

January 16, 1980

LB 483

copy in 21 and 23 would be deleted, taken back out, and the law would remain the same as it is now in 21 and....

SENATOR JOHNSON: Right. That is correct, Senator Nichol.

SENATOR NICHOL: I have no objection to that.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: A question of Senator Johnson, if he would yield?

SENATOR JOHNSON: Yes, I shall, Senator Koch.

SENATOR KOCH: Senator Johnson, what would preclude this procedure from occurring now even if 21 and 23 were left, the private placement which is negotiated between the proper officials?

SENATOR JOHNSON: If Senator Newell's bill passed intact, then the law would read very simply that Section 43-701, now after the effective date of this act, no person shall place, assist in placing, advertise a child for placement or give the care and custody of any child to any person except a licensed placement agency and that would mean a parent couldn't do it. A parent couldn't do it. It would be illegal for a parent to do exactly that.

SENATOR KOCH: To advertise, how do you define advertise? By going to you and saying I have no other choice but to place my child, you know, for placement through an agency but by approaching you or going to another agency that we acknowledge, that is not advertising, is it?

SENATOR JOHNSON: No, that is only one part of the existing law, Senator Koch. 43-701 presently provides this: No parent, I am sorry, no person other than the parent shall place, assist in placing, advertise a child for placement or give the care and custody of any child to any person or association for adoption. That is the present law. It says no person can do it except a parent can do it. That is the present law. Senator Newell's bill takes out the parent exception. It says no person can do it, and that means a parent can't do it. A parent can't make a private arrangement and my amendment would put the private arrangement possibility back in.

SENATOR KOCH: Thank you.