



7521 Main Street, Suite 103  
Omaha, Nebraska 68127

(402) 597-3100  
www.voicesforchildren.com

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February 7, 2019

To: Senator Lathrop, Chair – Judiciary Committee  
Warner Chamber, Nebraska State Capitol, Lincoln, NE, 68509  
**Re: Support for LB 426 – Provide for adoption by two adults**

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 426, 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 426 has the potential to provide permanency for a greater number of Nebraska children.** 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 regarding 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.<sup>1</sup> **The mean time to adoption in Nebraska was 13 months in 2017, 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.**<sup>2</sup> 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.<sup>3</sup> With more than 900 of Nebraska's children waiting for adoption<sup>4</sup>, LB 426 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).<sup>5</sup> **LB 426 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

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<sup>1</sup> American Academy of Child & Adolescent Psychiatry, Facts for Families Info Sheet No 64, (2005).

<sup>2</sup> Unmarried Equality, Adoption.

<sup>3</sup> Ibid.

<sup>4</sup> Adopt US Kids, Information on Nebraska's Waiting Children.

<sup>5</sup> Fenton, L.M. and Fenton, A., "The Changing Landscape of Second Parent Adoptions", American Bar Association: Children's Rights Litigation, 2011.

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.<sup>6</sup>

**LB 426 can create a basis for financial security for children in co-parented homes.**

The passage of LB 426 protects the second parent's right to visit and retain a familial bond with the child, regardless of whether 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.<sup>7</sup>

**LB 426 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 426.

We thank Senator DeBoer for her leadership in protecting child and family well-being and this committee for their time and consideration. We respectfully urge you to advance LB 426.

Sincerely,

A handwritten signature in black ink, appearing to read "Taylor Givens-Dunn". The signature is stylized and cursive.

Taylor Givens-Dunn, Community Engagement Specialist

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<sup>6</sup> 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

<sup>7</sup> 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