

procedure that most careful and conscientious lawyers and adoption agencies are already performing. I would recommend to this body that LB 712 be advanced.

SPEAKER WITHEM: Thank you, Senator Matzke. Senator Wesely will be recognized to speak followed by Senators Hall, Witek and McKenzie.

SENATOR WESELY: Thank you. Mr. Speaker, members of the Legislature, I rise in strong support of LB 712 and I want to praise Senator Matzke who chaired a task force looking at this issue last session. Spent a great deal of time on the issue and helped fashion this piece of legislation. It was advanced by the committee without a dissenting vote, recognizing the very important issue that it's raising in attempting to address dealing with adoption. Let me give a little background on the issue and not being a lawyer, I'm going to give a lay person's interpretation of the situation. Senator Matzke is the expert on the issue and I defer to him on the details of the bill, but let me tell you what my concern is as a Nebraskan who has watched the adoption issue over the course of time. When the Baby Jessica case up we all watched with horror as the court finally decided to take Baby Jessica away from the parents that had been raising the child for several years and return the child to the biological parents. This was a heart-wrenching experience, one that concerned the country and led Senator Lindsay and I to ask the Attorney General to take a look at the issue, also the Department of Social Services. The Attorney General has indicated that he felt there wasn't a concern with the Baby Jessica case, but since that time we have had additional court rulings that seemed to indicate to me that we, in fact, are walking, in my view, a constitutional tightrope on adoptions by not taking the step envisioned by LB 712. And that constitutional tightrope is that we do not provide notice to the biological father in statute and make it an option by the adoption agency or the attorneys involved and thus, some are contacted, some follow-up is done and I think for the most part as Senator Matzke said, the provisions of the bill are being followed but in other cases it isn't. And so when the time comes somewhere in the future that an adoption occurs and the notice has not been followed and the statutes are not clear on this point and the biological father says I didn't know, I want the child, I can guarantee you that you're going to have a court suit filed and I can't guarantee you what the court is going to rule, but in my view, my best guess is that they will rule that