

became pregnant, he does not know he's becoming a father, the young woman doesn't know where he is, then she discloses this information and notice is given by publication and that meets the minimum due process requirements. And the courts have said, in effect, that's the best you can do, you have done everything you can do to give him notice. That is sufficient notice to him, whether he actually sees it or not makes no difference. It's very similar to the notices that are given in a state proceedings where you see notice...legal notices in the newspaper that cut off claimants and cut off heirs. It makes no difference whether they're actually seen by those parties that have property interest. If you have met the minimum due process requirement of giving the notice by publication, that is sufficient to terminate their rights.

SENATOR BERNARD-STEVENS: Senator Matzke, then a couple other questions along that line. What if they...what if the woman says in her...in her revealing of who the biological father is, she says someone who is not the biological father? And that is published and that is all of the criteria and rights are waived, in other words the biological father was notified, the bio...the said biological father, who was not, was notified properly by the newspaper or the publication, obviously didn't read it, didn't know, five days pass, we have then the adoption or whatever can take place. But then later on the real father finds out, the real biological father finds out that he had a child, didn't know about it and wants to raise their child. What do we do now? Don't we have the same type of situation under that scenario that we do now, even without this bill?

SENATOR MATZKE: Well, you have raised one of the critical problems in this whole matter. There's no way to keep people from lying. What this bill attempts to do is approach that problem by requiring the biological mother to state under oath in the...

PRESIDENT ROBAK: One minute.

SENATOR MATZKE: ...affidavit who the biological father is. The law also requires the agency and the attorney handling that to advise and impress upon the mother the necessity of her being honest, both for the validity of the adoption and for the health considerations for the child. Now, in the event that she is not honest, if she lies and identifies the wrong father, this will be reviewed by the court, and if the court finds that the