

LEGISLATIVE BILL 146

Approved by the Governor May 25, 1983

Introduced by Pirsch, 10

AN ACT to amend sections 43-102 and 43-104, Reissue Revised Statutes of Nebraska, 1943, and section 43-128, Revised Statutes Supplement, 1982, relating to adoption of children; to provide requirements for a foreign-born child's adoption; to provide that medical records be available when prescribed; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 43-102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-102. Any person or persons, desiring to adopt a minor child, shall file in the county court of the county in which the person or persons desiring to adopt such child reside, a petition for adoption, signed and sworn to by the person or persons desiring to adopt, together with the consent or consents required by section 43-104 or section 2 of this act, and the certificates required by sections 43-104.02 to 43-104.06 or the documents required by section 2 of this act.

Sec. 2. The petition for adoption of a child born in a foreign country shall be accompanied by: (1) A document or documents from a court, official department, or government agency of the country of origin stating that the parent has consented to the adoption, stating that the parental rights of the parents of the child have been terminated, or stating that the child to be adopted has been abandoned or relinquished by the natural parents and that the child is to immigrate to the United States for the purpose of adoption; and (2) written consent to the adoption of the child from a child placement agency licensed by the Department of Social Services or the agency's duly authorized representative which placed the child with the adopting person or persons. The consent shall be signed and acknowledged before an officer authorized to acknowledge

deeds in the state where the consent is signed and shall not require a witness.

Any document in a foreign language shall be translated into English by the Department of State or by a translator who shall certify the accuracy of the translation.

A guardian shall not be required to be appointed to give consent to the adoption of any child born in a foreign country when the consent requirements of this section have been met.

Sec. 3. 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, and (3) both parents, if living; the surviving parent of a child born in lawful wedlock; or, subject to the provisions of sections 43-104.02 to 43-104.06, 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.

When an order or decree of adoption has been entered by any court in any foreign country, a copy of such order or decree, duly certified and translated into English by a representative of the United States Department of State officially stationed in such country or, in the absence of any such representative, so certified and translated by the United States Department of State, may be filed with the petition for adoption and shall operate in lieu of the consent otherwise required by this section:

Sec. 4. That section 43-128, Revised Statutes Supplement, 1982, be amended to read as follows:

43-128. The records of an individual adopted person shall include:

- (1) A complete medical history of the person;

(2) a complete medical history of the mother;
and
(3) if available, a complete medical history
of the father;

Such medical histories shall be provided. A child placement agency shall maintain, and shall provide to the adopting parents upon placement of the person with such parents and to the adopted person upon his or her request, the available medical history of the person placed for adoption and of the biological parents. The medical history shall not include the names of the biological parents of the adopted person or the place of birth of the adopted person.

Sec. 5. That original sections 43-102 and 43-104, Reissue Revised Statutes of Nebraska, 1943, and section 43-128, Revised Statutes Supplement, 1982, are repealed.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.