

that they have been advised that if notice hasn't been given that the adoption is at risk and is subject to collateral attack.

SENATOR HALL: What happens, Senator Matzke, in the case where the notice hasn't been given, the affidavit or the statement of legal risk is given to the adoptive parents, and then we get to the point of the six-month finalization period. Is it possible, under this...is there a possible situation where notice or...might not have taken place, whether it be actual or constructive with regard to the publication, at the time that that six-month waiting period, for purposes of what amounts to an extended home study, the home studies being done prior to the placement, but making sure that once a placement is made the inclusion of the adopted child in the family home is now a viable situation. Is it possible that there would be a time where the rights of the parents and the...would hinge on the legal notice as opposed to the finalization of the adoption? In other words, is it possible that notice...that an adoption could be finalized before notice is given to the biological father?

SENATOR MATZKE: Well, I have some difficulty understanding your question.

SENATOR HALL: And I can understand that, the way I...as long as it took me to spit it out. (Laughter.) But, Senator Matzke, let me rephrase and shorten it. Is it possible for an adoptive...for an adoption to be finalized without notice of some sort to the com...or the requirements in LB 712 being complied with for purposes of notification to the biological father? I mean could that happen? Could an adoption be finalized without all these provisions being met?

SENATOR MATZKE: There is a...an additional procedure for the appointment of a guardian ad litem in the bill.

SPEAKER WITHEM: One minute.

SENATOR MATZKE: In the event that you run into the impossible situation that you're talking about, where they can't give notice, they can't locate the biological father, they can't get a relinquishment, that sort of thing, the matter of notice is subject to the courts' review. If the court finds that there has not been due diligence by either the attorney or the agency, it can point a guardian ad litem who is required, under the