

February 19, 1975

SPEAKER: Any further discussion? Seeing none, the motion is that LB 62 be advanced to E & R Initial. Have you all voted? The Clerk will record.

CLERK: 28 ayes, 0 nays, Mr. President, on motion to advance.

SPEAKER: Senator Kelly voting aye. The bill is advanced. LB 224.

CLERK: LB 224 introduced by Senator Anderson of the 37th District. Read title. There are Committee amendments by Senator Luedtke's Judiciary Committee.

SPEAKER: Senator Luedtke.

SENATOR LUEDTKE. Mr. President, I move the adoption of the Committee amendment to LB 224. Mr. President and members of the Legislature, what the amendment does is it simply inserts on Page 5, line 10, rather than the words, "the determination of whether or not" in dealing with the intent to claim paternity. This is a bill which deals with the paternity of a child. It merely states that it will be, "an adjudication of the claim of paternity". In other words, this deals with notice which Senator Anderson will explain of what the bill is about but it is about paternity and this deals with notice provisions in telling a claimant father in a paternity suit what type of a claim has been made and this says that it will say, "an adjudication of the claim of paternity" will be conducted. So this is notice to the claimant father.

SPEAKER: Any further discussion on the Committee amendment? If not, cast your vote. Have you all voted? The Clerk will record.

CLERK: 29 ayes, 0 nays, 20 not voting on the motion to adopt the Committee amendments.

SPEAKER: The amendments have been adopted. Senator Anderson, what do you wish to do with the bill?

SENATOR ANDERSON: Mr. Speaker, members of the Legislature, I move that LB 224 be advanced to E & R Initial. This is a bill that deals with the question of the paternity of a child born out of wedlock when that child is being placed for adoption. Previously under the laws of Nebraska, it has been possible to regard the consent of the mother only as being sufficient, in order to complete the relinquishment of the child but this is a situation that is very rapidly changing because of some recent court decisions. We are now reaching the point where the courts have definitely recognized that the natural father of a child born out of wedlock that is being placed for adoption does have, at least, the right to a hearing and the indications of these decisions are that this father does actually have rights that need to be adjudicated by due process legal procedure. We have a situation that is arising now in the state of Nebraska where some of our judges are requiring either that the relinquishment of the father be gained or, if the father is unknown and cannot be located, that publication be required in order to provide this due process procedure. This particular bill has been designed to establish a procedure whereby the right of that father can be asserted and where that right can be adjudicated by due process procedures. I think this is something that is very definitely needed in order to remove a doubt over some of the adoption proceedings.