

objection to Senator Bernard-Stevens' amendment.

SPEAKER WITHEM: Senator Chambers.

SENATOR CHAMBERS: Mr. Speaker and members of the Legislature, I'm not sure how I feel about the Bernard-Stevens amendment. It seems on its face to be all right, because you're not requiring the individual to take the second step and discuss custody when he's filing with this registry, so I don't see where it would create any harm and the father's rights would still be protected. So I have no objection to the amendment from what I've heard of it. I have to respond to what Senator Schimek indicated because she raised what seems to her to be a valid point, namely that when the mother executed the relinquishment and consent to adoption, she hadn't thought about the possibility of the biological father wanting custody. So, therefore, Senator Schimek feels that in that case the relinquishment and consent should be conditional, conditioned on the father not seeking custody. Well, let's say that the young biological mother agreed to relinquish and consent to an adoption because she didn't have any money. Then she hits the lottery, somebody dies, or somehow she gets enough money now to take care of the child. Is that a factor that should allow her to revoke her relinquishment when she wants to keep the child because she wants to be the mother and not because she's angry with the father and wants to frustrate his efforts? Here's what you all have to keep in mind. Custody is not going to automatically be granted to the biological father. It would have to be in the best interest of the child. So what you all are saying in effect is the biological mother automatically would be presumed to be a better parent to these children than the adoptive family. The issue is not just between the biological father and the biological mother because the biological mother is out of the picture. Once she signs the relinquishment and the consent to adopt, she has removed herself from any legal interest in that child. All the rights that she had she exhausted when she signed the relinquishment. She's as though she does not exist in the law. There is no biological mother anymore. We have only the adoptive family and the biological father who would have rights recognizable under the law. What you all want to do is say that when this biological father, no matter how capable and competent and caring and able to be a good father, you want to resurrect in a legal sense this legal nonentity and give it existence again in the eyes of the law for the sole purpose of frustrating the effort of the