

notice. Actually the published notice would primarily be an advice or information mechanism to advise the biological father of what his rights are. He then has five days after conclusion of the published notice to respond and if he doesn't, he has in effect legally forfeited his rights to contest the adoption. This is really the significant step in this bill and this type of procedure would have prevented what you have seen reported in the newspaper in the Savage case that was argued before the Supreme Court yesterday. Also with the advice and counsel of the other senators with whom I have worked we proposed to amend Section 11. First, it clarifies the evidence that would be received by the court if there a question regarding the biological mother's relationship with the biological father. The mother would not be subjected to court inquisition or questioning or depositions. The court would be authorized to merely accept her affidavit. Secondly, if the court finds that the adoption agency or the attorney did not exercise due diligence, the court may appoint a guardian ad litem. In the original form of the bill this was required. The original language was the court "shall". We received some very good advice on this from the other senators who were concerned about it and decided that the best approach would be to make it permissive, leave it to the discretion of the court to determine whether a guardian ad litem was appointed with the hope that in most cases that would not be necessary. Then the fourth major change by this amendment is to Section 15. It reduces the appeal time. The original bill provided for three months after the decree of adoption was entered or the order finalizing the adoption. Under the standard civil procedure rules of appeal there is only 30 days allowed and this is one of Senator Bromm's recommendations that we reduce this from three months to 30 days so that in all actuality this entire bill would not delay or increase the amount of time necessary for an adoption. I might just say parenthetically, I don't know how much experience all of you have had with adoptions, but Nebraska law for many, many decades has provided that a decree of adoption or an order finalizing an adoption could not be entered until the child had been in the home of the adoptive parents for six months. That's always been the law of Nebraska. That is not being changed. It has always been the law of Nebraska that it took at least six months before you could finalize an adoption. Most courts will not even let you file a petition for adoption until the child has been in the home for six months. This bill will not in any way delay the procedure. That six months stays the same. In any adoption for the last any number of decades if there was a