

SPEAKER WITHEM: Senator Matzke, followed by Senators Wesely and Crosby.

SENATOR MATZKE: I want to respond to what I thought was going to be a series of questions from Senator Witek. She argues for a system which is essentially what we have now. Our present law is the five-day law, that a biological father has five days to file a notice of intent to claim paternity with the Department of Social Services. If he fails to do that then our present law says his consent to the adoption is not necessary, it just chops off the right in a very arbitrary manner. Other states have similar laws, most other states allow at least 30 days. Nebraska has perhaps a law that is too strict. And she makes a very good argument for the present law that gives biological fathers virtually no rights at all if they don't meet that five-day deadline. The only problem with that argument is our court said it's unconstitutional. So we have to change the situation if we're going to prevent court battles like we see in the newspapers. And what Senator Wesely said is correct, there was a very serious adoption case here in Lancaster County that had it gone to the Supreme Court most attorneys think that there would have been a different result and we would have had our own heart-wrenching Baby Jessica case. One thing that this law, this bill does that was not present in either the Baby Jessica or Baby Richard case, this law specifically says that the court must consider the best interests of the child. I think that is essentially important. These other cases went off on procedural decisions by the courts in Iowa and Illinois, and the court specifically said that they were prevented from considering the best interests of the child, that's required by this statute.

SENATOR LINDSAY PRESIDING

SENATOR LINDSAY: Thank you, Senator Matzke. Senator Wesely.

SENATOR WESELY: Mr. President, members of the Legislature, again a lot of issues have been raised about the bill, but fundamentally I have no problem at all with what we're trying to accomplish and feel that in the end if you had taken...had the opportunity to listen to the hearings that we've held and the meetings that we've held you would see that there's good reason for proposing this and moving forward on it. First off, some people have talked about the task force, and the task force didn't come to an agreement on this. Well, let me tell you I formed the task force. I appointed Senator Matzke to chair it.