

April 11, 1995

LB 712

SENATOR CHAMBERS: Senator Bromm, the only thing required in this bill, as far as any persons' duty is concerned, is that there be substantial compliance with the terms of this bill. Would you agree? And you will find those words in line 12 of page 7 which you are amending, "substantial compliance".

SENATOR BROMM: Okay.

SENATOR CHAMBERS: Are there duties or requirements placed on the biological mother in terms of information she must provide?

SENATOR BROMM: The...Senator Chambers, the information contained in the affidavit which has been inserted as an amendment would be information that would come from the mother. And, as I see it, that's her obligation to furnish or to complete that to the best of her ability.

SENATOR CHAMBERS: In order to present that information, are there facts she would have to determine in order to truthfully put the items into the affidavit which are required by the law?

SENATOR BROMM: She would be required to answer the questions that are in the affidavit, as I see it.

SENATOR CHAMBERS: And would she have to have factual knowledge to answer these questions? And if she is in possession of factual information, she would have to accurately and correctly state those facts when she's answering the questions that are going to make up the basis of the affidavit.

SENATOR BROMM: With the exception the affidavit provides for an opportunity to refuse to disclose the identity of the father,...

SENATOR CHAMBERS: All right.

SENATOR BROMM: ...even though she might know.

SENATOR CHAMBERS: Now, would you feel that she has used or exercised due diligence if she refuses to give information which she does have, which information would have a bearing on the issue being decided?

SENATOR BROMM: That could be the case. Now I think the court might find that to be the case, Senator Chambers.