

SENATOR MATZKE: Madam President and members of the Legislature, I believe Senator Chambers' amendment should be defeated for two essential reasons. Both are rather complex and with your indulgence I'll discuss both of them. The first reason I oppose his amendment is on a procedural basis. LB 712 is a bill that provides for notification to the biological father of a child born out of wedlock. It affords him protection of legal rights. It provides procedures for a hearing to determine paternity and fitness, if those matters are raised. It has nothing to do with the relinquishment by the biological mother of the child for adoption. These are two separate legal issues. The matter that Senator Chambers raises is a very serious matter. It's a matter of great import. I respect him for his addressing the issue but it is an issue that is completely separate from LB 712. Not only that, it is an issue that was not considered in the interim study last summer. It was not an issue that was before the Health and Human Services Committee. There has been no public hearing on the issue which he raises and he seeks to amend a bill bringing in a totally new issue at Select File, which I think procedurally is not appropriate. Secondly, on a more...the second reason I oppose his amendment is on a substantive basis. It has been the law of Nebraska for perhaps a hundred years that once the biological mother of a child signs a relinquishment voluntarily and signs a relinquishment for adoption that that is a final legal document. That's the procedure in Nebraska. That procedure has been upheld in numerous court decisions. If we are going to change that procedure, as Senator Chambers would have us do, in order to permit the biological mother to revoke or withdraw her relinquishment and consent to adoption then we create a very serious mish-mash of legal problems and potential litigation. We reach the question of whether, in the first place, the biological mother has been adequately informed of her right to revoke or withdraw her relinquishment. We also reach the legal question of how she does that. Does she do it orally? Does she do it in writing? Senator Chambers' amendment does not spell out any of the details or procedures for those matters. So, from a legal standpoint, if we were to adopt Senator Chambers' amendment granting to the mother 48 hours to change her mind after she has signed a legally binding relinquishment, we're going to raise numerous legal problems. We're going to open the door to considerable litigation. If this body wants to make that change then it should do it with proper study and certainly should do it only after there has been a public hearing where