

LEGISLATIVE BILL 329

Approved by the Governor March 1, 1971

Introduced by Roland A. Luedtke, 28th District

AN ACT to amend section 43-104, Reissue Revised Statutes of Nebraska, 1943, relating to adoption; to change the consent required; to provide for applicability to pending proceedings; to repeal the original section; and to declare an emergency.

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

Section 1. That section 43-104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-104. No adoption shall be decreed unless the petition therefor is accompanied by written consents thereto executed by (1) the minor child, if over fourteen years of age, (2) any district court or separate juvenile court in the State of Nebraska having jurisdiction of the custody of a minor child by virtue of divorce proceedings had in any district court or separate juvenile court in the State of Nebraska, ~~or~~ and (3) both parents, if living; the surviving parent of a child born in lawful wedlock; or the mother of a child born out of wedlock; except that consent shall not be required of any parent who shall (a) have relinquished the child for adoption by a written instrument; (b) have abandoned the child for at least six months next preceding the filing of the adoption petition; (c) have been deprived of his parental rights to such child by the order of any court of competent jurisdiction, or prior to July 13, 1967 have been deprived of the custody of such child by an order of any juvenile court of competent jurisdiction by reason of such child having been declared a dependent or neglected child, within the provisions of sections 43-201 to 43-227; or (d) be incapable of consenting.

Sec. 2. Section 1 of this act shall apply to any adoption action pending in any court on the effective date of this act which has not proceeded to final judgment.

Sec. 3. That original section 43-104, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 4. Since an emergency exists, this act

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shall be in full force and take effect, from and after its passage and approval, according to law.