

March 8, 1995

LB 712

SENATOR HALL: ...support the measure. Thank you, Mr. President.

SPEAKER WITHEM: Senator Bohlke.

SENATOR BOHLKE: Mr. President, members, in a moment, Senator Matzke, I'll ask you a couple of questions, but I want to say that as I've listened to this, I have some concerns. I plan to vote to move it along also onto Select File, as Senator Hall said. But in the mean time hope that we address some of the issues. I know Senator Matzke and I, before session began, talked about this whole area and possibility of establishing a registry or doing that a little different, and Senator Matzke said at that time that he was looking at something that was dealing with that same issue but in a different manner. And so I appreciate the work and the effort that he's put into it. One thing that has concerned me is the same on page 6 that Senator Bromm referred to on the notification, and Senator Matzke, I think, responded that that's standard procedure. I would like to ask him to look closely at that and see, even though it's standard procedure, if we can have a better procedure in Nebraska. And also, Senator Matzke, my question, when our present law was declared unconstitutional, was it partly addressed to the five-day notice? Was that one of the main concerns that the court pointed out?

SPEAKER WITHEM: Senator Bohlke, are you asking Senator Matzke to respond?

SENATOR BOHLKE: Yeah, Senator Matzke,...

SPEAKER WITHEM: Senator Matzke.

SENATOR BOHLKE: ...would you respond please.

SENATOR MATZKE: No, when the...when the court held it was unconstitutional it was not the number of days that was involved, it was the fact that in that case the biological father had already established a family relationship with the children and had already participated in their support and was, in effect, acting as a father. And the court said, the five-day statute cannot apply, it's unconstitutional when applied to someone where a familial relationship had already developed. It wasn't the number of days, in other words.