

very well might be the father of the child and feels an obligation to be that father. And what court type of cases could develop because what we're doing, what we're trying to say here is that we're waiving his rights when in fact he was unaware of that right. And I want you to pursue that one. The other question I want to pursue is everyone is talking about the father needs to take responsibility, but I don't see anything on the other side where the mother has to take some responsibility and also responsibility to say who the proper father is, or not to lie. Is there anything on both ends of the continuums that have both people take responsibility for what we're doing? So with that open-ended thing I'll give you the time to respond.

PRESIDENT ROBAK: Senator Matzke.

SENATOR MATZKE: Well, there is because for the first time this bill will impose upon the biological mother the obligation to state in an affidavit, now an affidavit is a statement under oath the identity of the biological father. Now if the child is the result of a sexual assault or incest, she does not have to do that. If she fears for her own safety, she does not have to do that. In fact, she doesn't simply have to do it if she doesn't want to, because if she says there are personal reasons why I do not want to disclose the identity of the biological father, she can merely refuse to do it. Now that will probably stop the adoption because there's no way that you can give adequate notice if you don't have identity. So there..to answer your first question, yes, there is a balance of responsibility under this bill. It's not really an undue burden on the biological mother because the agencies are already doing an excellent job of ascertaining this information anyhow. All they'll do is put it in the affidavit form and ask the biological mother to sign it. Now so far as your concern for the biological father, this bill does something that he has never had before. He's never had, under our present system, any procedure by which he is even notified of the adoption. Now many courts on their own are requiring this type of procedure. We have been told, during our interim study, that what this bill contains as far as the procedure is concerned is what most careful lawyers are doing and what most conscientious judges are already requiring. So in many cases there is notice being given to a biological father. But for the first time the law...this bill will set up a procedure for assuring that.

PRESIDENT ROBAK: One minute.