

NEBRASKA

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DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

January 30, 2019

Senator Steve Lathrop
District #12, State Capitol
P.O. Box 94604
Lincoln, NE 68509-4604

RE: LB 93

Chairman Lathrop and Members of the Judiciary Committee:

The Division of Children and Family Services would like to bring to your attention some implementation issues regarding LB 93 and I would ask that my letter be formally included in the record as neutral.

LB 93 allows any person claiming to be the biological parent of a child in the custody of the state to file a motion to intervene in any juvenile court case involving that child. Parents whose rights have been terminated or relinquished could intervene under the bill, even if the child had been adopted. There are no exceptions included in the bill, even in instances when a parent's rights have been terminated.

The bill as drafted requires, regardless of the circumstances, the courts to order a DNA test even if a DNA test has already been conducted or if the child had been adopted into a permanent home. A genetic test does not establish legal parenthood nor does it disestablish the parental rights of someone who has acknowledged paternity, adopted a child, or the rights of parents of a child who was conceived or born during a marriage. It is unclear what standing a biological parent would have in the juvenile case. This bill does not make clear what should occur if a child already has legal parents but DNA testing results identify a different person as the biological parent.

I would be happy to provide any additional information or answer any questions you might have.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matthew T. Wallen".

Matthew T. Wallen, Director
Division of Children and Family Services
Department of Health and Human Services

cc: Senator Justin Wayne
Members of the Judiciary Committee