

E & R AMENDMENTS TO LB 952

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 "Section 1. Notwithstanding sections 43-119 to
4 43-146.16, an heir twenty-one years of age or older of an adopted
5 person shall have access to all information on file at the
6 Department of Health and Human Services Finance and Support related
7 to such adopted person, including information contained in the
8 original birth certificate of the adopted person, if (1)(a) the
9 adopted person is deceased, (b) both biological parents of the
10 adopted person are deceased or, if only one biological parent is
11 known, such parent is deceased, and (c) each spouse of the
12 biological parent or parents of the adopted person, if any, is
13 deceased, if such spouse is not a biological parent, or (2) at
14 least one hundred years has passed since the birth of the adopted
15 person. The department shall provide a form for requesting such
16 information. The department may charge a reasonable fee in an
17 amount established by rules and regulations of the department to
18 recover expenses in carrying out this section. The department may
19 waive the fee if the requesting party shows that the fee would work
20 an undue financial hardship on the party. When any information is
21 provided to an heir of an adopted person under this section, the
22 department shall record in the records of the adopted person the
23 nature of the information disclosed, to whom the information was
24 disclosed, and the date of the disclosure. For purposes of this

1 section, an heir of an adopted person means a direct biological
2 descendent of such adopted person.

3 The department may adopt and promulgate rules and
4 regulations to carry out this section.

5 Sec. 2. Section 43-104, Revised Statutes Supplement,
6 2000, is amended to read:

7 43-104. Except as otherwise provided in the Nebraska
8 Indian Child Welfare Act, no adoption shall be decreed unless
9 written consents thereto are filed in the court of the county in
10 which the person or persons desiring to adopt reside and the
11 written consents are executed by (1) the minor child, if over
12 fourteen years of age, or the adult child, (2) any district court,
13 county court, or separate juvenile court in the State of Nebraska
14 having jurisdiction of the custody of a minor child by virtue of
15 divorce proceedings had in any district court, county court, or
16 separate juvenile court in the State of Nebraska or by virtue of
17 section 43-1203, and (3) both parents of a child born in lawful
18 wedlock if living, the surviving parent of a child born in lawful
19 wedlock, the mother of a child born out of wedlock, or both the
20 mother and father of a child born out of wedlock as determined
21 pursuant to sections 43-104.08 to 43-104.24, except that consent
22 shall not be required of any parent who (a) has relinquished the
23 child for adoption by a written instrument, (b) has abandoned the
24 child for at least six months next preceding the filing of the
25 adoption petition, (c) has been deprived of his or her parental
26 rights to such child by the order of any court of competent
27 jurisdiction, or (d) is incapable of consenting. On and after the

1 effective date of this act, a written consent or relinquishment for
2 adoption under this section shall not be valid unless signed at
3 least forty-eight hours after the birth of the child.

4 Sec. 3. Section 43-143, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 43-143. For adoptions in which the relinquishment or
7 consent for adoption was given prior to the effective date of this
8 act: An adoptive parent or parents may at any time, if they
9 desire, file a notice of nonconsent with the Department of Health
10 and Human Services Finance and Support stating that at no time
11 prior to his or her death or the death of both parents if each
12 signed the form may any information on the adopted person's
13 original birth certificate be released to such adopted person. The
14 provisions of this section shall not apply to persons subject to
15 the Nebraska Indian Child Welfare Act.

16 Sec. 4. Section 43-146.01, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 43-146.01. (1) Sections 43-106.02, 43-121, 43-123.01,
19 and 43-146.02 to 43-146.16 shall provide the procedures for gaining
20 access to information concerning an adopted person when a
21 relinquishment or consent for an adoption is given on or after
22 September 1, 1988.

23 (2) Sections 43-119 to 43-142 shall remain in effect for
24 a relinquishment or consent for an adoption which is given prior to
25 September 1, 1988.

26 (3) Except as otherwise provided in subsection (2) of
27 section 43-107, ~~and~~ subdivisions (1)(b) and (1)(c) of section

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1 43-109, and subsection (4) of this section: ~~Sections sections~~
2 43-101 to 43-118, 43-143 to 43-146, 71-626, 71-626.01, and
3 71-627.02 and section 1 of this act shall apply to all adoptions.

4 (4) Sections 43-143 to 43-146 shall not apply to adopted
5 persons for whom a relinquishment or consent for adoption was given
6 on and after the effective date of this act.

7 Sec. 5. Original sections 43-143 and 43-146.01, Reissue
8 Revised Statutes of Nebraska, and section 43-104, Revised Statutes
9 Supplement, 2000, are repealed."