

ONE HUNDRED SEVENTH LEGISLATURE - FIRST SESSION - 2021
COMMITTEE STATEMENT
LB97

Hearing Date: Friday January 29, 2021
Committee On: Judiciary
Introducer: DeBoer
One Liner: Change provisions relating to adoptions

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye:	6	Senators Brandt, DeBoer, Lathrop, Morfeld, McKinney, Pansing Brooks
Nay:		
Absent:	1	Senator Slama
Present Not Voting:	1	Senator Geist

Oral Testimony:

Proponents:

Senator Wendy DeBoer
Susan Sapp
Lauren Ward
Sara Rips

Representing:

Introducer
Self & Nebraska State Bar Association
Self
ACLU of Nebraska

Opponents:

Marion Miner

Representing:

Nebraska Catholic Conference

Neutral:

Representing:

Summary of purpose and/or changes:

LB 97 would amend language in several sections related to adoption to permit two adult persons to adopt a child without regard to their marital status. The bill would also amend certain references from "husband and wife" to "spouses" and make other non-substantive changes to harmonize language and make stylistic changes.

Section by section

Section 1 Amends Sec. 43-101, regarding adoption of minor and adult children, to allow adoption of a minor child by two people regardless of their marital status. The section also provides language that a child with a sole legal parent may be adopted by another person with the legal parent's consent, there exists a parent-child relationship with the second person and a home study is completed.

The section also adds two new subsections ((4) and (5)) that requires a spouse to join the adoption petition if the person adoption is married and prohibits an adoption if the result is more than two legal parents..

Section 2 Definition: Sole legal parent

Section 3 Amends Sec. 43-102 to require consents and other documents to be filed prior to the adoption hearing.

Section 4 Amends Sec. 43-104 to add a new subsection ((d)) that requires a consent from the sole legal parent in the case of an adoption by a second adult.

Section 5 Amends Sec. 43-104.08 to replace references to "husband" with a "second adult person".

Section 6 Amends Sec. 43-104.13 to replace references to "husband" with a "second adult person".

Section 7 Amends Sec. 43-104.15 to reference parent or parents.

Section 8 Amends Sec. 43-104.18 to reference a biological mother's consent.

Section 9 Amends Sec. 43-104.19 to reference a biological father's consent.

Section 10 Amends Sec. 43-107 to remove outdated language. The section also adds a new subsection (e) that eliminates a second adoptive home study in certain circumstances and provides that the court may require a home study if in the best interests of the parties.

Section 11 Amends Sec. 43-108 to make gender by replacing "husband and wife" language.

Section 12 Amends Sec. 43-111 to provide a cross reference.

Section 13 Amends Sec. 43-111.01 to provide a cross reference.

Section 14 Amends Sec. 43-112 to provide a cross reference.

Section 15 Amends Sec. 43-115 to provide a cross reference.

Section 16 Amends Sec. 43-146.01 to provide a cross reference.

Section 17 Amends Sec. 43-1411 to provide a cross reference.

Section 18 Repeals original sections.

Steve Lathrop, Chairperson