

To: Judiciary Committee
From: Marion Miner, Associate Director of Pro-Life & Family Policy
Nebraska Catholic Conference
Subject: LB331 (Provide for adoption by any two adults) (Oppose)
Date: March 1, 2023

The Nebraska Catholic Conference advocates for the public policy interests of the Catholic Church and advances the Gospel of Life through engaging, educating, and empowering public officials, Catholic laity, and the general public.

The Conference opposes LB331 because it fails to provide for the rights of children. It would change current Nebraska law, which has been interpreted to require two adults who wish to adopt a minor child to be married to one another, to instead allow the adoption of a minor child by two adults regardless of their relationship and absent any commitment to each other. LB331 thereby diminishes the rights of a child to familial stability and permanency in favor of the desires of adults. That is not a just arrangement.

If two adults cannot make a commitment of permanency to each other, it makes little sense for the law to invite them to invite children into their home together—assuming they live together at all. Every child is a gift and a trust to his or her parents, and every child has the natural right to a permanent relationship with his mother and father. When a permanent, stable relationship with his natural parents is made dangerous or impossible because of a tragedy, children have a right to a permanent relationship with adoptive parents who have made a permanent commitment to the child and to each other.

Marriage, as a civil institution, has been recognized, privileged, and regulated by the state for centuries precisely because of its protectivity of children. In binding parents to one another with an expectation of permanency, marriage protects the legitimate rights of the child which the child cannot assert for himself. LB331 diminishes the rights of adopted children by removing expectations of permanency and stability from the picture. We urge the committee to consider the harmful consequences to adopted children in some circumstances that would be made possible by this bill.

On page 2, lines 6-7 provide that any “minor child may be adopted by any adult person or persons jointly, regardless of their marital status.” That could mean any two people, with any kind of relationship to each other, or no relationship at all. It could allow for two people living in different households to adopt a child together. It could allow for near-total strangers to adopt a child together. It could allow for one unmarried person to adopt several different children, each with a different unmarried adult counterpart. However unlikely, LB331 allows for these scenarios to become real.

But more fundamentally, and apart from these less likely scenarios, permanency of adult relationships is not expected or required by LB331. It is not difficult to imagine that split households, each with parental rights, will be common. This is not conducive as a general rule to the best interest of the child.

LB331 undermines the very important right of children to stability and security in the family by removing a legally recognized expectation of family permanency that exists for their protection. For this reason, the Conference asks that you not advance LB331 to General File.