



To: Judiciary Committee
From: Marion Miner, Associate Director for Pro-Life & Family
Nebraska Catholic Conference
Subject: LB426 (Joint Adoption of Any Two People) (Oppose)
Date: February 7, 2019

Chairman Lathrop and Members of the Judiciary Committee,

My name is Marion Miner, and I am here on behalf of the Nebraska Catholic Conference. 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 LB 426, which would provide for adoption of a minor child by two adults regardless of the nature of their relationship to each other. The amended version of the bill does not adequately address the most pressing concern we had with regard to the introduced version; namely, that adoption of a minor child should be concerned with what is best for the child, and that lawmakers should consider potentially harmful consequences to the child as an unintended side effect of legislation.

Under current law, any adult who wishes to adopt a minor child must undergo a vetting process in the form of a home study to evaluate that person's fitness to parent the child. This is a good safeguard meant to protect the child from harm. The law also makes an exception: a parent may consent to the adoption of his or her child by a stepparent without the requirement of a home study. This also makes some sense – since the parents in such circumstances have entered into a binding relationship with each other with an expectation of permanency, the child's right to stability and security in the family unit are not jeopardized by this exception.

However, where the meaning of the term “stepparent” is brought into question, as we believe would be the case if this bill passes, that stability and security are jeopardized. Where “any parent of a minor child may consent to the adoption of the minor child by the parent's spouse or by another adult with a parent-child relationship with the child,” it raises the question whether an unmarried adult might, with the consent of the first parent, also be considered a stepparent, thus dispensing with a home study even in cases where this adult has not entered into marriage with the child's parent and may not even be sharing a home with her.

In addition, the term “parent-child relationship” is not defined in the bill, and no minimum time threshold is established. The consequence of this absence, along with the other difficulties outlined above, is an opening of the door in our adoption statutes to dispense with any evaluation of character or parental fitness before a petitioner is granted parental rights over a child with whose other parent he has no permanent relationship. He may be here today and gone tomorrow.

This shortcoming in the bill, which could unintentionally facilitate a revolving door of legal parents who move in and out of a child's life as they make and break non-marital relationships with the child's first parent, is not in the child's best interest and is more likely to do harm than good.

A child deserves to have a permanent relationship with his natural father and mother. When that is not possible, the child is owed a permanent relationship with adoptive parents who have made a permanent commitment to the child and to each other. This is the whole reason marriage has been an institution recognized, privileged, and regulated by the state from time immemorial. It protects the legitimate rights of a child which the child cannot assert for himself.

LB 426 undermines the very important right of children to stability and security in the family by removing safeguards that have been placed there for their protection.

The Nebraska Catholic Conference opposes the bill and urges that you do not advance it to General File.