

LEGISLATIVE BILL 231

Approved by the Governor April 10, 1989

Introduced by Chizek, 31

AN ACT relating to adoption of children; to amend sections 43-107 and 43-109, Reissue Revised Statutes of Nebraska, 1943; to change medical history requirements in adoption proceedings; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 43-107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-107. (1) Upon the filing of a petition for adoption, the county judge shall, except in the adoption of children by stepparents when the requirement of an investigation is discretionary, request the Department of Social Services or any child placement agency licensed by the department to examine into the allegations set forth in the petition and to ascertain any other facts relating to such minor child and the person or persons petitioning to adopt such child as may be relevant to the propriety of such adoption, except that the county judge shall not be required to request such an examination if the judge determines that information compiled in a previous examination or study is sufficiently current and comprehensive. Upon the request being made, the Department of Social Services or other licensed agency shall conduct an investigation and report its findings to the county judge in writing at least one week prior to the date set for hearing.

(2) Upon the filing of a petition for adoption, the county judge shall require that a complete medical history be provided on the child, except that in the adoption of a child by a stepparent the provision of a medical history shall be discretionary. A medical history shall be provided, and, if available, on the biological mother and father and their biological families, including, but not limited to, siblings, parents, grandparents, aunts, and uncles, unless the child is foreign born or was abandoned. The medical history or histories shall be reported on a form provided by the Bureau of Vital Statistics and filed along with the report of adoption as provided by section

71-626. If the medical history or histories do not accompany the report of adoption, the Bureau of Vital Statistics shall inform the county court and the State Court Administrator. The medical history or histories shall be made part of the court record. After the entry of a decree of adoption, the court shall retain a copy and forward the original and a copy of the medical history or histories shall be forwarded by the county court to the Bureau of Vital Statistics, of the Department of Health. This subsection shall only apply when the relinquishment or consent for an adoption is given on or after September 1, 1988.

Sec. 2. That section 43-109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-109. (1) If, upon the hearing, the court finds that such adoption is for the best interests of such minor child or such adult child of the adopting person's spouse, a decree of adoption shall be entered. No decree of adoption shall be entered unless (a) it appears that the child has resided with the person or persons petitioning for such adoption for at least six months next preceding the entering of the decree of adoption, except that such residency requirement shall not apply in an adoption of an adult child of the adopting person's spouse, (b) the medical histories required by subsection (2) of section 43-107 have been made a part of the court record, and have been forwarded by the county court to the Bureau of Vital Statistics of the Department of Health, and (c) the court record includes an affidavit or affidavits signed by the relinquishing biological parent, or parents if both are available, in which it is affirmed that, pursuant to section 43-106.02, prior to the relinquishment of the child for adoption, the relinquishing parent was, or parents if both are available were, (i) presented a copy or copies of the nonconsent form provided for in section 43-146.06 and (ii) given an explanation of the effects of filing or not filing the nonconsent form. Subdivisions (b) and (c) of this subsection shall only apply when the relinquishment or consent for an adoption is given on or after September 1, 1988.

(2) If the adopted child was born out of wedlock, that fact shall not appear in the decree of adoption.

(3) The court may decree such change of name for the adopted child as the petitioner or petitioners may request.

Sec. 3. That original sections 43-107 and

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43-109, Reissue Revised Statutes of Nebraska, 1943, are repealed.