

## LEGISLATIVE BILL 741

Approved by the Governor April 18, 2022

Introduced by DeBoer, 10; Jacobson, 42; Vargas, 7.

A BILL FOR AN ACT relating to children and families; to amend sections 25-309, 43-101, 43-104, 43-104.01, 43-104.02, 43-104.03, 43-104.04, 43-104.05, 43-104.08, 43-104.09, 43-104.12, 43-104.13, 43-104.14, 43-104.16, 43-104.17, 43-104.18, 43-104.22, 43-104.23, 43-105, 43-106, 43-108, 43-109, 43-111, 43-111.01, 43-112, 43-115, 43-146.01, 43-166, 43-906, 71-3404, 71-3407, 71-3408, 71-3409, 71-3410, and 71-3411, Reissue Revised Statutes of Nebraska, and sections 25-307, 43-102, 43-1411, 71-3405, and 71-3406, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to adoption; to provide for cytomegalovirus public education and prevention; to adopt the Domestic Abuse Death Review Act; to change provisions relating to the Child and Maternal Death Review Act and provide for the review of stillbirths under such act; to define and redefine terms; to harmonize provisions; to repeal the original sections; and to outright repeal sections 43-104.19, 43-104.20, 43-104.21, and 43-104.25, Reissue Revised Statutes of Nebraska.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 25-307, Revised Statutes Cumulative Supplement, 2020, is amended to read:

25-307 Except as provided by the Nebraska Probate Code, section 43-104.05, and sections 43-4801 to 43-4812, the action of an infant shall be commenced, maintained, and prosecuted by his or her guardian or next friend. Such actions may be dismissed with or without prejudice by the guardian or next friend only with approval of the court. When the action is commenced by his or her next friend, the court has power to dismiss it, if it is not for the benefit of the infant, or to substitute the guardian of the infant, or any person, as the next friend. Any action taken pursuant to this section shall be binding upon the infant.

Sec. 2. Section 25-309, Reissue Revised Statutes of Nebraska, is amended to read:

25-309 Except as provided by the Nebraska Probate Code and section 43-104.05, the defense of an infant must be by a guardian for the suit, who may be appointed by the court in which the action is prosecuted, or by a judge thereof, or by a county judge. The appointment cannot be made until after service of the summons in the action as directed by this code.

Sec. 3. Section 43-101, Reissue Revised Statutes of Nebraska, is amended to read:

43-101 (1) Except as otherwise provided in the Nebraska Indian Child Welfare Act, any minor child may be adopted by any adult person or persons and any adult child may be adopted by the spouse of such child's parent in the cases and subject to sections 43-101 to 43-115, except that no person having a spouse husband or wife may adopt a minor child unless the spouse husband or wife joins in the petition therefor. If the spouse husband or wife so joins in the petition therefor, the adoption shall be by them jointly, except that an adult spouse husband or wife may adopt a child of the other spouse whether born in or out of wedlock.

(2) Any adult child may be adopted by any person or persons subject to sections 43-101 to 43-115, except that no person having a spouse husband or wife may adopt an adult child unless the spouse husband or wife joins in the petition therefor. If the spouse husband or wife so joins the petition therefor, the adoption shall be by them jointly. The adoption of an adult child by another adult or adults who are not the stepparent of the adult child may be permitted if the adult child has had a parent-child relationship with the prospective parent or parents for a period of at least six months next preceding the adult child's age of majority and (a) the adult child has no living parents, (b) the adult child's parent or parents had been deprived of parental rights to such child by the order of any court of competent jurisdiction, (c) the parent or parents, if living, have relinquished the adult child for adoption by a written instrument, (d) the parent or parents had abandoned the child for at least six months next preceding the adult child's age of majority, or (e) the parent or parents are incapable of consenting. The substitute consent provisions of section 43-105 do not apply to adoptions under this subsection.

Sec. 4. For purposes of sections 43-101 to 43-115:

(1) Acknowledged father means an individual who has:

(a) Executed a valid acknowledgement of paternity; or

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

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

(3) Juvenile court means the separate juvenile court where it has been

established pursuant to sections 43-2,111 to 43-2,127 and the county court sitting as a juvenile court in all other counties.

Sec. 5. Section 43-102, Revised Statutes Cumulative Supplement, 2020, is amended to read:

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

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

(b) The ~~the~~ documents required by section 43-104.07 or the documents required by sections 43-104.08 to 43-104.24;

(c) A ~~43-104.25, and a~~ completed preplacement adoptive home study if required by section 43-107;

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

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

(f) When a consent is not required under subdivision (4)(c) of section 43-104, a certified copy of the termination order shall be filed prior to the hearing required in section 43-103.

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

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

Sec. 6. Section 43-104, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

(b) Both ~~, or the adult child,~~ (b) any district court, county court, or separate juvenile court in the State of Nebraska having jurisdiction of the custody of a minor child by virtue of proceedings had in any district court, county court, or separate juvenile court in the State of Nebraska or by virtue of the Uniform Child Custody Jurisdiction and Enforcement Act, and (c) both parents of a child born in lawful wedlock if living, the surviving parent of a child born in lawful wedlock, the mother of a child born out of wedlock, or both the mother and father of a child born out of wedlock as determined pursuant to sections 43-104.08 to 43-104.24 43-104.25.

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

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

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

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

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

(a) Who has relinquished the child for adoption by a written instrument; ~~or~~

(b) Who has abandoned the child for at least six months next preceding the filing of the adoption petition; ~~or~~

(c) Whose has been deprived of his or her parental rights to such child have been terminated by the order of any court of competent jurisdiction; ~~or~~

(d) Who is incapable of consenting.

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

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

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

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

~~(7)~~ ~~(4)~~ Consent shall not be required of an acknowledged father, an adjudicated father, or a putative father who is not required to consent to the adoption pursuant to section 43-104.05 or 43-104.22.

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

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

~~(b)~~ In private adoptions and adoptions involving relinquishment of a child to a licensed child placement agency other than the state, a parent or parents contemplating relinquishment of a child for adoption shall be offered, at the expense of the adoptive parent or parents or the agency, at least three hours of professional counseling prior to executing a written relinquishment of parental rights or written consent to adoption. Such relinquishment or consent shall state whether the relinquishing parent or parents received or declined counseling.

Sec. 7. Section 43-104.01, Reissue Revised Statutes of Nebraska, is amended to read:

43-104.01 (1) The Department of Health and Human Services shall establish a putative biological father registry. The department shall maintain such registry and shall record the names and addresses of (a) any person adjudicated by a court of this state or by a court of another state or territory of the United States to be the biological father of a child born out of wedlock if a certified copy of the court order is filed with the registry by such person or any other person, (b) any putative father who has filed with the registry, prior to the receipt of notice under sections 43-104.12 to 43-104.16, a Request for Notification of Intended Adoption with respect to such child, and (c) any putative father who has filed with the registry a Notice of Objection to Adoption and Intent to Obtain Custody with respect to such child.

(2) A Request for Notification of Intended Adoption or a Notice of Objection to Adoption and Intent to Obtain Custody filed with the registry shall include (a) the putative father's name, address, and social security number, (b) the name and last-known address of the mother, (c) the month and year of the birth or the expected birth of the child, (d) the case name, court name, and location of any Nebraska court having jurisdiction over the custody of the child, and (e) a statement by the putative father that he acknowledges liability for contribution to the support and education of the child after birth and for contribution to the pregnancy-related medical expenses of the mother of the child. The person filing the notice shall notify the registry of any change of address pursuant to procedures prescribed in rules and regulations of the department.

(3) A request or notice filed under this section or section 43-104.02 shall be admissible in any action for paternity and shall estop the putative father from denying paternity of such child thereafter.

(4) Any putative father who files a Request for Notification of Intended Adoption or a Notice of Objection to Adoption and Intent to Obtain Custody with the putative biological father registry may revoke such filing. Upon receipt of such revocation by the registry, the effect shall be as if no filing had ever been made.

~~(5)~~ ~~The department shall not divulge the names and addresses of persons listed with the biological father registry to any other person except as authorized by law or upon order of a court of competent jurisdiction for good cause shown.~~

~~(5)~~ ~~(6)~~ The department may develop information about the registry and may distribute such information, through its existing publications, to the news media and the public. The department may provide information about the registry to the Department of Correctional Services, which may distribute such information through its existing publications.

~~(7)~~ A person who has been adjudicated by a Nebraska court of competent jurisdiction to be the biological father of a child born out of wedlock who is the subject of a proposed adoption shall not be construed to be a putative father for purposes of sections 43-104.01 to 43-104.05 and shall not be subject to the provisions of such sections as applied to such fathers. Whether such person's consent is required for the proposed adoption shall be determined by the Nebraska court having jurisdiction over the custody of the child pursuant to section 43-104.22, as part of proceedings required under section 43-104 to obtain the court's consent to such adoption.

Sec. 8. Section 43-104.02, Reissue Revised Statutes of Nebraska, is

amended to read:

43-104.02 (1) A Notice of Objection to Adoption and Intent to Obtain Custody shall be filed with the putative biological father registry under section 43-104.01 on forms provided by the Department of Health and Human Services:

(a) At (1) at any time during the pregnancy and no later than ten five business days after the birth of the child; or

(b) If (2) if the notice required by section 43-104.13 is provided after the birth of the child;

(i) At (a) at any time during the pregnancy and no later than ten five business days after receipt of the notice provided under section 43-104.12; or

(ii) No (b) no later than ten five business days after the last date of any published notice provided under section 43-104.14, whichever notice is earlier.

(2) Such notice shall be considered to have been filed if it is received by the Department of Health and Human Services, Office of Vital Records, putative father registry department or postmarked prior to the end of the tenth fifth business day as provided in this section.

Sec. 9. Section 43-104.03, Reissue Revised Statutes of Nebraska, is amended to read:

43-104.03 Within three days after the filing of a Request for Notification of Intended Adoption or a Notice of Objection to Adoption and Intent to Obtain Custody with the putative biological father registry pursuant to sections 43-104.01 and 43-104.02, the Department of Health and Human Services shall cause a certified copy of such request or notice to be mailed by certified mail to ~~(1) the mother or prospective mother of such child at the last-known address shown on the request or notice or an agent specifically designated in writing by the mother or prospective mother to receive such request or notice and (2) any Nebraska court identified by the putative father under section 43-104.01 as having jurisdiction over the custody of the child.~~

Sec. 10. Section 43-104.04, Reissue Revised Statutes of Nebraska, is amended to read:

43-104.04 If a Notice of Objection to Adoption and Intent to Obtain Custody is not timely filed with the putative biological father registry pursuant to section 43-104.02, the mother of a child born out of wedlock or an agent specifically designated in writing by the mother may request, and the Department of Health and Human Services shall supply, a certificate that no such notice has been filed with the putative biological father registry. The filing of such certificate pursuant to section 43-102 shall eliminate the need or necessity of a consent or relinquishment for adoption by the putative father of such child.

Sec. 11. Section 43-104.05, Reissue Revised Statutes of Nebraska, is amended to read:

43-104.05 (1)(a) A putative, acknowledged, or adjudicated father objecting to a proposed adoption may file a petition objecting to the adoption and seeking a determination of whether the objecting father's consent to the proposed adoption is required. A putative father may only file such petition if he has timely filed (1) If a Notice of Objection to Adoption and Intent to Obtain Custody is timely filed with the putative biological father registry pursuant to section 43-104.02, either the putative father, the mother, or her agent specifically designated in writing shall, within thirty days after the filing of such notice, file a petition for adjudication of the notice and a determination of whether the putative father's consent to the proposed adoption is required. The

(b) The petition shall be filed within forty-five days after the later of the child's birth or the objecting father's receipt of notice under sections 43-104.12 to 43-104.14.

(c)(i) Except as provided in subdivision (1)(c)(ii) of this section, the petition shall be filed in the county court in the county where such child was born or, if a separate juvenile court already has jurisdiction over the custody of the child, in the county court of the county in which such separate juvenile court is located.

(ii) If the child was not born in Nebraska, the petition shall be filed in the county court of the county where either the biological mother or objecting father resides.

(d) A timely petition objecting to the adoption must be filed by an objecting putative, acknowledged, or adjudicated father of a minor child born out of wedlock who is the subject of a proposed adoption.

(e) Such petition may be filed by and defended by a minor in the minor's own name.

(2) If such a petition objecting to a proposed adoption is not filed within the deadline provided in subdivision (1)(b) of this section, thirty days after the filing of such notice and the mother of the child has executed a valid relinquishment and consent to the adoption within ninety sixty days after the later of the birth of the child or the objecting father's receipt of notice under sections 43-104.12 to 43-104.14 filing of such notice, the putative, acknowledged, or adjudicated father's consent to adoption of the child shall not be required, he is not entitled to any further notice of the adoption proceedings, his right to object to the adoption and any alleged parental rights and responsibilities of the putative father shall not be recognized thereafter in any court, and his parental rights to such child will be terminated upon entry of an adoption decree.

(3) After the timely filing of a such petition objecting to a proposed

adoption, the court shall set a trial date upon proper notice to the parties not less than twenty nor more than thirty days after the date of such filing. If the mother contests the objecting putative father's claim of paternity, the court shall order DNA testing to establish whether the objecting putative father is the biological father. The court shall assess the costs of such testing between the parties in an equitable manner. Whether the objecting putative father's consent to the adoption is required shall be determined pursuant to section 43-104.22, except that such consent is not required if the objecting father is not the biological father. The court shall appoint a guardian ad litem to represent the best interests of the child.

(4)(a) The county court of ~~the county where the child was born~~ or the separate juvenile court having jurisdiction over the custody of the child shall have exclusive jurisdiction over proceedings under this section from the date of notice provided under section 43-104.12 or the last date of published notice under section 43-104.14, whichever notice is earlier, until thirty days after the conclusion of adoption proceedings under this section concerning the child, including appeals, unless such jurisdiction is transferred under subdivision (b) of this subsection.

(b) Except as ~~otherwise~~ provided in this subdivision (4)(c) of this section, the court shall, upon the motion of any party, transfer the case to the district court for further proceedings on the matters of custody, visitation, and child support with respect to such child if:

(i) Such ~~such~~ court determines under section 43-104.22 that the consent of the objecting putative father is required for adoption of the minor child and the objecting putative father refuses such consent; or

(ii) The ~~the~~ mother of the child, within ninety ~~thirty~~ days after the conclusion of proceedings under this section, including appeals, has not executed a valid relinquishment and consent to the adoption.

(c) The court, upon its own motion, may retain the case for good cause shown.

Sec. 12. Section 43-104.08, Reissue Revised Statutes of Nebraska, is amended to read:

43-104.08 Whenever a child is claimed to be born out of wedlock and the biological mother contacts an adoption agency or attorney to relinquish her rights to the child, or the biological mother joins in a petition for adoption to be filed by her spouse ~~husband~~, the agency or attorney contacted shall attempt to establish the identity of the biological father and further attempt to inform the biological father of his rights, including the right to object to the adoption and the procedure and required timing to object, and his right to execute a relinquishment and consent to adoption, or a denial of paternity and waiver of rights, in the form mandated by section 43-106, pursuant to sections 43-104.08 to 43-104.24 43-104.25.

Sec. 13. Section 43-104.09, Reissue Revised Statutes of Nebraska, is amended to read:

43-104.09 In all cases of adoption of a minor child born out of wedlock, the biological mother, or an individual acting on behalf of the biological mother and who possesses information provided by the biological mother if the biological mother is unavailable due to death, incapacity, abandonment, or termination of parental rights, shall complete and sign an affidavit in writing and under oath. The affidavit shall be completed and signed ~~executed by the biological mother~~ before or at the time of execution of the consent or relinquishment and shall be filed with the court prior to the hearing on the attached as an exhibit to any petition for to finalize the adoption. If the biological mother is under the age of nineteen, the biological mother may sign the affidavit despite her minority or the affidavit may be completed and signed ~~executed~~ by the agency or attorney representing the biological mother based upon information provided by the biological mother. The affidavit shall be in substantially the following form:

AFFIDAVIT OF IDENTIFICATION

I, ....., the mother of a child, state under oath or affirm as follows:

(1) My child was born, or is expected to be born, on the ..... day of ....., at ....., in the State of .....

(2) I reside at ....., in the City or Village of ....., County of ....., State of .....

(3) I am of the age of ..... years, and my date of birth is .....

(4) I acknowledge that I have been asked to identify the father of my child.

(5) (CHOOSE ONE)

(5A) I know and am identifying the biological father (or possible biological fathers) as follows:

The name of the biological father is .....

His last-known home address is .....

His last-known work address is .....

He is ..... years of age, or he is deceased, having died on or about the ..... day of ....., at ....., in the State of .....

He has been adjudicated to be the biological father by the ..... Court of ..... county, State of ....., case name ....., docket

number .....

He ... has ... has not acknowledged paternity in court or in connection with the child's birth certificate.

He ... has ... has not established a familial relationship with the child.

(For other possible biological fathers, please use additional sheets of paper as needed.)

(5B) I am unwilling or unable to identify the biological father (or possible biological fathers). I do not wish or I am unable to name the biological father of the child for the following reasons:

..... Conception of my child occurred as a result of sexual assault or incest

..... Providing notice to the biological father of my child would threaten my safety or the safety of my child

..... Other reason: .....

(6) If the biological mother is unable to name the biological father, the physical description of the biological father (or possible biological fathers) and other information which may assist in identifying him, including the city or county and state where conception occurred:

.....  
.....  
.....

(use additional sheets of paper as needed).

(7) Under penalty of perjury, the undersigned certifies that the statements set forth in this affidavit are true and correct.

(8) I have read this affidavit and have had the opportunity to review and question it. It was explained to me by .....

I am signing it as my free and voluntary act and understand the contents and the effect of signing it.

Dated this ..... day of ....., .....

(Acknowledgment)

.....

(Signature)

Sec. 14. Section 43-104.12, Reissue Revised Statutes of Nebraska, is amended to read:

43-104.12 In order to attempt to inform the biological father or possible biological fathers, whether putative, acknowledged, or adjudicated, of the right to execute a relinquishment and consent to adoption or a denial of paternity and waiver of rights, the agency or attorney representing the biological mother shall notify, by personal service of process or by registered or certified mail, restricted delivery, return receipt requested:

(1) Any acknowledged father or person adjudicated father by a court in this state or by a court in another state or territory of the United States to be the biological father of the child;

(2) Any person who has filed a Request for Notification of Intended Adoption or a Notice of Objection to Adoption and Intent to Obtain Custody pursuant to sections 43-104.01 and 43-104.02;

(3) Any person who is recorded on the child's birth certificate as the child's father;

(4) Any person who might be the biological father of the child who was openly living with the child's biological mother within the twelve months prior to the birth of the child;

(5) Any person who has been identified as the biological father or possible biological father of the child by the child's biological mother pursuant to section 43-104.09;

(6) Any person who was married to the child's biological mother within six months prior to the birth of the child and prior to the execution of the relinquishment; and

(7) Any other person who the agency or attorney representing the biological mother may have reason to believe may be the biological father of the child.

Sec. 15. Section 43-104.13, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

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

(5) That the person being notified possible biological father has the right to (a) deny paternity, (b) waive any parental rights he may have, (c) relinquish and consent to adoption of the child, (d) file a Notice of Objection to Adoption and Intent to Obtain Custody any time during the pregnancy or as late as ten business days after birth pursuant to section 43-104.02 if he is a putative father, and ~~or~~ (e) object to the adoption in ~~a proceeding before any~~

Nebraska court within forty-five days after the later of receipt of notice under this section or the birth of the child if he is an acknowledged or adjudicated father which has, prior to his receipt of this notice, adjudicated him to be the biological father of the child;

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

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

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

Sec. 16. Section 43-104.14, Reissue Revised Statutes of Nebraska, is amended to read:

43-104.14 (1) If the agency or attorney representing the biological mother is unable through reasonable efforts to locate and serve notice on the biological father or possible biological fathers as contemplated in sections 43-104.12 and 43-104.13, the agency or attorney shall notify the biological father or possible biological fathers by publication.

(2) The publication shall be made once a week for three consecutive weeks in a legal newspaper of general circulation in the Nebraska county or county of another state which is most likely to provide actual notice to the biological father. The publication shall include:

(a) The first name or initials of the father or possible father or the entry "John Doe, real name unknown", if applicable;

(b) A description of the father or possible father if his first name is or initials are unknown;

(c) The approximate date of conception of the child and the city and state in which conception occurred, if known;

(d) The date of birth or expected birth of the child;

(e) That he has been identified as the biological father or possible biological father of a child whom the biological mother currently intends to place for adoption and the approximate date that placement will occur;

(f) That he has the right to (i) deny paternity, (ii) waive any parental rights he may have, (iii) relinquish and consent to adoption of the child, (iv) file a Notice of Objection to Adoption and Intent to Obtain Custody any time during the pregnancy or as late as ten business days after birth pursuant to section 43-104.02 if he is a putative father, or (v) object to the adoption in a proceeding before any Nebraska court within forty-five days after the later of receipt of notice under this section or the birth of the child if he is an acknowledged or adjudicated father which has adjudicated him to be the biological father of the child prior to his receipt of notice; and

(g) That ~~(i)~~ in order to deny paternity, waive his parental rights, relinquish and consent to the adoption, or receive additional information to determine whether he is the father of the child in question, he must contact the undersigned agency or attorney representing the biological mother; and

~~(h)~~ That ~~(ii)~~ if he wishes to object to the adoption and seek custody of the child, he must seek legal counsel from his own attorney immediately.

Sec. 17. Section 43-104.16, Reissue Revised Statutes of Nebraska, is amended to read:

43-104.16 In all cases involving the adoption of a minor child born out of wedlock, the agency or attorney representing the biological mother shall execute an affidavit stating that due diligence was used to identify and give actual or constructive notice to the biological father or possible biological fathers of the child and stating the methods used to attempt to identify and give actual or constructive notice to those persons or the reason why no attempts were made to identify and notify those persons. The affidavit shall be attached to any petition filed in the an adoption proceeding prior to the hearing on the petition for adoption.

Sec. 18. Section 43-104.17, Reissue Revised Statutes of Nebraska, is amended to read:

43-104.17 In all cases of adoption of a minor child born out of wedlock, the petition ~~for to finalize the~~ adoption shall specifically allege compliance with sections 43-104.08 to 43-104.16, and ~~shall attach as exhibits~~ all documents which are evidence of such compliance shall be filed with the court prior to the hearing on the petition. No notice of the filing of the petition to finalize or the hearing on the petition shall be given to a biological father or putative biological father who (1) executed a valid relinquishment and consent or a valid denial of paternity and waiver of rights pursuant to section 43-104.11, (2) was a putative father provided notice under sections 43-104.12 to 43-104.14 and who failed to timely file a Notice of Objection to Adoption and Intent to Obtain Custody pursuant to section 43-104.02 or petition pursuant to section 43-104.05, (3) was a putative, acknowledged, or adjudicated father who failed to timely file a petition objecting to the adoption under section 43-104.05, or (4) ~~(3)~~ is not required to consent to the adoption pursuant to proceedings conducted under section 43-104 or 43-104.22.

Sec. 19. Section 43-104.18, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 20. Section 43-104.22, Reissue Revised Statutes of Nebraska, is amended to read:

43-104.22 At any hearing to determine the parental rights of an acknowledged father, an adjudicated biological father, or a putative biological father of a minor child born out of wedlock and whether such father's consent is required for the adoption of such child, the county court or juvenile court having jurisdiction shall receive evidence with regard to the actual paternity of the child, if contested and whether such father is a fit, proper, and suitable custodial parent for the child. The court shall determine that such father's consent is not required for a valid adoption of the child upon a finding of one or more of the following:

- (1) The father abandoned or neglected the child after having knowledge of the child's birth;
- (2) The father is not a fit, proper, and suitable custodial parent for the child;
- (3) The father had knowledge of the child's birth and failed to provide reasonable financial support for the mother or child;
- (4) The father abandoned the mother without reasonable cause and with knowledge of the pregnancy;
- (5) The father had knowledge of the pregnancy and failed to provide reasonable support for the mother during the pregnancy;
- (6) The child was conceived as a result of a nonconsensual sex act or an incestual act;
- (7) Notice was provided pursuant to sections 43-104.12 to 43-104.14 and the putative father failed to timely file a Notice of Objection to Adoption and Intent to Obtain Custody pursuant to section 43-104.02;
- (8) The acknowledged father, adjudicated father, or putative father failed to timely file a petition objecting to the adoption to adjudicate a Notice of Objection to Adoption and Intent to Obtain Custody pursuant to section 43-104.05;
- (9) ~~Notice was provided to an adjudicated biological father through service of process under applicable state law and he failed to object to the adoption or failed to appear at the hearing conducted under section 43-104.25;~~
- (9) ~~(10)~~ The father executed a valid relinquishment or consent to adoption; or
- (10) ~~(11)~~ The man whether an acknowledged father, an adjudicated father, or a putative father, is not, in fact, the biological father of the child.

The court shall determine the custody of the child according to the best interest of the child, weighing the superior rights of a biological parent who has been found to be a fit, proper, and suitable parent against any detriment the child would suffer if removed from the custody of persons with whom the child has developed a substantial relationship.

Sec. 21. Section 43-104.23, Reissue Revised Statutes of Nebraska, is amended to read:

43-104.23 (1) The court shall enter a decree finalizing the adoption of the child if If, after viewing the evidence submitted to support a petition for to finalize an adoption or any evidence submitted by a guardian ad litem if one is appointed, the court determines that:

- (a) No ~~no~~ biological father can be identified;
- (b) No ~~no~~ or that ~~no~~ identified father can be notified without likely threat to the safety of the biological mother or the child; or ~~or~~
- (c) That there has been upon a finding of due diligence and substantial compliance with sections 43-104.08 to 43-104.16 and a finding that no biological father has timely filed under section 43-104.02 or 43-104.05 ~~the court shall enter an order finalizing the adoption of the child.~~

(2) Subject to the disposition of an appeal, upon the expiration of thirty days after a decree ~~an order~~ is issued under this section, the decree ~~order~~

shall not be reversed, vacated, or modified on the basis of in any manner or upon any ground including fraud, misrepresentation, or failure to provide notice under sections 43-104.12 to 43-104.14.

Sec. 22. Section 43-105, Reissue Revised Statutes of Nebraska, is amended to read:

43-105 (1) If consent is not required of both parents of a child born in lawful wedlock if living, the surviving parent of a child born in lawful wedlock, or the mother or mother and father of a child born out of wedlock, because of the provisions of subdivision (1)(b) ~~(1)(c)~~ of section 43-104, substitute consents shall be filed as follows:

(a) Consent to the adoption of a minor child who has been committed to the Department of Health and Human Services may be given by the department or its duly authorized agent in accordance with section 43-906;

(b) When a parent has relinquished a minor child for adoption to any child placement agency licensed or approved by the department or its duly authorized agent, consent to the adoption of such child may be given by such agency; and

(c) When ~~In all other cases when~~ consent cannot be given as provided in subdivision ~~(1)(c)~~ of section 43-104, consent shall be given by the guardian or guardian ad litem of such minor child appointed by a court, which consent shall be authorized by the court having jurisdiction of such guardian or guardian ad litem.

(2) Substitute consent provisions of this section do not apply to a biological father whose consent is not required under section 43-104.22 or subsection (5) or (6) of section 43-104.

Sec. 23. Section 43-106, Reissue Revised Statutes of Nebraska, is amended to read:

43-106 Relinquishments and consents ~~Consents~~ required to be given under sections 43-104 and 43-105, ~~except under subdivision (1)(b) of section 43-104,~~ must be acknowledged before an officer authorized to acknowledge deeds in this state and signed in the presence of at least one witness, in addition to the officer. ~~Consents under subdivision (1)(b) of section 43-104 shall be shown by a duly certified copy of order of the court required to grant such consent.~~

Sec. 24. Section 43-108, Reissue Revised Statutes of Nebraska, is amended to read:

43-108 The minor child to be adopted, unless such child is over fourteen years of age, and the person or persons desiring to adopt the child must appear in person before the judge at the time of hearing, except that when the petitioners are married husband and wife and one of them is present in court, the court, in its discretion, may accept the affidavit of an absent spouse who is in the armed forces of the United States and it appears to the court the absent spouse will not be able to be present in court for more than a year because of his or her military assignment, which affidavit sets forth that the absent spouse favors the adoption.

Sec. 25. Section 43-109, Reissue Revised Statutes of Nebraska, is amended to read:

43-109 (1) If, upon the hearing, the court finds that such adoption is for the best interests of such minor child or such adult child, a decree of adoption shall be entered. No decree of adoption shall be entered unless:

(a) It ~~it~~ appears that the child has resided with the person or persons petitioning for such adoption for at least six months next preceding the entering of the decree of adoption, except that such residency requirement shall not apply in an adoption of an adult child; ~~τ~~

(b) The ~~the~~ medical histories required by subsection (2) of section 43-107 have been made a part of the court record; ~~τ~~

(c) The ~~the~~ court record includes an affidavit or affidavits signed by the relinquishing biological parent, or parents if both are available, in which it is affirmed that, pursuant to section 43-106.02, prior to the relinquishment of the child for adoption, the relinquishing parent was, or parents if both are available were; ~~τ~~

(i) Presented presented a copy or copies of the nonconsent form provided for in section 43-146.06; and

(ii) Given ~~given~~ an explanation of the effects of filing or not filing the nonconsent form; ~~τ~~ and

(d) If ~~if~~ the child to be adopted is committed to the Department of Health and Human Services, the document required by subsection (3) of section 43-107 is a part of the court record. ~~Subdivisions (b) and (c) of this subsection shall only apply when the relinquishment or consent for an adoption is given on or after September 1, 1988.~~

(2) If the adopted child was born out of wedlock, that fact shall not appear in the decree of adoption.

(3) The court may decree such change of name for the adopted child as the petitioner or petitioners may request.

Sec. 26. Section 43-111, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 27. Section 43-111.01, Reissue Revised Statutes of Nebraska, is amended to read:

43-111.01 Except as otherwise provided in the Nebraska Indian Child Welfare Act, if, upon a hearing, the court shall deny a petition for adoption,

the court may take custody of the child involved and determine whether or not it is in the best interests of the child to remain in the custody of the proposed adopting parents. The court may also, on its own motion, appoint a legal guardian over the person and property of such minor and make disposition in the best interests of the child without further notice, relinquishments, or consents as may otherwise be required by sections 43-102 to 43-112 and section 4 of this act.

Sec. 28. Section 43-112, Reissue Revised Statutes of Nebraska, is amended to read:

43-112 An appeal shall be allowed from any final order, judgment, or decree, rendered under the authority of sections 43-101 to 43-115 and section 4 of this act, from the county court to the Court of Appeals in the same manner as an appeal from district court to the Court of Appeals.

An appeal may be taken by any party and may also be taken by any person against whom the final judgment or final order may be made or who may be affected thereby. The judgment of the Court of Appeals shall not vacate the judgment of the county court. The judgment of the Court of Appeals shall be certified without cost to the county court for further proceedings consistent with the determination of the Court of Appeals.

Sec. 29. Section 43-115, Reissue Revised Statutes of Nebraska, is amended to read:

43-115 No adoption heretofore lawfully made shall be affected by the enactment of sections 43-101 to 43-115 and section 4 of this act, but such adoptions shall continue in effect and operation according to the terms thereof.

Sec. 30. Section 43-146.01, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

Sec. 31. Section 43-166, Reissue Revised Statutes of Nebraska, is amended to read:

43-166 (1) The adoptive parent or parents and the parent or parents relinquishing a child for adoption may enter into a written agreement to permit continuing communication and contact after the placement of an adoptee between the adoptive parent or parents and the relinquishing parent or parents in private or agency adoptions for adoptees not in the custody of the Department of Health and Human Services as provided under this section.

~~(2)(a) In private adoptions, a parent or parents who relinquish a child for adoption shall be provided legal counsel of their choice independent from that of the adoptive parent or parents at the expense of the adoptive parent or parents prior to the execution of a written relinquishment and consent to adoption, or a communication and contact agreement under this section, unless specifically waived in writing.~~

~~(b) In private and agency adoptions, a parent or parents contemplating relinquishment of a child for adoption shall be offered, at the expense of the adoptive parent or parents or the agency, at least three hours of professional counseling prior to executing a written relinquishment of parental rights or written consent to adoption. Such relinquishment or consent shall state whether the relinquishing parent or parents received or declined counseling.~~

~~(2) (3) The terms of a communication and contact agreement entered into under this section may include provisions for (a) future contact or communication between the relinquishing parent or parents and the adoptee or the adoptive parent or parents, or both, (b) sharing information about the adoptee, or (c) other matters related to communication or contact agreed to by the parties.~~

~~(3) (4) If the adoptee is fourteen years of age or older at the time of placement, a communication and contact agreement under this section shall not be valid unless consented to in writing by the adoptee.~~

~~(4) (5) A court may approve a communication and contact agreement entered into under this section by incorporating such agreement by reference and indicating the court's approval of such agreement in the decree of adoption. Enforceability of a communication and contact agreement is not contingent on court approval or its incorporation into the decree of adoption.~~

~~(5) (6) Neither the existence of, nor the failure of any party to comply with the terms of, a communication and contact agreement entered into under this section shall be grounds for (a) setting aside an adoption decree, (b) revoking a written relinquishment of parental rights or written consent to adoption, (c) challenging the adoption on the basis of duress or coercion, or (d) challenging the adoption on the basis that the agreement retains some aspect of parental rights by the relinquishing parent or parents.~~

~~(6) (7) A communication and contact agreement entered into under this section may be enforced by a civil action. A court in which such civil action~~

is filed may enforce, modify, or terminate a communication and contact agreement entered into under this section if the court finds that (a) enforcing, modifying, or terminating the communication and contact agreement is necessary to serve the best interests of the adoptee, (b) the party seeking to enforce, modify, or terminate the communication and contact agreement participated in, or attempted to participate in, mediation in good faith or participated in other appropriate dispute resolution proceedings in good faith to resolve the dispute prior to filing the petition, and (c) when seeking to modify or terminate the agreement, a material change in circumstances has arisen since the parties entered into the communication and contact agreement that justifies modifying or terminating the agreement.

(7) (8) If the adoption was through an agency, the agency which accepted the relinquishment from the relinquishing parent or parents shall be invited to participate in any mediation or other appropriate dispute resolution proceedings as provided in subsection (6) (7) of this section.

(8) (9) With any communication and contact agreement entered into under this section, the following shall appear on the communication and contact agreement: No adoption shall be set aside due to the failure of the adoptive parent or parents or the relinquishing parent or parents to follow the terms of this agreement or a later order modifying or terminating this agreement. Disagreement between the parties or a subsequent civil action brought to enforce, modify, or terminate this agreement shall not affect the validity of the adoption and shall not serve as a basis for orders affecting the custody of the child. The court shall not act on a petition to enforce, modify, or terminate this agreement unless the petitioner has participated in, or attempted to participate in, mediation in good faith or participated in other appropriate dispute resolution proceedings in good faith to resolve the dispute prior to filing the petition.

(9) (10) The court shall not award monetary damages as a result of the filing of a civil action pursuant to subsection (6) (7) of this section.

Sec. 32. Section 43-906, Reissue Revised Statutes of Nebraska, is amended to read:

43-906 Except as otherwise provided in the Nebraska Indian Child Welfare Act, the Department of Health and Human Services, or its duly authorized agent, may consent to the adoption of children committed to it upon the order of a juvenile court if the parental rights of the parents or of the mother of a child born out of wedlock have been terminated and if no father of a child born out of wedlock has timely asserted his paternity rights under section 43-104.02, or upon the relinquishment to such department by their parents or the mother and, if required under sections 43-104.08 to ~~43-104.24~~ ~~43-104.25~~, the father of a child born out of wedlock. The parental rights of parents of a child born out of wedlock shall be determined pursuant to sections 43-104.05 and 43-104.08 to ~~43-104.24~~ ~~43-104.25~~.

Sec. 33. Section 43-1411, Revised Statutes Cumulative Supplement, 2020, is amended to read:

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

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

(i) ~~A~~ a valid consent or relinquishment has been made pursuant to sections 43-104.08 to ~~43-104.24~~ ~~43-104.25~~ or section 43-105 for purposes of adoption; or

(ii) ~~A~~ a county court or separate juvenile court has jurisdiction over the custody of the child or jurisdiction over an adoption matter with respect to such child pursuant to sections 43-101 to 43-116 and section 4 of this act; or

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

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

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

Sec. 34. (1) The Department of Health and Human Services shall develop and publish informational materials for women who may become pregnant, expectant parents, and parents of infants regarding:

(a) The incidence of cytomegalovirus;

(b) The transmission of cytomegalovirus to pregnant women and women who may become pregnant;

(c) Birth defects caused by congenital cytomegalovirus;

(d) Methods of diagnosing congenital cytomegalovirus;

(e) Available preventative measures to avoid the infection of women who are pregnant or who may become pregnant; and

(f) Early interventions, treatment, and services available for children diagnosed with congenital cytomegalovirus.

(2) The department shall publish such informational materials on its website and make the materials available to child care facilities, school nurses, hospitals, birthing facilities as defined in section 71-4736, and health care providers offering care to pregnant women and infants.

Sec. 35. A health care provider offering care to pregnant women may provide the informational materials published under section 34 of this act to each pregnant woman during the first trimester of pregnancy or when a pregnant woman comes under the care of a provider after the first trimester of pregnancy.

Sec. 36. (1) If a newborn infant fails a hearing screening test as provided in section 71-4742, the birthing facility performing such screening may provide to the parents of the newborn infant the following information:

(a) Potential birth defects caused by congenital cytomegalovirus;

(b) Testing opportunities for cytomegalovirus, including the opportunity to test for cytomegalovirus prior to the infant's discharge from the hospital or birthing facility; and

(c) Early intervention services.

(2) The informational material published under section 34 of this act, and such additional clarifying information as required by the parents, may be provided to the parents at the newborn infant's follow-up audiology appointment.

Sec. 37. Sections 37 to 46 of this act shall be known and may be cited as the Domestic Abuse Death Review Act.

Sec. 38. (1) The Legislature finds and declares that it is in the best interests of the state, its residents, and especially the families of this state, that the number and causes of death related to domestic abuse be examined. There is a need for a comprehensive integrated review of all domestic abuse deaths in Nebraska and a system for statewide retrospective review of existing records relating to each domestic abuse death.

(2) The purpose of the Domestic Abuse Death Review Act is to prevent future domestic abuse deaths by:

(a) Providing for the examination of the incidence, causes, and contributing factors of domestic abuse deaths in Nebraska; and

(b) Developing recommendations for changes within communities, public and private agencies, institutions, and systems, based on an analysis of these causes and contributing factors which may serve to prevent future domestic abuse deaths.

Sec. 39. For purposes of the Domestic Abuse Death Review Act:

(1) Associated victim means a family or household member of the decedent victim who also experienced abuse committed by the perpetrator;

(2) Decedent victim means a person who died by homicide or suicide as a result of domestic abuse;

(3) Domestic abuse means abuse as defined in section 42-903;

(4) Domestic abuse death means:

(a) A homicide that involves, or is a result of, domestic abuse;

(b) The death of a decedent victim who was a member of a law enforcement agency, emergency medical service, or other agency responding to a domestic abuse incident;

(c) The death of a decedent victim who was responding to a domestic abuse incident; or

(d) A suicide of a decedent victim if there are circumstances indicating the suicide involved, or was the result of, domestic abuse within two years prior to the suicide, including: (i) The decedent victim had applied for or received a protection order against the perpetrator within two years prior to the suicide; (ii) the decedent victim had received counseling, treatment, or sought other supportive services as a result of the domestic abuse within two years prior to the suicide; or (iii) the decedent victim had reported domestic abuse to law enforcement within two years prior to the suicide;

(5) Family or household member has the same meaning as in section 42-903;

(6) Investigation means a domestic abuse death investigation as described in section 40 of this act;

(7) Law enforcement agency means the police department or town marshal in incorporated municipalities, the office of the county sheriff, and the Nebraska State Patrol;

(8) Perpetrator means the person who has been the predominant aggressor of domestic abuse;

(9) Survivor of domestic abuse means a person who is a current or prior victim of domestic abuse; and

(10) Team means the State Domestic Abuse Death Review Team as provided in section 41 of this act.

Sec. 40. (1) A domestic abuse death investigation shall involve a review of existing records, documents, and other information regarding the decedent victim and perpetrator from relevant agencies, professionals, providers of health care, and family and household members of the decedent victim or perpetrator. The records to be reviewed may include: Protection orders; dissolution, mediation, custody, and support agreements and related court records; medical records; mental health records; therapy records; autopsy reports; birth and death certificates; court records, including juvenile cases and dismissed criminal cases; social services records, including juvenile

records; educational records; emergency medical services records; Department of Correctional Services information and records; parole and probation information and records; and law enforcement agency investigative information and reports.

(2) Records shall not be made available to the team until the criminal or juvenile legal system response is completed due to:

(a) The death of the perpetrator;

(b) The criminal conviction or acquittal of the perpetrator and any codefendants;

(c) The conclusion of grand jury proceedings resulting in a no true bill;

(d) Adjudication in a juvenile court proceeding pursuant to subdivision (1), (2), or (4) of section 43-247;

(e) Completion of a criminal investigation in which the county attorney declines to file charges; or

(f) Completion of the investigation of the suicide of the decedent victim.

Sec. 41. (1) The State Domestic Abuse Death Review Team is created.

(2) The Attorney General shall appoint the following members to the State Domestic Abuse Death Review Team:

(a) At least two survivors of domestic abuse;

(b) A representative who is an employee of a statewide coalition representing nonprofit organizations that have an affiliation agreement with the Department of Health and Human Services to provide services to victims of domestic abuse under the Protection from Domestic Abuse Act;

(c) A representative who is an employee of a nonprofit organization that primarily provides services and support to victims of domestic abuse in metropolitan areas;

(d) A representative who is an employee of a nonprofit organization that primarily provides services and support to victims of domestic abuse in rural areas;

(e) A representative who is an employee of child advocacy centers;

(f) A representative who is a member of a federally recognized Indian tribe residing within the State of Nebraska with preference given to a person with experience in domestic abuse;

(g) A licensed physician or nurse with experience in forensics who is knowledgeable concerning domestic abuse injuries and deaths in Nebraska;

(h) A licensed mental health professional who is knowledgeable concerning domestic abuse in Nebraska;

(i) An officer of a law enforcement agency from a metropolitan jurisdiction with experience investigating domestic abuse in Nebraska;

(j) An officer of a law enforcement agency from a rural jurisdiction with experience investigating domestic abuse in Nebraska;

(k) An active county attorney or active deputy county attorney with experience prosecuting domestic abuse cases in Nebraska;

(l) An attorney from the office of the Attorney General; and

(m) The team coordinator pursuant to subsection (4) of this section.

(3) The remaining members of the State Domestic Abuse Death Review Team shall be appointed as follows: (a) The Superintendent of Law Enforcement and Public Safety or designee shall appoint an employee representative of the Nebraska State Patrol; (b) the chief executive officer of the Department of Health and Human Services shall appoint an employee representative of the department; and (c) the probation administrator shall appoint an employee representative of the Office of Probation Administration.

(4) The Attorney General shall be responsible for the general administration of the activities of the team and shall employ or contract with a team coordinator to provide administrative support for the team.

(5) Members of the team appointed by the Attorney General shall serve four-year terms. The remaining members shall serve two-year terms.

(6) The team shall not be considered a public body for purposes of the Open Meetings Act. Members of the team shall be reimbursed for expenses as provided in sections 81-1174 to 81-1177.

(7) In appointing members to the team, the Attorney General shall consider persons working in and representing communities that are diverse with regard to race, ethnicity, immigration status, and English proficiency and shall include members from differing geographic regions of the state, including both rural and urban areas.

Sec. 42. (1) The purpose of the team shall be to prevent future domestic abuse deaths by:

(a) Conducting investigations to understand the contributing factors in domestic abuse deaths;

(b) Examining the incidence, causes, and contributing factors of domestic abuse deaths; and

(c) Developing recommendations for changes within communities, public and private agencies, institutions, and systems, based on an analysis of the causes and contributing factors of domestic abuse deaths.

(2) The team shall:

(a) Develop protocols for investigations and to maintain the confidentiality of information made available to the team;

(b) Meet a minimum of four times per year and upon the call of the team coordinator selected under section 41 of this act, the request of a state agency, or as determined by a majority of the team;

(c) Provide the Governor, the Legislature, and the Attorney General with an annual electronic report on or before August 15 each year beginning with the fiscal year ending June 30, 2024. The report shall not contain personal identifying information of any decedent victim, associated victim, or

perpetrator. The report shall be available to the public and include the following:

(i) The causes, manner, and contributing factors of domestic abuse deaths in Nebraska, including trends and patterns and an analysis of information obtained through investigations; and

(ii) Recommendations regarding the prevention of future domestic abuse deaths for changes within communities, public and private agencies, institutions, and systems, based on an analysis of such causes and contributing factors. Such recommendations shall include recommended changes to laws, rules and regulations, policies, training needs, or service gaps to prevent future domestic abuse deaths;

(d) When appropriate, advise and consult with relevant agencies and organizations represented on the team or involved in domestic abuse deaths regarding the recommendations to prevent future domestic abuse deaths; and

(e) When appropriate, educate the public regarding the incidence of domestic abuse deaths, the public role in preventing domestic abuse deaths, and specific steps the public can take to prevent domestic abuse deaths. The team may enlist the support of civic, philanthropic, and public service organizations in the performance of its educational duties.

(3) The team may invite other individuals to participate on the team on an ad-hoc basis for a particular investigation. Such individuals may include those with expertise that would aid in the investigation and representatives from organizations or agencies that had contact with, or provided services to, the decedent victim or associated victim. If the domestic abuse death occurred on tribal lands or if the domestic abuse death involves a member of a federally recognized Indian tribe, additional agencies and tribal representatives may be invited to participate.

(4) The team shall require any person appearing before it to sign a confidentiality agreement to ensure that all the confidentiality provisions of section 46 of this act are satisfied.

(5) The team shall enter into confidentiality agreements with social service agencies, nonprofit organizations, and private agencies to obtain otherwise confidential information and to ensure that all confidentiality provisions of section 46 of this act are satisfied.

(6) The team may enter into consultation agreements with relevant experts to evaluate the information and records collected by the team. All of the confidentiality provisions of section 46 of this act shall apply to the activities of a consulting expert.

(7) The team may enter into written agreements with entities to provide for the secure storage of electronic data based on information and records collected by the team as part of an investigation, including data that contains personal or incident identifiers. Such agreements shall provide for the protection of the security and confidentiality of the information, including access limitations, storage, and destruction of the information. The confidentiality provisions of section 46 of this act shall apply to the activities of the data storage entity.

(8) The team may consult and share information with the State Child Death Review Team or the State Maternal Death Review Team when the decedent victim or any associated victim is also the subject of an investigation of a child death or investigation of a maternal death under the Child and Maternal Death Review Act. The confidentiality provisions of section 46 of this act and section 71-3411 shall apply to the sharing of information between these teams.

Sec. 43. (1) The team coordinator selected under section 41 of this act shall (a) convene and lead meetings of the team and (b) ensure the team provides recommendations to prevent domestic abuse deaths.

(2) The team coordinator shall (a) gather, store, and distribute the necessary records and information for investigations made available to the team, (b) ensure timely notification of the team members of upcoming meetings, (c) ensure that all team reporting and data collection requirements are met, (d) oversee adherence to the review process established by the Domestic Abuse Death Review Act and the protocols developed by the team, and (e) perform such other duties as the team deems appropriate.

Sec. 44. The team shall conduct investigations in accordance with best practices and shall review all relevant records and information in an investigation to understand the relationship between the decedent victim and the perpetrator in order to determine:

(1) Whether a correlation exists between certain events in the relationship and any escalation of abuse;

(2) The factors that contributed to the domestic abuse death;

(3) The public and private systemic response to the decedent victim, an associated victim, and the perpetrator; and

(4) Recommendations and actions that address the contributing factors in the domestic abuse death for change within individuals, communities, public and private agencies, institutions, and systems based on an analysis of the causes and contributing factors of domestic abuse deaths.

Sec. 45. (1) For purposes of conducting an investigation, and as necessary to fulfill the purposes of the Domestic Abuse Death Review Act, the team shall be immediately provided the following upon request:

(a) Records, documents, or other information maintained by a health care provider, mental health provider, or other medical professional, including medical records, mental health records, therapy records, and emergency medical services records; and

(b) All information and records maintained by any state agency, county or

local government, political subdivision, school district, or public or private educational institution, including birth and death certificates; protection orders; dissolution, mediation, custody, and child support agreements; court records, including juvenile cases and dismissed criminal cases; law enforcement agency investigative information and reports; autopsy reports; educational records; Department of Correctional Services information and records; parole and probation information and records; and information and records of any social services agency, including juvenile records, that provided services to the decedent victim, an associated victim, or the perpetrator.

(2) Except as provided in section 40 of this act, the Attorney General shall have the authority to issue subpoenas to compel production of any of the records and information specified in this section.

(3) Any failure to respond to such subpoena shall be certified by the Attorney General to the district court of Lancaster County for enforcement or punishment for contempt of court.

Sec. 46. (1) All information and records acquired by the team in the exercise of its duties pursuant to the Domestic Abuse Death Review Act shall be confidential and exempt from disclosure except as provided in this section and section 42 of this act. Statistical compilations of data or recommendations made by the team that do not contain any personal identifying information shall be public records.

(2) De-identified information and records obtained by the team may be released to a researcher, research organization, university, institution, or governmental agency for the purpose of conducting scientific, medical, or public health research upon proof of identity and execution of a confidentiality agreement as provided in this section and section 42 of this act. Such release shall provide for a written agreement with the Attorney General providing protection of the security of the information, including access limitations, and the storage, destruction, and use of the information. The release of such information pursuant to this subsection shall not make otherwise confidential information a public record.

(3) Except as necessary to carry out the team's purposes and duties, members of the team and individuals attending a team meeting shall not disclose any discussion among team members at a meeting and shall not disclose any information prohibited from disclosure by this section.

(4) Members of a team and individuals attending a team meeting shall not testify in any civil, administrative, licensure, or criminal proceeding, including depositions, regarding information reviewed in or an opinion formed as a result of a team meeting. This subsection shall not be construed to prevent a person from testifying to information obtained independently of the team or that is public information.

(5) Conclusions, findings, recommendations, information, documents, and records of the team shall not be subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceeding, except that conclusions, findings, recommendations, information, documents, and records otherwise available from other sources shall not be immune from subpoena, discovery, or introduction into evidence through those sources solely because they were presented during proceedings of the team or are maintained by the team.

Sec. 47. Section 71-3404, Reissue Revised Statutes of Nebraska, is amended to read:

71-3404 (1) Sections 71-3404 to 71-3411 shall be known and may be cited as the Child and Maternal Death Review Act.

(2) The Legislature finds and declares that it is in the best interests of the state, its residents, and especially the children of this state that the number and causes of death of children, including stillbirths, in this state be examined. There is a need for a comprehensive integrated review of all child deaths and stillbirths in Nebraska and a system for statewide retrospective review of existing records relating to each child death and stillbirth.

(3) The Legislature further finds and declares that it is in the best interests of the state and its residents that the number and causes of maternal death in this state be examined. There is a need for a comprehensive integrated review of all maternal deaths in Nebraska and a system for statewide retrospective review of existing records relating to each maternal death.

(4) It is the intent of the Legislature, by creation of the Child and Maternal Death Review Act, to:

(a) Identify trends from the review of past records to prevent future child deaths, stillbirths, and maternal deaths from similar causes when applicable;

(b) Recommend systematic changes for the creation of a cohesive method for responding to certain child deaths, stillbirths, and maternal deaths; and

(c) When appropriate, cause referral to be made to those agencies as required in section 28-711 or as otherwise required by state law.

Sec. 48. Section 71-3405, Revised Statutes Cumulative Supplement, 2020, is amended to read:

71-3405 For purposes of the Child and Maternal Death Review Act:

(1) Child means a person from birth to eighteen years of age;

(2) Investigation of child death means a review of existing records and other information regarding the child or stillbirth from relevant agencies, professionals, and providers of medical, dental, prenatal, and mental health care. The records to be reviewed may include, but not be limited to, medical records, coroner's reports, autopsy reports, social services records, records of alternative response cases under alternative response implemented in

accordance with sections 28-710.01, 28-712, and 28-712.01, educational records, emergency and paramedic records, and law enforcement reports;

(3) Investigation of maternal death means a review of existing records and other information regarding the woman from relevant agencies, professionals, and providers of medical, dental, prenatal, and mental health care. The records to be reviewed may include, but not be limited to, medical records, coroner's reports, autopsy reports, social services records, educational records, emergency and paramedic records, and law enforcement reports;

(4) Maternal death means the death of a woman during pregnancy or the death of a postpartum woman;

(5) Postpartum woman means a woman during the period of time beginning when the woman ceases to be pregnant and ending one year after the woman ceases to be pregnant;

(6) ~~Preventable child or maternal death~~ means the death of any child or ~~stillbirth pregnant or postpartum woman~~ which reasonable medical, social, legal, psychological, or educational intervention may have prevented. ~~Preventable child or maternal death~~ includes, but is not limited to, the death of a child or ~~stillbirth resulting pregnant or postpartum woman~~ from (a) intentional and unintentional injuries, (b) medical misadventures, including untoward results, malpractice, and foreseeable complications, (c) lack of access to medical care, (d) neglect and reckless conduct, including failure to supervise and failure to seek medical care for various reasons, and (e) preventable premature birth;

(7) ~~Preventable maternal death~~ means the death of a pregnant or postpartum woman when there was at least some chance of the death being averted by one or more reasonable changes to (a) the patient, (b) the patient's family, (c) the health care provider, facility, or system, or (d) community factors;

(8) ~~(7)~~ Reasonable means taking into consideration the condition, circumstances, and resources available; and

(9) ~~Stillbirth~~ means a spontaneous fetal death which resulted in a fetal death certificate pursuant to section 71-606; and

(10) ~~Teams~~ ~~(8) Team~~ means the State Child Death Review Team and the State Maternal Death Review Team.

Sec. 49. Section 71-3406, Revised Statutes Cumulative Supplement, 2020, is amended to read:

71-3406 (1) The chief executive officer of the Department of Health and Human Services shall appoint a minimum of twelve and a maximum of fifteen members each to the State Child Death Review Team and the State Maternal Death Review Team. A person seeking appointment shall apply using an application process developed by the chief executive officer.

(2) The core members shall serve on both teams and shall be (a) a physician employed by the department, who shall be a permanent member and shall serve as the chairperson of the teams team, (b) a senior staff member with child protective services of the department, (c) a forensic pathologist, (d) a law enforcement representative, (e) a mental health provider (f) the Inspector General of Nebraska Child Welfare, and (g) an attorney. The remaining members appointed may be, but shall not be limited to, the following: A county attorney; a Federal Bureau of Investigation agent responsible for investigations on Native American reservations; a social worker; and members of organizations which represent hospitals or physicians.

(3) Additional required members appointed to the State Child Death Review Team shall include the Inspector General of Nebraska Child Welfare and a senior department staff member with child protective services, who shall be permanent members. The remaining members appointed to the State Child Death Review Team may include, but shall not be limited to, the following: (a) A county attorney; (b) a Federal Bureau of Investigation agent responsible for investigations on Native American reservations; (c) a social worker; and (d) members of organizations which represent hospitals or physicians.

(4) The remaining members appointed to the State Maternal Death Review Team may include, but shall not be limited to, the following: (a) County attorneys; (b) representatives of tribal organizations; (c) social workers; (d) medical providers, including, but not limited to, the practice areas of obstetrics, maternal-fetal medicine, and anesthesiology; (e) public health workers; (f) community birth workers; and (g) community advocates. In appointing members to the State Maternal Death Review Team, the chief executive officer of the department shall consider members working in and representing communities that are diverse with regard to race, ethnicity, immigration status, and English proficiency and include members from differing geographic regions in the state, including both rural and urban areas.

(5) The department shall be responsible for the general administration of the activities of the teams team and shall employ or contract with a team coordinators coordinator to provide administrative support for each the team and shall provide a team data abstractor for the teams.

(6) ~~(2)~~ Members shall serve four-year terms with the exception of the permanent members chairperson. Each team shall annually elect a chairperson from among its members. In the absence of the chairperson, the chief executive officer may appoint another member of the core team to serve as chairperson.

(7) ~~(3)~~ The teams team shall not be considered a public body for purposes of the Open Meetings Act. The teams team shall meet a minimum of four times a year. Members of the teams team shall be reimbursed for expenses as provided in sections 81-1174 to 81-1177.

Sec. 50. Section 71-3407, Reissue Revised Statutes of Nebraska, is amended to read:

71-3407 (1) The ~~purpose~~ purposes of the ~~teams~~ team shall be to (a) develop an understanding of the causes and incidence of child deaths, stillbirths, or maternal deaths in this state, (b) develop recommendations for changes within relevant agencies and organizations which may serve to prevent child deaths, stillbirths, or maternal deaths, and (c) advise the Governor, the Legislature, and the public on changes to law, policy, and practice which will prevent child deaths, stillbirths, or maternal deaths.

(2) The ~~teams~~ team shall:

(a) Undertake annual statistical studies of the causes and incidence of child or maternal deaths in this state. The studies shall include, but not be limited to, an analysis of the records of community, public, and private agency involvement with the children, the pregnant or postpartum women, and their families prior to and subsequent to the child or maternal deaths;

(b) Develop a protocol for retrospective investigation of child or maternal deaths by the ~~teams~~ team;

(c) Develop a protocol for collection of data regarding child or maternal deaths by the ~~teams~~ team;

(d) Consider training needs, including cross-agency training, and service gaps;

(e) Include in its annual report recommended changes to any law, rule, regulation, or policy needed to decrease the incidence of preventable child or maternal deaths;

(f) Educate the public regarding the incidence and causes of child or maternal deaths, the public role in preventing child or maternal deaths, and specific steps the public can undertake to prevent child or maternal deaths. The ~~teams~~ team may enlist the support of civic, philanthropic, and public service organizations in the performance of ~~its~~ educational duties;

(g) Provide the Governor, the Legislature, and the public with annual reports which shall include the ~~teams'~~ team's findings and recommendations for each of ~~their~~ its duties. ~~Each~~ The team shall submit an ~~provide~~ the annual report on or before each December 31 ~~September 15~~. The reports submitted to the Legislature shall be ~~submitted~~ electronically; and

(h) When appropriate, make referrals to those agencies as required in section 28-711 or as otherwise required by state law.

(3) The ~~teams~~ team may enter into consultation agreements with relevant experts to evaluate the information and records collected ~~by the team~~. All of the confidentiality provisions of section 71-3411 shall apply to the activities of a consulting expert.

(4) The ~~teams~~ team may enter into written agreements with entities to provide for the secure storage of electronic data ~~based on information and records collected by the team~~, including data that contains personal or incident identifiers. Such agreements shall provide for the protection of the security and confidentiality of the content of the information, including access limitations, storage of the information, and destruction of the information. All of the confidentiality provisions of section 71-3411 shall apply to the activities of the data storage entity.

(5) The ~~teams~~ team may enter into agreements with a local public health department as defined in section 71-1626 to act as the agent of the ~~teams~~ team in conducting all information gathering and investigation necessary for the purposes of the Child and Maternal Death Review Act. All of the confidentiality provisions of section 71-3411 shall apply to the activities of the agent.

(6) For purposes of this section, entity means an organization which provides collection and storage of data from multiple agencies but is not solely controlled by the agencies providing the data.

Sec. 51. Section 71-3408, Reissue Revised Statutes of Nebraska, is amended to read:

71-3408 (1) The chairperson of ~~each~~ the team shall:

(a) Chair meetings of the ~~teams~~ team; and

(b) Ensure identification of strategies to prevent child or maternal deaths.

(2) The team coordinator of each team provided under subsection (5) ~~(1)~~ of section 71-3406 shall:

(a) Have the necessary information from investigative reports, medical records, coroner's reports, autopsy reports, educational records, and other relevant items made available to the team;

(b) Ensure timely notification of the team members of an upcoming meeting;

(c) Ensure that all team reporting and data-collection requirements are met;

(d) Oversee adherence to the review process established by the Child and Maternal Death Review Act; and

(e) Perform such other duties as the team deems appropriate.

(3) The team data abstractor provided under subsection (5) of section 71-3406 shall:

(a) Possess qualifying nursing experience, a demonstrated understanding of child and maternal outcomes, strong professional communication skills, data entry and relevant computer skills, experience in medical record review, flexibility and ability to accomplish tasks in short time frames, appreciation of the community, knowledge of confidentiality laws, the ability to serve as an objective unbiased storyteller, and a demonstrated understanding of social determinants of health;

(b) Request records for identified cases from sources described in section 71-3410;

(c) Upon receipt of such records, review all pertinent records to complete

fields in child, stillbirth, and maternal death databases;

- (d) Summarize findings in a case summary; and
- (e) Report all findings to the team coordinators.

Sec. 52. Section 71-3409, Reissue Revised Statutes of Nebraska, is amended to read:

~~71-3409 (1)(a) The team shall review all child deaths occurring on or after January 1, 1993, and before January 1, 2014, in three phases as provided in this subsection.~~

~~(b) Phase one shall be conducted by the core members. The core members shall review the death certificate, birth certificate, coroner's report or autopsy report if done, and indicators of child or family involvement with the Department of Health and Human Services. The core members shall classify the nature of the death, whether accidental, homicide, suicide, undetermined, or natural causes, determine the completeness of the death certificate, and identify discrepancies and inconsistencies. The core members may select cases from phase one for review in phase two.~~

~~(c) Phase two shall be completed by the core members and shall not be conducted on any child death under active investigation by a law enforcement agency or under criminal prosecution. The core members may seek additional records described in section 71-3410. The core members shall identify the preventability of death, the possibility of child abuse or neglect, the medical care issues of access and adequacy, and the nature and extent of interagency communication. The core members may select cases from phase two for review by the team in phase three.~~

~~(d) Phase three shall be a review by the team of those cases selected by the core members for further discussion, review, and analysis.~~

~~(1)(a) The State Child Death Review Team (2)(a) The team shall review all child deaths occurring on or after January 1, 2014, in the manner provided in this subsection.~~

~~(b) The members shall review the death certificate, birth certificate, coroner's report or autopsy report if done, and indicators of child or family involvement with the department. The members shall classify the nature of the death, whether accidental, homicide, suicide, undetermined, or natural causes, determine the completeness of the death certificate, and identify discrepancies and inconsistencies.~~

~~(c) A review shall not be conducted on any child death under active investigation by a law enforcement agency or under criminal prosecution. The members may seek records described in section 71-3410. The members shall identify the preventability of death, the possibility of child abuse or neglect, the medical care issues of access and adequacy, and the nature and extent of interagency communication.~~

~~(2)(a) The team may review stillbirths occurring on or after January 1, 2023, in the manner provided in this subsection.~~

~~(b) The members may review the death certificates and other documentation which will allow the team to identify preventable causes of stillbirths.~~

~~(c) Nothing in this subsection shall be interpreted to require review of any stillbirth death.~~

~~(3)(a) The State Maternal Death Review Team (3)(a) The team shall review all maternal deaths occurring on or after January 1, 2014, in the manner provided in this subsection.~~

~~(b) The members shall review the maternal death records in accordance with evidence-based best practices in order to determine: (a) If the death is pregnancy-related; (b) the cause of death; (c) if the death was preventable; (d) the factors that contributed to the death; (e) recommendations and actions that address those contributing factors; and (f) the anticipated impact of those actions if implemented death certificate, coroner's report or autopsy report if done, and indicators of the woman's involvement with the department. The members shall classify the nature of the death, whether accidental, homicide, suicide, undetermined, or natural causes, determine the completeness of the death certificate, and identify discrepancies and inconsistencies.~~

~~(c) A review shall not be conducted on any maternal death under active investigation by a law enforcement agency or under criminal prosecution. The members may seek records described in section 71-3410. The members shall identify the preventability of death, the possibility of domestic abuse, the medical care issues of access and adequacy, and the nature and extent of interagency communication.~~

Sec. 53. Section 71-3410, Reissue Revised Statutes of Nebraska, is amended to read:

71-3410 (1) Upon request, the ~~teams team~~ shall be immediately provided:

(a) Information and records maintained by a provider of medical, dental, prenatal, and mental health care, including medical reports, autopsy reports, and emergency and paramedic records; and

(b) All information and records maintained by any agency of state, county, or local government, any other political subdivision, any school district, or any public or private educational institution, including, but not limited to, birth and death certificates, law enforcement investigative data and reports, coroner investigative data and reports, educational records, parole and probation information and records, and information and records of any social services agency that provided services to the child, the pregnant or postpartum woman, or the family of the child or woman.

(2) The Department of Health and Human Services shall have the authority to issue subpoenas to compel production of any of the records and information specified in subdivisions (1)(a) and (b) of this section, except records and

information on any child death, stillbirth, or maternal death under active investigation by a law enforcement agency or which is at the time the subject of a criminal prosecution, and shall provide such records and information to the teams team.

Sec. 54. Section 71-3411, Reissue Revised Statutes of Nebraska, is amended to read:

71-3411 (1)(a) All information and records acquired by the teams team in the exercise of their ~~its~~ purposes and duties pursuant to the Child and Maternal Death Review Act shall be confidential and exempt from disclosure and may only be disclosed as provided in this section and as provided in section 71-3407. Statistical compilations of data made by the teams team which do not contain any information that would permit the identification of any person to be ascertained shall be public records.

(b) De-identified information and records obtained by the teams team may be released to a researcher, upon proof of identity and qualifications of the researcher, if the researcher is employed by a research organization, university, institution, or government agency and is conducting scientific, medical, or public health research and if there is no publication or disclosure of any name or facts that could lead to the identity of any person included in the information or records. Such release shall provide for a written agreement with the Department of Health and Human Services providing protection of the security of the content of the information, including access limitations, storage of the information, destruction of the information, and use of the information. The release of such information pursuant to this subdivision shall not make otherwise confidential information a public record.

(c) De-identified information and records obtained by the teams team may be released to the United States Public Health Service or its successor, a government health agency, or a local public health department as defined in section 71-1626 if there is no publication or disclosure of any name or facts that could lead to the identity of any person included in the information or records. Such release shall provide for protection of the security of the content of the information, including access limitations, storage of the information, destruction of the information, and use of the information. The release of such information pursuant to this subdivision shall not make otherwise confidential information a public record.

(2) Except as necessary to carry out the teams' ~~a team's~~ purposes and duties, members of the teams ~~a team~~ and persons attending a team meetings ~~meeting~~ may not disclose what transpired at the meetings ~~a meeting~~ and shall not disclose any information the disclosure of which is prohibited by this section.

(3) Members of the teams ~~a team~~ and persons attending team meetings ~~a team meeting~~ shall not testify in any civil, administrative, licensure, or criminal proceeding, including depositions, regarding information reviewed in or opinions formed as a result of team meetings ~~a team meeting~~. This subsection shall not be construed to prevent a person from testifying to information obtained independently of the teams team or which is public information.

(4) Information, documents, and records of the teams team shall not be subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceeding, except that information, documents, and records otherwise available from other sources shall not be immune from subpoena, discovery, or introduction into evidence through those sources solely because they were presented during proceedings of the teams team or are maintained by the teams team.

Sec. 55. Original sections 25-309, 43-101, 43-104, 43-104.01, 43-104.02, 43-104.03, 43-104.04, 43-104.05, 43-104.08, 43-104.09, 43-104.12, 43-104.13, 43-104.14, 43-104.16, 43-104.17, 43-104.18, 43-104.22, 43-104.23, 43-105, 43-106, 43-108, 43-109, 43-111, 43-111.01, 43-112, 43-115, 43-146.01, 43-166, 43-906, 71-3404, 71-3407, 71-3408, 71-3409, 71-3410, and 71-3411, Reissue Revised Statutes of Nebraska, and sections 25-307, 43-102, 43-1411, 71-3405, and 71-3406, Revised Statutes Cumulative Supplement, 2020, are repealed.

Sec. 56. The following sections are outright repealed: Sections 43-104.19, 43-104.20, 43-104.21, and 43-104.25, Reissue Revised Statutes of Nebraska.