

SENATOR CHAMBERS: Would you be in favor of, and I'm going to offer an amendment and you'll have time to think about it further, I'm going to offer an amendment to strike those terms. They would invalidate this provision. I don't know if they would invalidate the whole law. But you cannot give a court that which it doesn't have. The parties cannot do it. The jurisdiction is laid out either in the constitution or by statute. So if you're going to state that the court lacks jurisdiction of the parties and the subject matter, the court is totally violating discretion and the law in reality to attempt to enter an order. And in some recent death penalty cases growing out of Nebraska, a federal district court had indicated that it didn't have jurisdiction over an aspect of the case, then proceeded to make some findings. The Supreme Court said once the court established that it lacked jurisdiction, anything it said after that was totally void because it had no power within the law to make those findings since it lacked jurisdiction. With that having been said I want you to understand why the amendment that I'm going to offer will be offered and you'll have a chance to think further on it. But on your part, the part that you're trying to do here, I'm at a point where I just...well let me ask this question. If you strike this language, when is the hearing supposed to occur that will allow the father to have these issues resolved?

SPEAKER WITHEM: One minute.

SENATOR BROMM: It could occur at any time that the father petitioned the court or came into the action wanting to assert his paternal rights. It could occur at any time and so the part of the amendment that says that any hearing in Section 17 would read, at any hearing to determine the biological father's parental rights, the court would follow this process and make these findings. I didn't want to...Section 16 bothered me a lot because it had shall and it had...it gave you the impression no matter what had happened up to that time, it's a whole new ball game if somebody shows up in court and says I'm the father and I want to claim my rights. No matter what notices he has been given, the court when it had to go ahead and have a hearing and go through all this process.

SENATOR CHAMBERS: But here's the way I read Section 17, it says in line 20, at the hearing.