

January 16, 1980

LB 483

finds a family to put the child with and then the adoption is effected.

SENATOR KELLY: Now, Senator Johnson, advise me in this area. Would there be safeguards available in your opinion of leaving the private placement in the statutes but making some reference as to minors requiring parental consent, requiring court consent, requiring some type of help in this decision? Would you give me some idea on that?

SENATOR JOHNSON: Yes, it is very interesting, Senator Kelly. About ten years ago the Nebraska Supreme Court had to face the question as to whether or not a minor mother was legally competent to consent and the Nebraska Supreme Court said, yes, a minor mother is legally competent to consent and that means simply that you can have a fifteen year old woman who is pregnant and she can sign that relinquishment for adoption and the consent thereto and that is a binding relinquishment and consent. In my opinion it's to the advantage of that minor mother to work through a licensed child placement agency because she will receive good counseling but I wouldn't require that to the exclusion of prohibiting all private placements and that is why I put my amendment back in. Furthermore, in terms of the ultimate protections, we should be mindful of the fact that an adoption still has to be approved by the county court. In addition, the Nebraska Department of Public Welfare still has to do a home investigation of the prospective adoptive parents. If the investigation is negative or if the county court decides not to allow the adoption, then the county court will go about making alternate arrangements for that child. So there are adequate safeguards built into the law with respect to the child. Now in respect to the minor mother, there are not safeguards built into the law. If the minor mother works through a placement agency, that is probably her best bet but it doesn't always happen.

SENATOR KELLY: Thank you very much, Senator Johnson, and you have helped me a bit that this bill should be continued to be scrutinized by all of us concerned. I am sure even you, Senator Johnson, have some question in your own mind about the abuses that would be available with your amendment in place, and understanding that, I am going to vote for your amendment because I believe that it will facilitate some adoptions that might otherwise be slowed up for a year. A little competition never hurt anybody. At the same time, I have very serious concerns about the Supreme Court's wisdom in saying that the teenage pregnant mother is competent to