

of this bill is sort of to be the leaders in this area throughout the nation, and this just provides another means of adding that to putative father registry.

SENATOR WEHRBEIN: Then another question, maybe you wouldn't answer this, but there is Senator Matzke, but what I...if this was ignored then by a potential father, it still is possible that they can literally come out of nowhere, under Nebraska state law, and claim paternity of a child and still...I don't know how that fits in with your bill, Senator Matzke, but I, for one, am getting to the place I am frustrated with hearing of all the things that are going on, and I'd like to clear once and for all when this is and see some responsibility in society. I just wonder if this would...can we get to a step where either you are or you aren't, and it is declared and five years later it is all over as far as...would you respond to that, yes, Senator Matzke, if that is appropriate.

SENATOR MATZKE: Senator Wehrbein, that's exactly what this bill is attempting to do. Right now, with our five day statute that gives a biological father five days after the date of birth to file a notice of intent to claim paternity, if he fails to do that, under the present statute, his consent is not required for an adoption. But our court has said that's not adequate, that's unconstitutional because that deprives him of his constitutional right to due process of notice. And all this statute does is provide a mechanism for first obtaining the identify of the biological father, and then giving him notice. The first notice is by registered mail. If you don't know where he is, you can give him notice by publication. One you've given that notice, he has five days, and his right to claim paternity thereafter is terminated. It does protect his rights because it gives him notice and he has his right to come into court. It can't be done any simpler. It may sound a little bit complicated, but this is the constitutional requirement to provide minimum due process in a case like this, and we are convinced that we are doing the right thing, and asking that this be made a part of our adoption...

SPEAKER WITHEM: One minute.

SENATOR MATZKE: ...law so that it will stop the type of thing that you and I are both concerned about, and that is the walk-away father who comes in years later and wants to disrupt an adoptive family.