



TO: Judiciary Committee
FROM: Marion Miner, Associate Director of Pro-Life & Family Policy
Nebraska Catholic Conference
DATE: January 24, 2024
RE: LB70 (Provide for adoption by a second adult person and change provisions relating to adoptions) (Oppose)

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 LB70. This bill makes a “second adult,” who is not the child’s mother or father and is not married to the child’s mother or father, eligible to become permanently equal to the child’s natural parent in rights and authority over the child. The “second adult’s” permanent authority would continue under LB70 even if the relationship between the child’s natural parent and the “second adult” later dissolves or deteriorates. This locks families into arrangements which will often be against the best interest of the family and the child.

It is not difficult to imagine scenarios under LB70 where *temporary* difficulties of life—leading a single parent to look for a “second adult” to share parenting responsibility and authority—end up in solutions which *ought to be temporary*, and for which there is a temporary solution under Nebraska law, *but are instead made permanent*. This permanent solution to a temporary problem can become a permanent problem itself if and when the expediency of the arrangement ends and the relationship of the adults deteriorates.

The one arrangement we have that lays a reliable foundation for permanency and stability in family life for a child is marriage.¹ What makes marriage different from other civil arrangements is the expectation and promise of a permanent bond between spouses for their own benefit and the benefit of the children.

LB70 is very different in purpose and effect. It seeks to create a permanent legal bond between two adults and one child, without any expectation of a permanent bond between the adults. This is a recipe for instability and division for which the child pays the price.

To illustrate, we can take the example of a single mother who needs help raising her child and could benefit from a family member or close friend being vested with the legal authority of a

¹ This is still true, even if we have good reason to lament our marriage culture. See, e.g., U.S. Census Bureau, “Median Duration of Current Marriage in Years by Sex by Marital Status for the Married Population 15 Years and Over,” 2020. Available online: <https://data.census.gov/table/ACSDT5Y2020.B12504>. This data shows that **the median length of current marriages in the United States is 20 years—the longest reported since 1970.**

parent—someone who can grant permission for medical treatment of the child, sign off on extracurricular school activities, and offer various other kinds of help.

Under existing Nebraska law

Under current law, a parent can fill out a temporary delegation of parental powers, giving parental authority over the child to a “second adult” for up to six months at a time.² This is easy, inexpensive, and temporary, and may be renewed as often as necessary. A one-page template produced by the Nebraska Supreme Court is attached to my testimony as an exhibit. It is simple and achieves what the single mother in our example needs.

Let’s say this single mother has been living with a boyfriend for 18 months. She decides to fill out this form under Nebraska law to give her boyfriend temporary parenting authority, so that he can help her parent her 5-year old child.

If the single mother later breaks up with this boyfriend, she can revoke the temporary parental arrangement with him or choose not to renew it. This allows her and her child to move on easily and without further legal proceedings. Additionally, if she goes on to meet and marry someone else, current law allows for her spouse to petition to adopt the child.

Under current law, the now ex-boyfriend, who is not the child’s father and is now a stranger to the household and the new marriage, appropriately has no rights.

Under LB70

If LB70 were to become law, on the other hand, new negative possibilities arise. Let’s say the single mother in our example allows her boyfriend of 18 months, under this new law, to become a permanent adoptive parent to her child without marrying her.

Later, she breaks up with him and chooses to marry someone else.

The ex-boyfriend, due to LB70, will continue to have permanent and equal parental rights to the child despite the fact he is not the child’s father, was only in the child’s life for a matter of months, never committed to the mother, and is now a stranger to the household.

On the other side, the new *spouse*—who has committed to the mother and lives in the same household under a promise and expectation of permanency—may not become the legally recognized stepfather under LB70 unless the mom’s ex-boyfriend gives consent and renounces his own, equal parental rights. Failing that, the spouse will have to hire an attorney to fight the issue out in the court system and remove the ex-boyfriend and the leverage he has over the family from the equation. There are very obvious and scary consequences to someone outside the marriage relationship having this kind of power.

This is just one example among many that shows how a child can be put in the middle of predictable and ugly adult disputes and exposed to disturbing power dynamics if LB70 were to become law. Different, but no less predictable and painful disputes can arise in situations where

² Nebraska Revised Statutes § 30-2604.

even a grandparent or some other family member is *permanently* made equal to the natural parent in authority and rights over the child.

Conclusion

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 natural or adoptive mother and father who have themselves made a commitment of permanency to the child *and to each other*. That commitment is crucial to the stability and permanency of the family, on which the wellbeing of the child depends. LB70 ignores this.

LB70 attempts to do what the *Compendium of the Social Doctrine of the Church* wisely states legislation should never do, which is to make “de facto” family arrangements “legally equivalent to *the family, which cannot be brought about in a precarious relationship between persons but only in a permanent union originating in marriage*” entailing “full conjugal communion.”^{3,4}

We respectfully ask that you not advance the bill from committee.

Thank you for your time and consideration.

³ *Compendium of the Social Doctrine of the Church* no. 227 (emphasis added).

⁴ *Ibid.*, no. 229.