



7521 Main Street, Suite 103
Ralston, Nebraska 68127

(402) 597-3100 P
(402) 597-2705 F

<http://voicesforchildren.com>

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February 3, 2015

To: Members of the Judiciary Committee

From: Julia Tse, Child Welfare Policy Associate

Re: Support for LB 648 – Provide for adoption by two adult persons

All children deserve to know that their relationships with both of their parents are stable and legally recognized, regardless of their parents' marital status or sexual orientation. Voices for Children in Nebraska supports LB 648, which would provide for two unmarried adults to jointly adopt, and would also clarify current provisions to allow a second parent to adopt without the first parent losing his or her parental rights to the adopted child. This bill would both protect children and grant families important protections under the law.

LB 648 has the potential to provide permanency for a greater number of our most vulnerable population. Permanent and loving family relationships are essential in ensuring that children become happy and healthy adults. As a result, adoption is always the preferred option to the prospect of having a child "age out" of the foster care system. Children who cannot remain in their homes often struggle with insecurity and instability with regard to their futures and foster parents. Childhood is a crucial period for proper development; feeling unwanted and hopeless while awaiting adoption during this time can have detrimental effects.ⁱ **The mean time to adoption in Nebraska was 8 months in 2013, with even longer waiting periods among older youth and children of color. Single and unmarried couples are often open to adopting an older child, a child of color, or a child with special needs, three of the hardest groups to place.**ⁱⁱ In fact, the US Department of Health and Human Services reported that single and unmarried adults already adopt about 33% of children from state care.ⁱⁱⁱ With more than 900 of Nebraska's children waiting for adoption^{iv}, LB 648 can bring more children in care into a permanent and loving home.

Children in a co-parent home need the permanence and security that are provided by having two legally recognized parents. The legal sanctioning of second-parent adoptions will serve multiple functions, including: ensuring **children will be eligible for health care benefits from both parents** and **permitting either parent to provide consent for medical treatment** (in the event that the child requires timely attention and the biological or adoptive parent is otherwise unavailable to give consent).^v LB 648 will also ensure that **children retain the right to continue the parent-child relationship with the co-parent**, should the biological/adoptive parent die or become incapacitated. In the absence of second-parent adoption legislation, the family of the biological/adoptive parent can challenge the surviving co-parent's rights to raise the children, thus causing children to effectively lose both parents.^{vi}

LB 648 can create a basis for financial security for children in co-parented homes. The passage of LB 648 establishes the requirement for child support in the event of the parents' separation and protects the second parent's right to visit and retain a familial bond with the child, regardless of whether or not the partners remain together. Under present law, at the end of a partnership, the biological/adoptive parent can sever all ties between the child and co-parent and the co-parent is not responsible for the child's maintenance. Legally recognizing both parents' responsibility to the children ensures eligibility to federal

entitlements such as Social Security and inheritance benefits upon the death of either parent, as co-parents cannot leave federal benefits to children not legally recognized as their own and the children will be taxed on inheritances left by their co-parents as though such inheritances were bequeaths from strangers.^{vii}

LB 648 provides legal, emotional and financial stability to children by permitting unmarried couples to jointly adopt and clarifying existing state law permitting a co-parent to adopt a child without the original parent relinquishing any parental rights. For this reason, we urge the committee to advance LB 648.

ⁱAmerican Academy of Child & Adolescent Psychiatry, *Facts for Families Info Sheet No 64*, (2005).

ⁱⁱ Unmarried Equality, *Adoption*.

ⁱⁱⁱ Ibid.

^{iv} Adopt US Kids, *Information on Nebraska's Waiting Children*.

^vFenton, L.M. and Fenton, A., "The Changing Landscape of Second Parent Adoptions", *American Bar Association: Children's Rights Litigation*, 2011.

^{vi} Hagan, J.F. et al, "Co-Parent or Second Parent Adoption by Same-Sex Parents", *Pediatrics: Official Journal of the American Academy of Pediatrics*. 125(2): e444 (2010), doi:10.1542/peds.2009-3160.

^{vii} Beekman, J., "Same Sex Parent Adoption and Intestacy Law: Applying the *Sharon S.* Model of "Simultaneous" Adoption to Parent—Child Provisions of the Uniform Probate Code," *Cornell Law Review*, 96, 1 (2010):139.