Child Welfare Act, no adoption shall be decreed unless
12 written consents thereto are filed in the county court of the county in
13 which the person or persons desiring to adopt reside or in the county
14 court in which the separate juvenile court having jurisdiction over the
15 custody of the child is located and the written consents are executed by:

16 (a) The ~~the~~ minor child, if over fourteen years of age, or the adult
17 child; ~~;~~

18 (b) Any ~~any~~ district court, county court, or separate juvenile court
19 in the State of Nebraska having jurisdiction of the custody of a minor
20 child by virtue of proceedings had in any district court, county court,
21 or separate juvenile court in the State of Nebraska or by virtue of the
22 Uniform Child Custody Jurisdiction and Enforcement Act; ~~;~~ ~~and~~

23 (c) Both ~~both~~ parents of a child born in lawful wedlock if living,
24 the surviving parent of a child born in lawful wedlock, the mother of a
25 child born out of wedlock, or both the mother and father of a child born
26 out of wedlock as determined pursuant to sections 43-104.08 to 43-104.25;
27 and

28 (d) In the case of an adoption by a second adult person under
29 subdivision (1)(c) or (2)(b) of section 43-101, the sole legal parent.
30 Such consent shall state that the child or adult child has a sole legal
31 parent and that such sole legal parent wishes for the child or adult

1 child to be adopted by a second adult person.

2 (2) On and after April 20, 2002, a written consent or relinquishment
3 for adoption under this section shall not be valid unless signed at least
4 forty-eight hours after the birth of the child.

5 (3) ~~(2)~~ Consent shall not be required of any parent who:

6 (a) Has ~~has~~ relinquished the child for adoption by a written
7 instrument; ~~τ~~

8 (b) Has ~~has~~ abandoned the child for at least six months next
9 preceding the filing of the adoption petition; ~~τ~~

10 (c) Has ~~has~~ been deprived of ~~his or her~~ parental rights to such
11 child by the order of any court of competent jurisdiction; ~~τ~~ or

12 (d) Is ~~is~~ incapable of consenting.

13 (4) ~~(3)~~ Consent shall not be required of a putative father who has
14 failed to timely file:

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

18 (b) A ~~a~~ petition pursuant to section 43-104.05 for the adjudication
19 of such notice and a determination of whether his consent to the adoption
20 is required and the mother of the child has timely executed a valid
21 relinquishment and consent to the adoption pursuant to such section.

22 (5) ~~(4)~~ Consent shall not be required of an adjudicated or putative
23 father who is not required to consent to the adoption pursuant to section
24 43-104.22.

25 Sec. 5. Section 43-104.08, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 43-104.08 Whenever a child is claimed to be born out of wedlock and
28 the biological mother contacts an adoption agency or attorney to
29 relinquish her rights to the child, or the biological mother joins in a
30 petition for adoption to be filed by a second adult person ~~her husband~~,
31 the agency or attorney contacted shall attempt to establish the identity

1 of the biological father and further attempt to inform the biological
2 father of his right to execute a relinquishment and consent to adoption,
3 or a denial of paternity and waiver of rights, in the form mandated by
4 section 43-106, pursuant to sections 43-104.08 to 43-104.25.

5 Sec. 6. Section 43-104.13, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 43-104.13 The notice sent by the agency or attorney pursuant to
8 section 43-104.12 shall be served sufficiently in advance of the birth of
9 the child, whenever possible, to allow compliance with subdivision (1) of
10 section 43-104.02 and shall state:

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

14 (2) That the child has been relinquished by the biological mother,
15 that she intends to execute a relinquishment and consent to adoption, or
16 that the biological mother has joined or plans to join in a petition for
17 adoption to be filed by another adult person ~~her husband~~;

18 (3) That the person being notified has been identified as a possible
19 biological father of the child;

20 (4) That the possible biological father may have certain rights with
21 respect to such child if he is in fact the biological father;

22 (5) That the possible biological father has the right to (a) deny
23 paternity, (b) waive any parental rights he may have, (c) relinquish and
24 consent to adoption of the child, (d) file a Notice of Objection to
25 Adoption and Intent to Obtain Custody pursuant to section 43-104.02, or
26 (e) object to the adoption in a proceeding before any Nebraska court
27 which has, prior to his receipt of this notice, adjudicated him to be the
28 biological father of the child;

29 (6) That to deny paternity, to waive his parental rights, or to
30 relinquish and consent to the adoption, the biological father must
31 contact the undersigned agency or attorney representing the biological

1 mother, and that if he wishes to object to the adoption and seek custody
2 of the child he should seek legal counsel from his own attorney
3 immediately; and

4 (7) That if he is the biological father and if the child is not
5 relinquished for adoption, he has a duty to contribute to the support and
6 education of the child and to the pregnancy-related expenses of the
7 mother and a right to seek a court order for custody, parenting time,
8 visitation, or other access with the child.

9 The agency or attorney representing the biological mother may
10 enclose with the notice a document which is an admission or denial of
11 paternity and a waiver of rights by the biological father, which the
12 biological father may choose to complete, in the form mandated by section
13 43-106, and return to the agency or attorney.

14 Sec. 7. Section 43-104.15, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 43-104.15 The notification procedure set forth in sections 43-104.12
17 to 43-104.14 shall, whenever possible, be completed prior to a child
18 being placed in an adoptive home. If the information provided in the
19 biological mother's affidavit prepared pursuant to section 43-104.09
20 presents clear evidence that providing notice to a biological father or
21 possible biological father as contemplated in sections 43-104.12 to
22 43-104.14 would be likely to threaten the safety of the biological mother
23 or the child or that conception was the result of sexual assault or
24 incest, notice is not required to be given. If the biological father or
25 possible biological fathers are not given actual or constructive notice
26 prior to the time of placement, the agency or attorney shall give the
27 adoptive parent or parents a statement of legal risk indicating the legal
28 status of the biological father's parental rights as of the time of
29 placement, and the adoptive parent or parents shall sign a statement of
30 legal risk acknowledging ~~their~~ acceptance of the placement,
31 notwithstanding the legal risk.

1 Sec. 8. Section 43-104.18, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 43-104.18 If a petition to finalize an adoption is filed and fails
4 to establish substantial compliance with sections 43-104.08 to 43-104.16,
5 the court shall receive evidence by affidavit of the facts and
6 circumstances of the biological mother's relationship with the biological
7 father or possible biological fathers at the time of conception of the
8 child and at the time of the biological mother's relinquishment and
9 consent to the adoption of the child, including any evidence that
10 providing notice to a biological father would be likely to threaten the
11 safety of the biological mother or the child or that the conception was
12 the result of sexual assault or incest. If, under the facts and
13 circumstances presented, the court finds that the agency or attorney
14 representing the biological mother did not exercise due diligence in
15 complying with sections 43-104.08 to 43-104.16, or if the court finds
16 that there is no credible evidence that providing notice to a biological
17 father would be likely to threaten the safety of the biological mother or
18 the child or that the conception was the result of sexual assault or
19 incest, the court shall order the attorney or agency to exercise due
20 diligence in complying with sections 43-104.08 to 43-104.16. If the
21 attorney or agency fails to exercise due diligence in complying with such
22 sections or at any time upon the petition or application of any
23 interested party, the court may appoint a guardian ad litem to represent
24 the interests of the biological father. The guardian ad litem shall be
25 chosen from a qualified pool of local attorneys. The guardian ad litem
26 shall receive reasonable compensation for the representation, the amount
27 to be determined at the discretion of the court.

28 Sec. 9. Section 43-104.19, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 43-104.19 The guardian ad litem for the biological father shall:

31 (1) Identify the biological father whenever possible;

1 (2) Notify the biological father or possible biological fathers of
2 the proposed relinquishment and consent to the adoption of the child and
3 inform the biological father or possible biological fathers of their
4 parental rights and duties with regard to the child;

5 (3) Notify the court if all reasonable attempts to both identify and
6 notify the biological father or possible biological fathers are
7 unsuccessful; and

8 (4) Determine, by deposition, by affidavit, by interview, or through
9 testimony at a hearing, the following: Whether the mother was married at
10 the time of conception of the child or at any time thereafter, whether
11 the mother was cohabitating with a man at the time of conception or birth
12 of the child, whether the mother has received support payments or
13 promises of support with respect to the child or in connection with her
14 pregnancy, whether conception was the result of sexual assault or incest,
15 and whether any man has formally or informally acknowledged or declared
16 his possible paternity of the child.

17 Sec. 10. Section 43-107, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 43-107 (1)(a) ~~A For adoption placements occurring or in effect prior~~
20 ~~to January 1, 1994, upon the filing of a petition for adoption, the~~
21 ~~county judge shall, except in the adoption of children by stepparents~~
22 ~~when the requirement of an investigation is discretionary, request the~~
23 ~~Department of Health and Human Services or any child placement agency~~
24 ~~licensed by the department to examine the allegations set forth in the~~
25 ~~petition and to ascertain any other facts relating to such minor child~~
26 ~~and the person or persons petitioning to adopt such child as may be~~
27 ~~relevant to the propriety of such adoption, except that the county judge~~
28 ~~shall not be required to request such an examination if the judge~~
29 ~~determines that information compiled in a previous examination or study~~
30 ~~is sufficiently current and comprehensive. Upon the request being made,~~
31 ~~the department or other licensed agency shall conduct an investigation~~

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

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

29 (c) (iii) The placement of a child for foster care made by or
30 facilitated by the department or a licensed child placement agency in the
31 home of a person who later petitions the court to adopt the child shall

1 be exempt from the requirements of a preplacement adoptive home study.
2 The petitioner or petitioners who meet such criteria shall have a
3 postplacement adoptive home study completed by the department or a
4 licensed child placement agency and filed with the court at least one
5 week prior to the hearing for adoption.

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

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

28 (f) (v) The adoption of an adult child as provided in subsection (2)
29 of section 43-101 shall be exempt from the requirements of an adoptive
30 home study unless the court specifically orders otherwise. The court may
31 order an adoptive home study, a background investigation, or both if the

1 court determines that such would be in the best interests of the adoptive
2 party or the person to be adopted.

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

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

18 (2) Upon the filing of a petition for adoption, the judge shall
19 require that a complete medical history be provided on the child, except
20 that in the adoption of a child by a stepparent, biological grandparent,
21 or step-grandparent who is married to the biological grandparent at the
22 time of the adoption if both are adopting the child, the provision of a
23 medical history shall be discretionary. ~~The On and after August 27, 2011,~~
24 ~~the~~ complete medical history or histories required under this subsection
25 shall include the race, ethnicity, nationality, Indian tribe when
26 applicable and in compliance with the Nebraska Indian Child Welfare Act,
27 or other cultural history of both biological parents, if available. A
28 medical history shall be provided, if available, on the biological mother
29 and father and their biological families, including, but not limited to,
30 siblings, parents, grandparents, aunts, and uncles, unless the child is
31 foreign born or was abandoned. The medical history or histories shall be

1 reported on a form provided by the department and filed along with the
2 report of adoption as provided by section 71-626. If the medical history
3 or histories do not accompany the report of adoption, the department
4 shall inform the court and the State Court Administrator. The medical
5 history or histories shall be made part of the court record. After the
6 entry of a decree of adoption, the court shall retain a copy and forward
7 the original medical history or histories to the department.—This
8 subsection shall only apply when the relinquishment or consent for an
9 adoption is given on or after September 1, 1988.

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

25 Sec. 11. Section 43-108, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 43-108 The minor child to be adopted, unless such child is over
28 fourteen years of age, and the person or persons desiring to adopt the
29 child must appear in person before the judge at the time of hearing,
30 except that when the petitioners are married ~~husband and wife~~ and one of
31 them is present in court, the court, in its discretion, may accept the

1 affidavit of an absent spouse who is in the armed forces of the United
2 States and it appears to the court the absent spouse will not be able to
3 be present in court for more than a year because of the absent spouse's
4 ~~his or her~~ military assignment, which affidavit sets forth that the
5 absent spouse favors the adoption.

6 Sec. 12. Section 43-111, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 43-111 Except as provided in sections 43-101 and section 43-106.01
9 and the Nebraska Indian Child Welfare Act, after a decree of adoption has
10 been entered, the natural parents of the adopted child shall be relieved
11 of all parental duties toward and all responsibilities for such child and
12 have no rights over such adopted child or to his or her property by
13 descent and distribution.

14 Sec. 13. Section 43-111.01, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 43-111.01 Except as otherwise provided in the Nebraska Indian Child
17 Welfare Act, if, upon a hearing, the court shall deny a petition for
18 adoption, the court may take custody of the child involved and determine
19 whether or not it is in the best interests of the child to remain in the
20 custody of the proposed adopting parents. The court may also, on its own
21 motion, appoint a legal guardian over the person and property of such
22 minor and make disposition in the best interests of the child without
23 further notice, relinquishments, or consents as may otherwise be required
24 by sections 43-102 to 43-112 and section 2 of this act.

25 Sec. 14. Section 43-112, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 43-112 An appeal shall be allowed from any final order, judgment, or
28 decree, rendered under the authority of sections 43-101 to 43-115 and
29 section 2 of this act, from the county court to the Court of Appeals in
30 the same manner as an appeal from district court to the Court of Appeals.

31 An appeal may be taken by any party and may also be taken by any

1 person against whom the final judgment or final order may be made or who
2 may be affected thereby. The judgment of the Court of Appeals shall not
3 vacate the judgment of the county court. The judgment of the Court of
4 Appeals shall be certified without cost to the county court for further
5 proceedings consistent with the determination of the Court of Appeals.

6 Sec. 15. Section 43-115, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 43-115 No adoption heretofore lawfully made shall be affected by the
9 enactment of sections 43-101 to 43-115 and section 2 of this act, but
10 such adoptions shall continue in effect and operation according to the
11 terms thereof.

12 Sec. 16. Section 43-146.01, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 43-146.01 (1) Sections 43-106.02, 43-121, 43-123.01, and 43-146.02
15 to 43-146.16 shall provide the procedures for gaining access to
16 information concerning an adopted person when a relinquishment or consent
17 for an adoption is given on or after September 1, 1988.

18 (2) Sections 43-119 to 43-142 shall remain in effect for a
19 relinquishment or consent for an adoption which is given prior to
20 September 1, 1988.

21 (3) Except as otherwise provided in subsection (2) of section
22 43-107, subdivisions (1)(b), (1)(c), and (1)(d) of section 43-109, and
23 subsection (4) of this section: Sections 43-101 to 43-118 and section 2
24 of this act, 43-143 to 43-146, 43-146.17, 71-626, 71-626.01, and
25 71-627.02 shall apply to all adoptions.

26 (4) Sections 43-143 to 43-146 shall not apply to adopted persons for
27 whom a relinquishment or consent for adoption was given on and after July
28 20, 2002.

29 Sec. 17. Section 43-1411, Revised Statutes Cumulative Supplement,
30 2020, is amended to read:

31 43-1411 (1) A civil proceeding to establish the paternity of a child

1 may be instituted, in the court of the district where the child is
2 domiciled or found or, for cases under the Uniform Interstate Family
3 Support Act, where the alleged father is domiciled, by:

4 (a) The ~~the~~ mother or the alleged father of such child, either
5 during pregnancy or within four years after the child's birth, unless:

6 (i) A ~~a~~ valid consent or relinquishment has been made pursuant to
7 sections 43-104.08 to 43-104.25 or section 43-105 for purposes of
8 adoption; or

9 (ii) A ~~a~~ county court or separate juvenile court has jurisdiction
10 over the custody of the child or jurisdiction over an adoption matter
11 with respect to such child pursuant to sections 43-101 to 43-116 and
12 section 2 of this act; or

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

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

18 (3) ~~(2)~~ Notwithstanding any other provision of law, a person
19 claiming to be the biological father of a child over which the juvenile
20 court already has jurisdiction may file a complaint to intervene in such
21 juvenile proceeding to institute an action to establish the paternity of
22 the child. The complaint to intervene shall be accompanied by an
23 affidavit under oath that the affiant believes he is the biological
24 father of the juvenile. No filing fee shall be charged for filing the
25 complaint and affidavit. Upon filing of the complaint and affidavit, the
26 juvenile court shall enter an order pursuant to section 43-1414 to
27 require genetic testing and to require the juvenile to be made available
28 for genetic testing. The costs of genetic testing shall be paid by the
29 intervenor, the county, or the state at the discretion of the juvenile
30 court. This subsection does not authorize intervention by a person whose
31 parental rights to such child have been terminated by the order of any

1 court of competent jurisdiction.

2 Sec. 18. Original sections 43-101, 43-104, 43-104.08, 43-104.13,
3 43-104.15, 43-104.18, 43-104.19, 43-107, 43-108, 43-111, 43-111.01,
4 43-112, 43-115, and 43-146.01, Reissue Revised Statutes of Nebraska, and
5 sections 43-102 and 43-1411, Revised Statutes Cumulative Supplement,
6 2020, are repealed.