

ONE HUNDRED THIRD LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 235

Introduced by Harms, 48.

PURPOSE: The safe haven law adopted in 2008 (Laws 2008, LB 157) made it legal to leave a child in the custody of an on-duty employee at a hospital licensed by the state and required that the hospital then promptly contact the appropriate authorities to take custody of the child. Later in 2008 a special session was called to amend the law to limit the age for application under the safe haven law to abandoned children thirty days old or younger (Laws 2008, First Spec. Sess., LB 1). Three safe haven child abandonment cases have occurred in the state since that time.

The adoption process can be lengthy, cumbersome, and expensive in court litigation costs. Under the current safe haven law, six months must pass before parental rights can be terminated based upon proof of abandonment and before an adoption petition can be filed in the juvenile court. The purpose of this resolution is to conduct a study to examine if the adoption process can be expedited, whether a distinction can be made between abandonment and willfully handing a child over to the state, and if a safe haven adoption can be facilitated through a less cumbersome process under foster care adoption. This study shall include, but not be limited to, an examination of the following issues:

(1) The intent of the safe haven law and relation to its current application in the state;

(2) The circumstances and disposition of those safe haven cases which have occurred in the state since enactment of the amended law;

(3) Anonymity requirements on birth certificates and whether the Department of Health and Human Services can relinquish those birth certificates with or without a court order from the adoptive parents;

(4) Assessment of the abandonment and termination of parental rights process and the six-month period prior to filing for legal adoption;

(5) Comparison of foster care adoption procedures with adoptive parent procedures under current law; and

(6) Whether there should be an appropriate notification process and time frame for adoption cases arising under the safe haven law.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature on or before December 31, 2013.