

discussion about it and I think Senator Matzke probably initially would rather not have struck the section, but I believe and I'll certainly let him say what his views are, but hopefully he may support striking this section at this point and I would encourage the body to adopt the amendment. Thank you.

SPEAKER WITHEM: Thank you, Senator Bromm. On the Bromm amendment, Senator Matzke.

SENATOR MATZKE: Mr. Speaker and members of the Legislature, Senator Bromm and I have probably spent three or four hours already arguing this issue which will save us time today. Let me explain a little bit of the background. In the Savage case, which is the one that received all of the attention in the newspapers last week, that case arose because our statute does not include a procedure to be followed by the court if a biological father appears in court and asserts his rights. Our law is silent. So what happened in that case when the biological father, three and a half years after the children were adopted, showed up in court and wanted to assert his rights, the county judge took a look at our statute and said well I don't know what to do. So he went over and he grabbed another statute dealing with the procedure for termination of parental rights and out of the juvenile act and he said well I'll use that statute because here is nothing in the adoption law. Well that went to the district court and to the court of appeals and both the district court and court of appeals said, no, you can't do that in an adoption. Well the problem is we have a tremendous void as to what the procedure is under our adoption law if a father shows up in court and wants to assert his rights. Now in drafting LB 712 we included Section 16 which is sort of a road map. It's sort of a procedural guide. It does not establish any rights and this is where Senator Bromm and I argued, there is a provision in it that the court has to advise the father of his right to counsel. There was concern that this would then require the court to appoint counsel for the biological father. That was not the intent. We did not think that was constitutionally required. Rather than try and doctor up or reinterpret or massage or amend this particular section, the final decision by Senator Bromm was to move to strike the entire Section 16. It also has a provision in it that it can be expedited to hearing if all of the parties to the adoption agree. This caused some concern. The section also uses the word "shall" which makes it mandatory and I think this was the main concern that it might result in an additional