

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 744

Introduced by Watermeier, 1; Kolterman, 24.

Read first time January 06, 2016

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to adoptions; to provide for communication and
- 2 contact agreements in private and agency adoptions as prescribed;
- 3 and to prohibit enforcement of agreements by civil action.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) The adopting parent or parents and the birth parent
2 or parents of an adoptee may enter into a written agreement to permit
3 continuing communication and contact after the placement of an adoptee
4 between the adopting parent or parents and the birth parent or parents in
5 private and agency adoptions of adoptees who are not state wards at the
6 time of placement.

7 (2) The terms of any communication and contact agreement entered
8 into under this section and not governed by sections 43-162 to 43-165 may
9 include provisions for (a) future contact and communication between the
10 birth parent or parents and the adoptee or the adopting parent or
11 parents, or both, (b) sharing information about the adoptee in the
12 future, and (c) any other matters related to communication and contact
13 agreed to by the parties.

14 (3) If the adoptee is fourteen years of age or older, an agreement
15 under this section may not be entered into without the consent of the
16 adoptee.

17 (4) The failure of any party to comply with the terms of an
18 agreement entered into under this section shall not be grounds for (a)
19 setting aside an adoption decree, (b) revoking a written relinquishment
20 of parental rights or written consent to adoption, (c) challenging the
21 adoption on the basis of duress or coercion, or (d) challenging the
22 adoption on the basis that the agreement retains some aspect of parental
23 rights by the birth parent or parents.

24 (5) An agreement entered into under this section may not be enforced
25 by civil action.

26 (6) With any communication and contact agreement entered into under
27 this section, the following shall appear on such agreement in bold type:
28 No adoption decree shall be set aside and no written relinquishment of
29 parental rights or written consent to adoption shall be revoked due to
30 the failure of the adopting parent or parents or the birth parent or
31 parents to follow the terms of this agreement. This agreement may not be

1 enforced by civil action.