

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1086

Introduced by Wayne, 13.

Read first time January 18, 2018

Committee:

- 1 A BILL FOR AN ACT relating to civil procedure; to amend section 25-328,
- 2 Reissue Revised Statutes of Nebraska; to provide for intervention in
- 3 certain proceedings involving juveniles as prescribed; to harmonize
- 4 provisions; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-328, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 25-328 Any person who has or claims an interest in the matter in
4 litigation, in the success of either of the parties to an action, or
5 against both, in any action pending or to be brought in any of the courts
6 of the State of Nebraska, may become a party to an action between any
7 other persons or corporations, either by joining the plaintiff in
8 claiming what is sought by the complaint, ~~or~~ by uniting with the
9 defendants in resisting the claim of the plaintiff, ~~or~~ by demanding
10 anything adversely to both the plaintiff and defendant, either before or
11 after issue has been joined in the action, and before the trial
12 commences, or as provided in section 2 of this act.

13 Sec. 2. Notwithstanding any other provision of law, in any
14 proceeding in any court involving a juvenile who is in the custody of the
15 State of Nebraska for one of the reasons stated in section 43-247, a
16 person claiming to be the biological parent of such juvenile may file a
17 motion to intervene in such proceeding. The motion shall be accompanied
18 by an affidavit stating, under oath, that the affiant believes he or she
19 is the biological parent of such juvenile. No filing fee shall be charged
20 relating to such motion and affidavit. Upon the filing of such motion and
21 affidavit, the court shall order a DNA test to be conducted and shall
22 order that the juvenile be made available for such DNA testing, both at
23 the expense of the intervenor.

24 Sec. 3. Original section 25-328, Reissue Revised Statutes of
25 Nebraska, is repealed.