

LEGISLATIVE BILL 436

Approved by the Governor April 21, 1973

Introduced by Cavanaugh, 9

AN ACT to amend section 43-104, Revised Statutes Supplement, 1972, relating to adoption; to provide an alternative to the consent required for adoption; and to repeal the original section.

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

Section 1. That section 43-104, Revised Statutes Supplement, 1972, be amended to read as follows:

43-104. No adoption shall be decreed unless the petition therefor is accompanied by written consents thereto executed by (1) the minor child, if over fourteen years of age, (2) any district court or separate juvenile court in the State of Nebraska having jurisdiction of the custody of a minor child by virtue of divorce proceedings had in any district court or separate juvenile court in the State of Nebraska, and (3) both parents, if living; the surviving parent of a child born in lawful wedlock; or the mother of a child born out of wedlock; except that consent shall not be required of any parent who shall (a) have relinquished the child for adoption by a written instrument; (b) have abandoned the child for at least six months next preceding the filing of the adoption petition; (c) have been deprived of his parental rights to such child by the order of any court of competent jurisdiction, or prior to July 13, 1967 have been deprived of the custody of such child by an order of any juvenile court of competent jurisdiction by reason of such child having been declared a dependent or neglected child, within the provisions of sections 43-201 to 43-227; or (d) be incapable of consenting. When an order or decree of adoption has been entered by any court in any foreign country, a copy of such order or decree, duly certified and translated into English by a representative of the United States Department of State officially stationed in such country or, in the absence of any such representative, so certified and translated by the United States Department of State, may be filed with the petition for adoption and shall operate in lieu of the consent otherwise required by this section.

Sec. 2. That original section 43-104, Revised Statutes Supplement, 1972, is repealed.