

ONE HUNDRED FOURTH LEGISLATURE - SECOND SESSION - 2016
COMMITTEE STATEMENT
LB744

Hearing Date: Friday January 22, 2016
Committee On: Judiciary
Introducer: Watermeier
One Liner: Provide for communication and contact agreements in private and agency adoptions

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	6	Senators Seiler, Coash, Ebke, Krist, Morfeld, Williams
Nay:	1	Senator Chambers
Absent:		
Present Not Voting:	1	Senator Pansing Brooks

Verbal Testimony:

Proponents:
SEN. DAN WATERMEIER
SUSAN SAPP
JEANETTE STULL
KIM ANDERSON

SUE MALLOY

Representing:
INTRODUCER
SELF
SELF
NEBRASKA CHILDREN'S HOME SOCIETY,
NEBRASKA ADOPTION AGENCIES ASSOCIATION
CATHOLIC CHARITIES

Opponents:
GEORGE BABCOCK
TERESA SELLERS
MONTY SELLERS

Representing:
LAW OFFICES OF EVELYN BABCOCK
BIOLOGICAL MOTHER IN SELLERS VS WISSMAN
BIOLOGICAL FATHER IN SELLERS VS WISSMAN

Neutral:

Representing:

Summary of purpose and/or changes:

LB744 would authorize adoptive parents and birth parents to enter into a written agreement to permit continuing communication and contact after the placement of the adoptee in a private and agency adoption.

Subsection (2) provides for terms that may be included in the agreement.

Subsection (3) would prohibit an agreement without the consent of the adoptee if the adoptee is fourteen years of age or older.

Subsection (4) would provide that a failure to comply with the terms of the agreement is not grounds for setting aside an adoption decree, challenging the decree on the basis of duress, coercion or retention of parental rights or revoking a relinquishment of parental rights or consent to adoption.

Subsection (5) would provide that an agreement may not be enforced by civil action.

Subsection (6) would require any agreement to include the restrictions contained in subsections (4) and (5).

Explanation of amendments:

AM2142 replaces the original bill.

Subsection 4 would authorize a court to incorporate a communication and contact agreement into an adoption decree and indicate the court's approval, but would not require incorporation or approval to enforce the agreement.

Subsection 5 would provide that the existence of a communication and contact agreement or the failure to comply with its terms are not grounds to invalidate an adoption or a relinquishment of parental rights.

Subsection 6 would allow a communication and contact agreement to be enforceable in civil action if the petitioner has participated or attempted to participate in good faith mediation.

Subsection 7 would require an adoption agency to be invited to participate in mediation.

Subsection 8 would require certain disclosures to be included in a communication and contact agreement.

Les Seiler, Chairperson