

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1148

Introduced by Hunt, 8.

Read first time January 20, 2026

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to children and families; to provide for
- 2 recognition and enforcement of parentage of children born from
- 3 assisted reproduction; to define terms; to provide for civil
- 4 actions; and to provide for applicability.
- 5 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** For purposes of sections 1 to 10 of this act:

2 (1) Assisted reproduction means a method of causing pregnancy other
3 than sexual intercourse. The term includes:

4 (a) Intrauterine or intracervical insemination;

5 (b) Donation of gametes;

6 (c) Donation of embryos;

7 (d) In vitro fertilization and transfer of embryos; and

8 (e) Intracytoplasmic sperm injection;

9 (2) Birth includes stillbirth;

10 (3) Child means an individual of any age whose parentage may be
11 determined under sections 1 to 10 of this act;

12 (4) Determination of parentage means establishment of a parent-child
13 relationship by a judicial or administrative proceeding;

14 (5) Donor means an individual who provides gametes intended for use
15 in assisted reproduction, whether or not for consideration. The term does
16 not include:

17 (a) A woman who gives birth to a child conceived by assisted
18 reproduction; or

19 (b) A person recognized as a parent under sections 1 to 10 of this
20 act;

21 (6) Gamete means sperm, egg, or any part of a sperm or egg;

22 (7) Individual means a natural person of any age;

23 (8) Parent means an individual whose parent-child relationship is
24 recognized under sections 1 to 10 of this act or other Nebraska law;

25 (9) Parentage or parent-child relationship means the legal
26 relationship between a child and a parent of the child;

27 (10) Record means information that is inscribed on a tangible medium
28 or that is stored in an electronic or other medium and is retrievable in
29 perceivable form;

30 (11) Sign means, with present intent to authenticate or adopt a
31 record;

1 (a) To execute or adopt a tangible symbol; or

2 (b) To attach to or logically associate with the record an
3 electronic symbol, sound, or process;

4 (12) Transfer means a procedure for assisted reproduction by which
5 an embryo or sperm is placed in the body of the woman who will give birth
6 to the child; and

7 (13) Woman means a female individual of any age.

8 **Sec. 2.** A donor is not a parent of a child conceived by assisted
9 reproduction.

10 **Sec. 3.** (1)(a) An individual who consents to assisted reproduction
11 by a woman with the intent to be a parent of a child conceived by the
12 assisted reproduction is a parent of the child.

13 (b) Except as otherwise provided in subsection (2) of this section,
14 such consent must be in a record signed by a woman giving birth to a
15 child conceived by assisted reproduction and the individual who intends
16 to be a parent of the child.

17 (2) Failure to consent in a record as required by subdivision (1)(b)
18 of this section, before, on, or after birth of the child, does not
19 preclude the court from finding consent to parentage if:

20 (a) The woman or the individual proves by clear and convincing
21 evidence the existence of an express agreement entered into before
22 conception that the individual and the woman intended they both would be
23 parents of the child; or

24 (b) The woman and the individual for the first two years of the
25 child's life, including any period of temporary absence, resided together
26 in the same household with the child and both openly held out the child
27 as the individual's child, unless the individual dies or becomes
28 incapacitated before the child attains two years of age or the child dies
29 before the child attains two years of age, in which case the court may
30 find consent under this subsection to parentage if a party proves by
31 clear and convincing evidence that the woman and the individual intended

1 to reside together in the same household with the child and both intended
2 the individual would openly hold out the child as the individual's child,
3 but the individual was prevented from carrying out that intent by death
4 or incapacity.

5 **Sec. 4.** If a marriage of a woman who gives birth to a child
6 conceived by assisted reproduction is terminated through divorce or
7 dissolution, subject to legal separation or separate maintenance,
8 declared invalid, or annulled before transfer of gametes or embryos to
9 the woman, a former spouse of the woman is not a parent of the child
10 unless the former spouse consented in a record that the former spouse
11 would be a parent of the child if assisted reproduction were to occur
12 after a divorce, dissolution, annulment, declaration of invalidity, legal
13 separation, or separate maintenance, and the former spouse did not
14 withdraw consent under section 5 of this act.

15 **Sec. 5.** (1) An individual who consents under section 3 of this act
16 to assisted reproduction may withdraw consent any time before a transfer
17 that results in a pregnancy, by giving notice in a record of the
18 withdrawal of consent to the woman who agreed to give birth to a child
19 conceived by assisted reproduction and to any clinic or health care
20 provider facilitating the assisted reproduction. Failure to give notice
21 to the clinic or health care provider does not affect a determination of
22 parentage under sections 1 to 10 of this act.

23 (2) An individual who withdraws consent under subsection (1) of this
24 section is not a parent of the child under sections 1 to 10 of this act.

25 **Sec. 6.** (1) If an individual who intends to be a parent of a child
26 conceived by assisted reproduction dies during the period between the
27 transfer of a gamete or embryo and the birth of the child, the
28 individual's death does not preclude the establishment of the
29 individual's parentage of the child if the individual otherwise would be
30 a parent of the child under sections 1 to 10 of this act.

31 (2) If an individual who consented in a record to assisted

1 reproduction by a woman who agreed to give birth to a child dies before a
2 transfer of gametes or embryos, the deceased individual is a parent of a
3 child conceived by the assisted reproduction only if:

4 (a) Either:

5 (i) The individual consented in a record that if assisted
6 reproduction were to occur after the death of the individual, the
7 individual would be a parent of the child; or

8 (ii) The individual's intent to be a parent of a child conceived by
9 assisted reproduction after the individual's death is established by
10 clear and convincing evidence; and

11 (b) Either:

12 (i) The embryo is in utero not later than thirty-six months after
13 the individual's death; or

14 (ii) The child is born not later than forty-five months after the
15 individual's death.

16 **Sec. 7.** (1) An individual who is a parent under sections 1 to 10 of
17 this act or the woman who gave birth to the child may bring a proceeding
18 to adjudicate parentage. If the court determines the individual is a
19 parent under sections 1 to 10 of this act, the court shall adjudicate the
20 individual to be a parent of the child.

21 (2) In a proceeding to adjudicate an individual's parentage of a
22 child, if another individual other than the woman who gave birth to the
23 child is a parent under sections 1 to 10 of this act, the court shall
24 adjudicate the individual's parentage of the child under section 9 of
25 this act.

26 **Sec. 8.** (1) Except as otherwise provided in subsection (2) of this
27 section, an individual who, at the time of a child's birth, is the spouse
28 of the woman who gave birth to the child by assisted reproduction may not
29 challenge the individual's parentage of the child unless:

30 (a) Not later than two years after the birth of the child, the
31 individual commences a proceeding to adjudicate the individual's

1 parentage of the child; and

2 (b) The court finds the individual did not consent to the assisted
3 reproduction, before, on, or after birth of the child, or withdrew
4 consent under section 5 of this act.

5 (2) A proceeding to adjudicate a spouse's parentage of a child born
6 by assisted reproduction may be commenced at any time if the court
7 determines:

8 (a) The spouse neither provided a gamete for, nor consented to, the
9 assisted reproduction;

10 (b) The spouse and the woman who gave birth to the child have not
11 cohabited since the probable time of assisted reproduction; and

12 (c) The spouse never openly held out the child as the spouse's
13 child.

14 (3) This section applies to a spouse's dispute of parentage even if
15 the spouse's marriage is declared invalid after assisted reproduction
16 occurs.

17 **Sec. 9.** (1) In a proceeding to adjudicate competing claims of
18 parentage of a child by two or more individuals under sections 1 to 10 of
19 this act, the court shall adjudicate parentage in the best interest of
20 the child, based on:

21 (a) The age of the child;

22 (b) The length of time during which each individual assumed the role
23 of parent of the child;

24 (c) The nature of the relationship between the child and each
25 individual;

26 (d) The harm to the child if the relationship between the child and
27 each individual is not recognized;

28 (e) The basis for each individual's claim to parentage of the child;
29 and

30 (f) Other equitable factors arising from the disruption of the
31 relationship between the child and each individual or the likelihood of

1 other harm to the child.

2 (2) If an individual challenges parentage based on the results of
3 genetic testing, in addition to the factors listed in subsection (1) of
4 this section, the court shall consider:

5 (a) The facts surrounding the discovery that the individual might
6 not be a genetic parent of the child; and

7 (b) The length of time between the time that the individual was
8 placed on notice that the individual might not be a genetic parent and
9 the commencement of the proceeding.

10 (3) A court shall not adjudicate a child to have more than two
11 parents.

12 **Sec. 10.** (1) Sections 1 to 9 of this act do not apply to the birth
13 of a child conceived by sexual intercourse.

14 (2) Nothing in sections 1 to 9 of this act applies to or provides
15 for recognition of a surrogacy agreement.

16 (3) Sections 1 to 9 of this act do not apply to the extent otherwise
17 provided for in the Nebraska Indian Child Welfare Act.