

**Information & Instructions.** Complete adoption package for the termination of parental rights & adoption of a minor child by non-parent

# PREVIEW

## A SUMMARY OF THE ADOPTION PROCESS

THE FOLLOWING DOCUMENT IS A GENERAL RESPONSE TO GENERAL QUESTIONS ABOUT THE ADOPTION PROCESS AND YOU SHOULD CONSULT WITH AN ATTORNEY ABOUT THE SPECIFIC FACTS IN YOUR CASE WHICH MAY ALTER OR AFFECT THE LAW APPLICABLE TO YOUR CASE.

### **Information & Instructions. Adoption Defined and Purpose of an Adoption**

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1. Adoption is a legal process which establishes the legal relationship and rights of a child with an adoptive adult, who is made a parent by judicial decree, and the duties, powers, responsibilities, and rights of an adoptive adult (as a parent) with and over the adopted child.
2. A prerequisite to the adoption of a minor child is the termination of the relationship between that child and one or both of the child's living natural parents. An adult person may also be adopted by another adult.
3. Termination of natural parent's rights is not required in an adult adoption. Obviously, adoption of an adult would create an inheritance right between the adopting adult and the adopted adult.

### **Purpose of an Adoption**

1. The purpose of an adoption is to establish the parent-child relationship between a child and an adult, or between adults.
2. A person who has been adopted receives the legal benefits that a natural born child has through his birth to his parents. A child benefits from his parents, in that the child receives training, discipline, education, support, maintenance, care, and hopefully, love.

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3. Parents benefit from their children in that also hopefully receive affection, love, and satisfaction as they sacrifice, teach, discipline, encourage, and patiently endure the experiences of childhood with the child.

4. Adoption brings to many persons the opportunity of parenthood that they might not have otherwise have enjoyed, and to many children the opportunity of having parents they might never have otherwise had.

5. The Texas Family Code Chapter which deals with termination is Chapter 161, and the Chapter setting forth the law on adoption is Chapter 162. Pertinent provisions regarding termination and adoption will also be found in Chapter 160, which chapter concerns paternity.

### **What is an Adoption?**

An adoption is the legal process by which children or adults are linked to parents who are not their birth parents, granting to said adopted children all the rights and benefits of being a child as though said child was born to an adopting adult, and the adopting adults acquiring children or adult children, with all pertaining rights, privileges, and duties, as though the children or adults were in fact children born to them. In other words, adoption gives persons who desire to be parents the legal opportunity to be in the parental position, even though they did have the blessing, gift, opportunity, or experience of giving birth to that child or adult. It could be said that this is the creation of parenthood by legal process. Adoption is in almost every situation a positive uplifting experience for all who are involved. Judges love to grant adoptions in most cases, and lawyers enjoy their work in presenting the case to the court. Adoption is one of most emotionally rewarding things that happens in family courts.

The scene portrayed most often in adoption proceedings, is that a family or future family comes to court dressed in their Sunday best clothing, with smiles on their faces. Often the

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participants take pictures of the court, the judge, and the attorneys, together with the parties.

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Many courts take time out to accommodate the family. If you are planning to photograph the event, you might give your attorney or the guardian ad-litem for the child, advance notice of your plans, so they can counsel you about the judge and court where your proceeding is pending, and perhaps, pre-arrange the photograph session.

### **Can I Pay Someone To Find Me a Child To Adopt?**

(Criminal Penalties)

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Most states have criminal laws which prohibit purchasing a child. An unwed mother cannot sell her child to the highest bidder. It is illegal to pay money for the placement of a child. You cannot hire an attorney, or for that matter, any other professional or individual, to place a child with you.

Proposed adoptive parents often pay reasonable medical expenses related to the birth and care of the child. The payment of medical bills is not prohibited. The best practice is to pay medical bills directly to the medical health provider, such as the hospital and delivery physician.

### **Explanation Of The Termination/Adoption Procedure**

Usually, the adoption process involves a two step proceeding. Since most children who are available for adoption, have one or more living parents, it will be necessary to terminate the parental rights of the living parents who are not the husband or wife of the person adopting the child. In step-parent adoptions, the step-parent must be joined by his or her spouse as a petitioner in the proceeding. Thus, living parents will either be involved in the termination/adoption proceeding either as a petitioner or a respondent.

Termination is a very serious legal proceeding, which according to the Supreme Court of the United States, has constitutional implications. The rights of parent with his child are

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considered constitutionally protected rights, and may not be severed between the parent and the child without following the strict requirements of due process set forth in the United States and Texas Constitutions.

Texas law requires a higher burden of proof in terminations cases. This burden of proof is not always easily understood by the lay person. In short, a parent's rights with his child are not be terminated except in specific statutorily defined fact situation, where the evidence established said statutory provision by "clear and convincing evidence" which is the highest level of evidence required in civil proceedings. "Clear and convincing evidence" is evidence which establishes a fact so clearly and so persuasively, that it is most obvious and clear that the event or fact did occur. This level of evidence is best explained by contrasting it with the standard of evidence required in most civil cases, which is called the "preponderance of evidence." This "preponderance of the evidence" is a lesser burden, which is that the greater weight of the credible evidence favors the issue or fact to be established.

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In a termination proceeding, due process requirements established by the Constitutions of both the United States of America, and the State of Texas, must be strictly complied with, which include notice to living parents in constitutionally accepted methods. This means that parents are entitled to notice of such proceedings and such notice should apprise them of the nature of the proceedings against them, and should give them a fair and equitable opportunity to be heard.

Courts carefully scrutinize termination cases. Therefore, the most common ground of termination in the overwhelming number of termination/adoption cases, is the ground whereby the living parents or parent voluntarily signs an affidavit of relinquishment. Most termination cases, which are contested, are brought by Department of Protective and Regulatory Services, or the Department of Human Services, and involve situations where parents are guilty of gross

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neglect, abandonment, or abuse of their children. Another ground of termination, which is used more frequently, involves the non-payment of child support for at least 12 months, which period of 12 months ends or occurs within 6 months of the filing of the petition for termination.

If you believe the living parent will not sign an affidavit of relinquishment as set forth in the Texas Family Code, then you should discuss the facts with your attorney to determine if other grounds of termination might be available in your case.

The adoption proceeding will follow the termination process. This is the simple process which follows the dramatic termination process. In the adoption proceeding, the evidence centers around the adoptive parent or parents, and their understanding of the responsibilities and duties they are taking upon themselves by adopting children. Simply put, the adopting parents will tell the court that they are willing to assume the duties and liabilities of a parent, and that they will love and cherish and sacrifice for the adoptive child or children as their own children as though they had been born to them as their natural offspring.

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## **THIS DOCUMENT**

What Is A Relinquishment Of Parental Rights?

A Relinquishment of Parental Rights is an affidavit witnessed by two witnesses and a Notary Public, wherein a parent signs away his parental rights and voluntarily gives a statutory ground, that being the execution of the said affidavit, which will sustain a termination order terminating a parental relationship. The Relinquishment must be drafted pursuant to the requirements of the Texas Family Code.

## **THANK YOU**

What Happens If We Can't Find One or Both of The Natural Parents?

This is a frequently occurring problem in termination/adoption proceedings. As previously noted, the constitutional dimensions of termination proceedings, require notice to living parents. In the situation where a parent is unlocated, it may be that the court's order

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required the person seeking the adoption to issue notice in a newspaper to the unknown parent.

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Usually, this requirement was met by the posting of notice in a legal notice type newspaper, and an attorney appointed to represent the unknown parent. However, the legislature has amended the law by establishing a Paternity Registry maintained by the Texas Bureau of Vital Statistics, to relieve the petitioner from service on an alleged father under certain circumstances, which includes any unknown father, if the father has not registered with the Paternity Registry,

maintained by the Texas Bureau of Vital Statistics. However, the legislature has required that the Petitioner obtain from the registrar of the Paternity Registry (maintained by the Texas Bureau of Vital Statistics) a certificate that the registrar has checked the records, and has found no one alleging to be the father of the child to be adopted. Note that an alleged father is one who alleges he is the father of a child, or who is alleged to be the father of the child, but whose paternity has not been determined and who is not a parent father as set forth in the Texas Family Code. A

presumed father is the man who is married to the mother on the date the child is conceived or born, or who is listed on the child's birth certificate, or who has been found by a court of

competent jurisdiction, to be the parent of the child. A mother is always a parent.

Of course, if you know the parents of the child, but their address is unknown, they must be served with citation. Before you can issue citation by publication, you must make a diligent effort to locate the missing parent. This effort should include searching records, such as telephone directories, available to you, and by contacting relatives and friends of the missing parents, as well as past employers. Also, you should consider retaining an expert in the field of locating missing persons, which can be done rather inexpensively over the internet. If you cannot serve them with citation because you cannot locate them, then you must serve the missing

parent by publication. You will be required to sign an affidavit swearing that you have made a

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diligent effort to locate the parent, as well as offering testimony at the termination hearing, which  
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should describe in detail your efforts to locate this parent. In this situation, the court will appoint  
an attorney to represent the missing parent. One of the duties of this attorney will also be to try  
to find the missing parent, but the paramount duty will be yours. He will be calling you, and you  
are urged to cooperate with him, providing him with all of the information you know that he  
might find the missing parent. Your termination/adoption will be strengthened and made less  
challengeable on appeal or by other litigation if you are able to locate the missing parent and  
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have them served with personal service by a process server.

### **What Are Court Appointed Social Studies?**

As previously explained, social studies are required in all adoptions. However, the Texas Legislature has changed the term or name “social study” to what is now called a Pre-Adoptive Home Screening Report and a Post-Placement Adoptive Report. In fact, the law as now written actually requires three (3) reports to be filed in adoptions in some cases, and in all cases, at least two reports. These three (3) reports are called: (1) Health, Social, Educational, and Genetic History Report; (2) Pre-Adoptive Home Screening Report; and (3) Post-Placement Adoptive Report. The Health, Social, Educational, and Genetic History Report is not required in adoptions where the adopting petitioner is a step-parent, a grandparent, an aunt or uncle by birth, marriage, or prior adoption. The statutes governing these reports provide that the Department of Protective and Regulatory Services, or a licensed child placing agency, or the child’s parent or guardian shall compile a report on the available health, social, educational, and genetic history of the child to be adopted, if the adoption is not being pursued by a grandparent, aunt or uncle by birth, marriage, or prior adoption, or a stepparent. However, in all cases involving an adoption

or a termination where a terminating conservator of the child will be appointed, a social study  
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(Pre-Adoptive Home Screening Report and Post-Placement Adoptive Report) is required, and the law authorizes the court to appoint a private agency or another person, to conduct the social study.

In Texas, the term managing conservator means the person having custody of a child. The court is required to appoint a managing conservator in all cases where the court terminates parental rights. The appointment of the agency or person to conduct the Pre-Adoptive Home Screening and Post-Placement Report, will be decided by the court. Some judges will only appoint certain agencies, and others will appoint only certain social workers, who the court feels comfortable with. In fact, the Texas Department of Protective and Regulatory Services has the authority to prescribe the qualifications of the persons authorized to conduct such studies, and persons who want to qualify for such work, must file with the Court a form which sets forth their respective qualifications. Your attorney may file a motion suggesting someone to conduct the social study, but the court will make the decision on who shall be appointed, and you will be bound by that decision. Failure to cooperate in the social study will most likely result in the adoption being denied, as such reports are required in every adoption.

The costs of the social study will be paid by the adoptive parents. In some counties, where social workers are appointed, these costs may be higher than those charged by agencies or domestic relations offices.

What Is a Guardian Ad Litem?  
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The law requires that a guardian ad-litem or an attorney ad-litem be appointed in termination cases to protect and ensure the adequate representation of the child. The courts usually appoint an attorney who has met the qualifications outlined in the Texas Family Code. Most courts maintain a list of attorneys who they have approved as qualifying for such service.

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If the child to be adopted is over the age of four (4) years old, the attorney appointed must interview the child. This may be accomplished by you scheduling an appointment for your child to meet with the said guardian in his or her office, or in the alternative, the guardian ad-litem visiting you in your home. Obviously, this person will play a big part in these proceedings, and your cooperation with this person will facilitate the smooth presentation of your termination-adoption proceeding. You will be required to pay the fees charged by the guardian ad-litem.

Check with your attorney for his estimate of the costs of these services, or call the guardian directly, and ask what his or her fees will most likely be.

### **The Court Hearing**

When the social study, meaning the reports discussed hereinbefore, has been completed, and after all other requirements have been complied with, which include proper citation of the respondents, then the court will schedule the case for a hearing. Usually, the evidence will be presented to the court in two stages. The first stage will be the termination proceeding, and the second, the adoption. The evidence will be presented to the court in the termination proceeding to establish one of the statutory grounds of termination. In most adoption cases, this evidence is offered by you. If the respondent parent has executed an affidavit of relinquishment of parental rights, the same will be presented to the court for the court's examination. The actual manner of presentation will normally commence by your attorney calling you as a witness to establish the basis of the termination, and after offering your testimony and all written documents supporting your testimony, then your attorney will ask the court to rule on the termination portion of your case, if the same has not yet been considered. Then your attorney will move to prove up the facts supporting the adoption. He will again call the adopting parent as a witness, and establish the underlying facts supporting the adoption. The child should have no role in the adoption.

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parent's home for at least six (6) months prior to the adoption. The court may waive this requirement if the court finds that it is in the best interest of the child to do so. Typically the attorneys will ask the adopting parent about his relationship with the adoptive child, and if he understands the legal meaning of an adoption decree, including the responsibility to support the child if an adoption is granted. The court will also examine at the hearing the social study, a copy of which should have been provided to the attorney for petitioners and petitioners prior to the hearing.

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Actually, the best part of this proceeding will be the Court hearing. As previously stated the Court likes adoptions. The Court will treat you courteously and kindly. At the conclusion of the hearing, your attorney will present to the Court a proposed decree, which reduces to writing the orders of termination and/or adoption. This decree will change the name of the child to your name, and a birth certificate will be issued by the Texas Bureau of Vital Statistics, upon the payment of the appropriate administrative fee.

## **THIS DOCUMENT**

## **THANK YOU**

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**How to fill out this form:**

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1. This form is a MS Word document.
2. To complete the form you must replace the variable information with your own specific data.
3. To insert your specific information into the form search for the name of the variable which is enclosed in [brackets].
4. Search by selecting the Ctr F keys or “Edit” from the MS Word top menu and then select “Find”.

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5. A dialogue box will appear on your screen. Type the left bracket symbol [ into the dialogue box and then select “Find Next”. Your cursor will be placed at the [ symbol.
6. Now type in your specific data and replace the [ and variable name with your own information.

For example:

F2 then type in [, then select Find Next and you will see [Petitioner’s Name], replace [Petitioner’s Name] with Jane Doe. Then repeat the process until there are no more bracketed fields.

# **THANK YOU**

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Form: Combined Petition and Affidavit for Termination of Parental Rights and an  
**PREVIEW**  
Adoption

Cause Number \_\_\_\_\_

IN THE INTEREST OF: \_\_\_\_\_ IN THE DISTRICT COURT OF \_\_\_\_\_  
[CHILD'S NAME], \_\_\_\_\_ [COUNTY NAME], TEXAS  
[A CHILD] \_\_\_\_\_ JUDICIAL DISTRICT

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ORIGINAL PETITION FOR TERMINATION OF PARENTAL RIGHTS  
AND ADOPTION OF A MINOR CHILD

1. DISCOVERY CONTROL PLAN

1.1 Petitioner[s] would show the Court that Discovery Control Level [1,2, or 3] is the level pursuant to Rule 190 of The Texas Rules of Civil Procedure under which discovery should be conducted.

**THIS DOCUMENT** \_\_\_\_\_ PETITIONERS

2.1 This suit is brought by [Names of petitioner's], herein referred to as Petitioners.  
2.2 Petitioner's [Names] are [Age] years of age respectively.  
2.3 [if applicable] Petitioners are husband and wife, who reside at [Address, city, county, state].

3. JURISDICTION

3.1 This Court has exclusive jurisdiction over the child, who is the subject of this suit, because the child [Choose] [The child has been the subject of prior proceedings in this court] or [The child currently resides and has resided with the Petitioners since [Date], in this county.]  
3.2 No other Court has continuing jurisdiction of this suit or of the child who is the subject of this suit.

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3.3 There are no court-ordered relationships for support, custody or other matters affecting the child[ren] the subject of this adoption.

[or]

This Court has entered orders affecting the child the subject of the suit as a result of prior proceedings, and has named the following persons in prior proceedings as conservators of the child[ren] or as persons having access to the child[ren]:

[Managing conservator's name]

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[Possessory conservator's name]

[Joint managing conservator's Name]

[Joint managing conservator's name]

[Person granted access to the child by court order]

3.4 Pursuant to §152.209 of the Texas Family Code, attached to this Petition is an affidavit which is attached to this petition as an exhibit and made a part hereof for all purposes.

**THIS DOCUMENT**

4. CHILD[REN]

4.1 Petitioners would show the Court that the child[ren] the subject of this proceeding

[is/are]:

Name: \_\_\_\_\_

Sex: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Place of birth: \_\_\_\_\_

Current residence: \_\_\_\_\_

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Social Security Number \_\_\_\_\_

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Driver's License Number:

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## 5. SERVICE AND PERSONS ENTITLED TO CITATION OR NOTICE

5.1 The following persons are entitled to citation or notice:

Natural Father of the Child

[if the presumed or alleged father has signed affidavit of relinquishment] The father of the child has signed or will sign an affidavit of relinquishment of parental rights, and has waived service of process

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[or] [if the father is a presumed or legal father] The father of the child should be served

with citation at his residence located at: [street address, city, state and zip code], or at his place of employment, located at: [name of employer, street address, city, state and zip code].

[or] [if the child does not have a presumed father] The child is not the legitimate child of any man. An affidavit of status, executed by the [natural mother's name], is or will be filed herein.

**THIS DOCUMENT**

[or] The whereabouts of Respondent, [name of Father], is unknown to Petitioners. A sworn affidavit verifying the fact that Petitioner/s do not know the whereabouts of the said Father, is filed herewith, and citation by publication should be issued pursuant to law, and an attorney ad-litem to represent the missing Father should be appointed by this Court.

[or] The man alleged in such affidavit to be the father or probable father is [natural father's name], who is approximately \_\_\_\_\_ years of age and resides at:

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[or If applicable] Petitioners have no material information as to the identity or  
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whereabouts of the biological father. The affidavit of status filed herein executed by the mother  
of the child indicates that the identity of the father of the child is unknown. A search of the  
paternity registry maintained by the Bureau of Vital Statistics has or will be conducted and a  
certificate of the results of such search will be filed herein.

[or] [Father's Name], Respondent herein, has filed a notice of intent to claim paternity  
by registering with the paternity registry under subchapter D, chapter 160, of the Texas Family  
Code. [Father's Name] has provided the registry with the following address: [address, city,  
state], where he should be served with citation herein.

[or] The father of the child, [Father's name], is deceased.

Mother of the Subject Child

The mother of the child is a Petitioner in this cause of action.

[or] The natural mother has signed a Relinquishment of her Parental Rights and has  
**THIS DOCUMENT**  
waived her right to service.

[or] The whereabouts of the mother of the child is unknown to Petitioner/Petitioners.  
Attached to this petition is an affidavit of Petitioner/Petitioners verifying that the whereabouts of  
the mother of the child is unknown. Consequently, petitioners request that the mother be served  
by Citation by Publication.

[or] The mother of the child[ren] should be served with citation herein at the following  
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address:

[address of biological mother of the child]

[or] The mother of the child is deceased.

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Other Persons Entitled to Service of Citation

Name:

Street address:

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Relationship to child \_\_\_\_\_

Name: [mother of the children]

Street address:

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Relationship to child \_\_\_\_\_

Name: \_\_\_\_\_

Street address:

Relationship to child

Process should be served on said persons at the respective address listed above.

# THIS DOCUMENT<sup>6. PROPERTY</sup>

6.1 No property is owned or possessed by the child who is the subject of this suit.

[or]

The following property is owned or possessed by the child the subject of this suit:

6.1 [The child will have lived in the home of Petitioner[s] for at least [Number of months] months when this cause is heard.

[or]

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The child will not have lived in the home of Petitioners for [Number of months] when this cause is heard. Waiver of the requirement of six months' residence with Petitioners would be in the best interest of the child.]

7. TERMINATION  
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7.1 Petitioner/s would show the Court that the termination of the parent-child relationship between [child's name] and the [Parent's name] is in the best interest of the child, and such termination is requested.

As grounds for termination, Petitioner/s allege that [Parent's name] has:

[SELECT THE APPLICABLE GROUNDS FOR TERMINATION PURSUANT TO THE FACTS BEFORE THE COURT IN THIS CASE:]

(A) voluntarily left the child alone or in the possession of another not the parent and expressed an intent not to return;

(B) voluntarily left the child alone or in the possession of another not the parent without expressing an intent to return, without providing for the adequate support of the child, and remained away for a period of at least three months;

(C)) voluntarily left the child alone or in the possession of another without providing adequate support of the child and remained away for a period of at least six months;

(D) knowingly placed or knowingly allowed the child to remain in conditions or surroundings which endanger the physical or emotional well-being of the child;

(E) engaged in conduct or knowingly placed the child with persons who engaged in conduct which endangers the physical or emotional well-being of the child;

(F) failed to support the child in accordance with the parent's ability during a period of one year ending within six months of the date of the filing of the petition;

(G) abandoned the child without identifying the child or furnishing means of identification, and the child's identity cannot be ascertained by the exercise of reasonable diligence;

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(H) voluntarily, and with knowledge of the pregnancy, abandoned the mother of the child beginning at a time during her pregnancy with the child and continuing through the birth, failed to provide adequate support or medical care for the mother during the period of abandonment before the birth of the child, and remained apart from the child or failed to support the child since the birth;

(I) contumaciously refused to submit to a reasonable and lawful order of a court under Subchapter D, Chapter 261 [Investigation of Report of Child Abuse or Neglect];  
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(J) been the major cause of:

(i) the failure of the child to be enrolled in school as required by the Education Code;  
or  
(ii) the child's absence from the child's home without the consent of the parents or guardian for a substantial length of time or without the intent to return;

(K) executed before or after the suit is filed an unrevoked or irrevocable affidavit of relinquishment of parental rights as provided by this chapter;

(L) been convicted or has been placed on community supervision, including deferred adjudication community supervision, for being criminally responsible for the death or serious injury of a child under the following sections of the Penal Code or adjudicated under Title 3 for conduct that caused the death or serious injury of a child and that would constitute a violation of one of the following Penal Code sections:

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- (i) § 19.02 (murder);
- (ii) § 19.03 (capital murder);
- (iii) § 19.04 (manslaughter);

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(v) § 22.01 (assault);

(vi) § 22.011 (sexual assault);

(vii) § 22.02 (aggravated assault);

(viii) § 22.021 (aggravated sexual assault);

(ix) § 22.04 (injury to a child, elderly individual, or disabled individual);

(x) § 22.041 (abandoning or endangering a child);

(xi) § 25.02 (prohibited sexual contact);

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(xii) § 43.25 (sexual performance by a child); and

(xiii) § 43.26 (possession or promotion of child pornography);

(M) had his or her parent-child relationship terminated with respect to another child

based on a finding that the parent's conduct was in violation of Paragraph (D) or (E) or

substantially equivalent provisions of the law of another state;

(N) constructively abandoned the child who has been in the permanent or temporary

managing conservatorship of the Department of Protective and Regulatory Services or an

authorized agency for not less than six months, and:

(i) the department or authorized agency has made reasonable efforts to return the

child to the parent;

(ii) the parent has not regularly visited or maintained significant contact with the

child; and

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(iii) the parent has demonstrated an inability to provide the child with a safe

environment;

(O) failed to comply with the provisions of a court order that specifically established

the actions necessary for the parent to gain the return of the child who has been in the

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permanent or temporary managing conservatorship of the Department of Protective and  
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Regulatory Services for not less than nine months as a result of the child's removal from the  
parent under Chapter 262 [Procedures in Suit by Governmental Entity] for the abuse or neglect  
of the child;

(P) used a controlled substance, as defined by Chapter 481, Health and Safety Code,  
in a manner that endangered the health and safety of the child, and:

(i) failed to complete a court-ordered substance abuse treatment program; or  
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(ii) after completion of a court-ordered substance abuse treatment program, continued  
to abuse a controlled substance;

(Q) knowingly engaged in criminal conduct that has resulted in the parent's:  
(i) conviction of an offense; and  
(ii) confinement or imprisonment and inability to care for the child for not less than  
two years from the date of filing the petition; or

(R) been the cause of the child being born addicted to alcohol or a controlled  
substance, other than a controlled substance legally obtained by prescription, as defined by §  
261.001; or

(S) voluntarily delivered the child to a designated emergency infant care provider  
under § 262.302 without expressing an intent to return for the child; and

[or] The parent-child relationship between the child and the alleged biological  
father does not exist in law or in fact. It is in the best interest of the child that the Court so  
decree, and such finding and decree are requested.

If any parent-child relationship does exist, has ever existed, or could ever exist between  
the father of the child and the child which is not admitted but which is denied, then the  
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best interest of the child that such relationship be terminated, and such termination is requested.

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As grounds, Petitioners further allege that the father or probable father has voluntarily, and with knowledge of the pregnancy, abandoned the child's mother beginning at a time during her pregnancy with the child and continuing through the birth, failed to provide adequate support or medical care for the mother during the period of abandonment before the birth of the child, and remained apart from the child or failed to support the child since birth.

[or] [If applicable] The natural father of the child, who is the subject of this suit, has the right to seek to legitimize the child the Texas Family Code. Said natural father has not sought to exercise said right after being served with citation of service of this proceeding. Accordingly, he has failed to exercise his rights under the Texas Family Code and he has therefore waived said rights. After service of citation of this proceeding, petitioners request that rights to legitimize the child be terminated because he has failed to file a petition or take any action to preserve said

rights. [if applicable] RELINQUISHMENT

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7.2 Petitioner/s would show the Court that a Waiver of Interest and [or] Relinquishment of Parental Rights executed by [name of Father], the father [and/or] mother of the child, has been or will be on file with this Court by the time this case is heard.

### 8. REQUIRED REPORTS

8.1 [if in the termination proceeding, the Court will appoint a managing conservator, then a social study (Pre-Adoptive Home Screening Report and Post-Placement Adoptive Report) is required.] Petitioners further request the Court to appoint an investigator to make and prepare a Pre-Adoptive Home Screening Report and a Post-Placement Adoptive Report, as required by Sections 107.051 through 107.056, Texas Family Code, and that the Court assess the fee or costs thereof to Petitioners.

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<sup>9 AD LITEM</sup>  
**PREVIEW**

9.1 Petitioners request the Court to find that the interests of the [child[ren]] will be represented adequately by Petitioners and are not adverse to Petitioners. Petitioner/s request that the appointment of a Guardian Ad-Litem be waived.

[or] Petitioners request the court appoint a guardian Ad Litem or an attorney Ad Litem to protect the interests of the minor child, should the Court determine that such would be in the best interest of the child. In the event any Respondent named hereinbefore should be served with citation by publication, Petitioner/Petitioners request that an attorney ad-litem be appointed to represent any Respondent served with citation by publication.

**10. INHERITANCE RIGHTS**

10.1 It is in the best interest of the Child that the Court terminate the right of [name of the child], to inherit from and through [terminated parent or parents' name], and such termination is requested. [Such a provision as this denies the child the right to inherit from the terminated parents. Unless the Court specifically terminate the right of the child to inherit from his natural parents, the child retains that right even though the parental rights of the parent are terminated. This provision may well deprive the child of benefits that could accrue to the child from the wrongful death of the terminated parent, or social security benefits, and is difficult to justify in most cases.]

<sup>11 RESIDENCE REQUIREMENT</sup>  
**THIS DOCUMENT**

11.1 The child will have lived in the home of Petitioners for at least six (6) months when this cause is heard.

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[or] The child will not have lived in the home of Petitioners for six months when this cause is heard. Waiver of the requirement of six months' residence with Petitioners would be in the best interest of the child.

## 12. CONSENTS

12.1 The written consent of the above-named Managing Conservator is attached hereto or will be filed herein.

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The written consent of the child who is years of age or older is attached to and filed with this Petition.

[or] No consents are applicable or required in this case.

## 13. REQUIRED REPORTS

13.1 Petitioner/s request the Court to order the preparation of a pre-adoptive home screening pursuant to §107.0511 of the Texas Family Code, and a post-placement adoptive report as provided by §107.052 of the Texas Family Code, in compliance and as required by the Board of Protective and Regulatory Services. Petitioner/s further request a copy of said reports before the final hearing hereof.

13.2 [If this adoption is not brought by a step-parent, grandparent, aunt, or uncle by birth, marriage, or prior adoption, then this paragraph should be added] Additionally, Petitioner/s move the Court to order that the department, authorized agency, parent, guardian, or person who placed the child[ren] for adoption to prepare and file a copy of the Health, Social, Education, and Genetic History Report in the record, and to provide a copy thereof to Petitioner/s.

## 14. ADOPTION

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14.1 Petitioner[s] request that this petition for adoption be granted, and that the parent-child relationship be established and created between the child[ren], [name or names of child or children], and [names or name of adoptive parents or parent], and that said child[ren] have all the legal rights and benefits as though they had been born to [adopting adults] as their natural born child[ren].

#### 15. CHANGE OF CHILD'S NAME

15.1 The name of the child the subject of this suit, [Current name], should be changed to [Requested name].

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#### 16. ATTORNEY'S FEES

16.1 It was necessary for Petitioners to secure the services of [Attorney's name], a licensed attorney, to preserve and protect the 's rights. Respondent should be ordered to pay a reasonable attorney's fee, and a judgment should be rendered in favor of this attorney and against Respondent; or, in the alternative, such reasonable attorney's fees should be taxed as costs and should be ordered paid directly to the undersigned attorney.

**THIS DOCUMENT**

#### 17. COMPLIANCE WITH CHAPTER 162 OF THE TEXAS FAMILY CODE

17.1 Petitioners have complied with Chapter 162, Subchapter B, of the Texas Family Code by attaching a sworn affidavit or a verified allegation that states they have complied with Subchapter B of Chapter 162 of the Texas Family Code. The sworn statement is attached to this petition, marked "Exhibit B", and incorporated herein for all purposes as if it were duly recited at length herein.

**THANK YOU**

[or]

18.1 Petitioners have not complied with Chapter 162 Subchapter B Of The Texas Family Code because the child from the subject of this suit was/were not placed to another state or to an out-of-

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state person, agency, or entity, for adoption by Petitioners as verified by the affidavit of  
**PREVIEW**  
Petitioner/s attached hereto and made a part hereof.

[or]

18.1 Petitioners have not complied with Chapter 162, Subchapter B Of The Texas Family  
Code because the children the subject of this suit were placed by a [guardian, parent, stepparent,  
grandparent, brother or sister, aunt or uncle, by birth, marriage, or prior adoption] in this state by  
delivering the child[ren] to [name of guardian, parent, stepparent, grandparent, brother or sister,  
aunt or uncle, by birth, marriage, or prior adoption], which is verified in the attached affidavit  
**PLEASE DO NOT COPY**  
which is marked "Exhibit B".

#### 19 SEALING OF RECORDS

19.1 Petitioners request the Court to order the sealing of the file and the minutes of the Court.

#### 20. ALTERNATIVE DISPUTE RESOLUTION

20.1 Petitioner has signed a statement on alternative dispute resolution. The statement is  
**THIS DOCUMENT**  
attached hereto as Exhibit "A".

#### PRAAYER

Petitioner/s pray that citation and notice issue pursuant to law. Petitioner/s pray the Court  
to issue its orders in accordance with allegations in this Petition, to terminate the parental rights  
of [name or names] as to [child[ren]'s name or names], to grant an Adoption on final hearing,  
and to grant any other relief sought. Petitioners pray to recover their reasonable and necessary  
attorney's fees and other costs. Petitioners pray for such other relief as may be in the best  
interests of the child[ren] who are the subjects of this petition.  
**THANK YOU**

Respectfully Submitted,

**LegalFormsForTexas.Com**  
[Law firm name]

By \_\_\_\_\_  
[Attorney's name]  
[Attorney's address]  
[Telephone & facsimile number]  
State Bar Number \_\_\_\_\_

# PREVIEW

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**THIS DOCUMENT**

**THANK YOU**

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# PREVIEW

EXHIBIT

## AFFIDAVIT OF COMPLIANCE WITH SUB-CHAPTER B, CHAPTER 162

STATE OF TEXAS

COUNTY OF [NAME OF COUNTY]

BEFORE ME, the undersigned Notary Public, personally appeared [name of Petitioner/s], who upon his/her/their oath made the following statement:

**PLEASE DO NOT COPY**  
“I, [name of Petitioner], verify under oath that there has been compliance with Sub-chapter B, of Chapter 162, Texas Family Code, which Sub-chapter is entitled Interstate Compact on the Placement of Children.”

[or] “I, [name of Petitioner], verify that Sub-chapter B of Chapter 163, Interstate Compact on the Placement of Children, Texas Family Code, is not applicable to the facts of this case in that this case does not involve the interstate placement of children. The child[ren] the subject of this case was/were not placed in my home from outside the State of Texas. The child[ren] was/were born in **THIS DOCUMENT** Texas.”

[or] “I, [name of Petitioner], verify that Sub-chapter B of Chapter 162, Interstate Compact on the Placement of Children, Texas Family Code, is not applicable to the facts of this case before the bar of this Court, because the child[ren] was/were sent or brought into Texas by [name], who is the [choose: parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt or guardian], who left the child[ren] with me [Petitioner], who is the [choose: parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt or guardian] of the child.”

[or] “I, [name of Petitioner], verify that Sub-chapter B of Chapter 162, Interstate Compact on the Placement of Children, Texas Family Code, is not applicable to the facts of this case, because

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the child[ren] was/were placed in this state pursuant to an agreement between the sending state and  
**PREVIEW**  
the receiving state, which has the force of law.”

---

Petitioner

Subscribed and sworn to before me on \_\_\_\_\_ by [Name of parent  
signing affidavit], and witnessed by [Printed name of witness] and [printed name of witness],  
known to me to be credible and reliable witnesses.

**PLEASE DO NOT COPY**  
I, the undersigned notary swear that I am not an employee or relative of the Petitioner(s)  
or the attorney(s) for the petitioner(s).

---

Signature of officer

---

Notary's typed or printed name

My commission expires:\_\_\_\_\_

[or Notary's Stamp]

**THIS DOCUMENT**

**THANK YOU**

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EXHIBIT  
**PREVIEW**  
Cause Number \_\_\_\_\_

IN THE INTEREST OF: \_\_\_\_\_ IN THE DISTRICT COURT OF \_\_\_\_\_  
[CHILD'S NAME], \_\_\_\_\_ [COUNTY NAME], TEXAS  
[A CHILD] \_\_\_\_\_ JUDICIAL DISTRICT

AFFIDAVIT OF PETITIONER REQUIRED BY §152.209

STATE OF TEXAS  
**PLEASE DO NOT COPY**  
COUNTY OF [name of county]

BEFORE ME, the undersigned authority, on this date personally appeared [Petitioner's name], who is known to me personally, and who being by me first duly sworn and placed on his or her oath, stated and deposed that the following statements are true and correct:

1. I am the Petitioner in this case; my name is [Petitioner's name].
2. I have personal knowledge of the facts stated herein and the facts are true and correct, accordingly I am competent to make this affidavit.
3. The child's current address that is the subject of this matter is [Address], [City], TX [Zip Code].
4. The child's addresses and the person that the child lived with for the last five years prior to making this affidavit are:

Name of Person With Whom Child Resided	Address Where Child Resided	Dates When Child Resided With Said Person

**THANK YOU**

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5. I have not been involved or participated in any other litigation applicable to the custody  
**PREVIEW**  
of the child that is the subject of this matter in Texas or any other state.

6. I do not know of any other information concerning any pending proceeding in Texas or  
another state involving the child that is the subject of this matter.

7. I am not aware of any other persons who are not a named party to this case that have  
either physical custody of the child that is the subject of this matter or who may claim to have  
custody or visitation rights with the child that is the subject of this matter.

**PLEASE DO NOT COPY**

---

[Petitioner]

State of Texas  
County of [Name of County]

Subscribed and sworn to before me on [date] by [name of Petitioner] and acknowledged  
before me on \_\_\_\_\_ by [Name].

**THIS DOCUMENT**

I, the undersigned notary swear that I am not an employee or relative of the Petitioner(s) or the  
attorney(s) for the petitioner(s).

---

Signature of officer

---

Notary's typed or printed name

My commission expires: \_\_\_\_\_

[or Notary's Stamp]

**THANK YOU**

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**Information or instructions. Affidavit Required by §152.209 of the Texas Family Code for  
Custody Proceedings**

# **PREVIEW**

1. If the proceeding is considered a custody proceeding, the following affidavit is required by §152.209, Texas Family Code, to be either attached to the first pleading or contained within the first pleading..
2. A termination/adoption proceeding would affect the custody of the child, in that in almost all termination proceedings, the Court is required to name a managing conservator of the child, as well as removing a parent's rights to custody of his child.
3. The following affidavit is required to be attached to all termination proceedings, since they affect or involve the custody of children. Said affidavit could normally be attached as "Exhibit B" as referenced in the foregoing petition for termination.

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# **THIS DOCUMENT**

# **THANK YOU**

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Form: Affidavit Required by §152.209 of the Texas Family Code for Custody Proceedings

# PREVIEW

Cause Number \_\_\_\_\_

IN THE INTEREST OF:

[CHILD'S NAME],

[A CHILD]

IN THE DISTRICT COURT OF

[COUNTY NAME], TEXAS

\_\_\_\_\_ JUDICIAL DISTRICT

## AFFIDAVIT REQUIRED BY §152.209 OF THE

# TEXAS FAMILY CODE FOR CUSTODY PROCEEDINGS PLEASE DO NOT COPY

[State] County of [Name of county]

BEFORE ME, the undersigned authority, on this date personally appeared [Petitioner's name], who is known to me personally, and who being by me first duly sworn and placed on his or her oath, stated and deposed that the following statements are true and correct:

1. "I am the Petitioner in this case; my name is [Petitioner's name]."
2. "I have personal knowledge of the facts stated herein and the facts are true and correct, accordingly I am competent to make this affidavit."
3. "The child's current address that is the subject of this matter is [Address], [City], [STATE][Zip code]."
4. "The child's addresses and the person that the child lived with for the last five years prior to making this affidavit are: \_\_\_\_\_"

# THANK YOU

Name of Person With Whom Child Resided	Address Where Child Resided	Dates When Child Resided With Said Person

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Name of Person With Whom Child Resided	Address Where Child Resided	Dates When Child Resided With Said Person

## **PREVIEW**

5. "I have not been involved or participated in any other litigation applicable to the custody of the child that is the subject of this matter in [State] or any other state.
6. "I do not know of any other information concerning any pending proceeding in [State] or another state involving the child that is the subject of this matter.
7. "I am not aware of any other persons who are not a named party to this case that have either physical custody of the child that is the subject of this matter or whom may claim to have custody or visitation rights with the child that is the subject of this matter."

---

[Petitioner]

State of Texas  
County of [Name of County]

Subscribed and sworn to before me on [date] by [name of Petitioner] and acknowledged before me on \_\_\_\_\_ **THANK YOU**

I, the undersigned notary swear that I am not an employee or relative of the Petitioner(s) or the attorney(s) for the petitioner(s).

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Notary's typed or printed name

My commission expires: \_\_\_\_\_  
[or Notary's Stamp]

# PREVIEW

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# THANK YOU

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**Information & Instructions: Affidavit Regarding Law of Interstate Placement of Children  
(Texas Family Code, Chapter 162, Sub-chapter B)**

1. Chapter 162 of the Texas Family Code sets forth the law regarding the interstate placement of children. This law comes into effect when children are placed in this state from out of state persons, or from an out of state agency. Obviously, the attorney should carefully review the provisions of said Chapter, as the client will be required to sign an affidavit regarding compliance therewith.

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2. A petition for an adoption must contain a sworn statement or an attached affidavit concerning the application of the interstate compact placement of children which is set forth in Chapter 162, Subchapter B of the Texas Family Code.

3. The following affidavit should be attached to all petitions for adoption.

**THIS DOCUMENT**

**THANK YOU**

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Form: Affidavit Regarding Interstate Compact On The Placement Of Children Texas  
Family Code Sub-Chapter B, Chapter 162

# PREVIEW

Cause Number \_\_\_\_\_

IN THE INTEREST OF:

[CHILD'S NAME],

[A CHILD]

IN THE DISTRICT COURT OF

[COUNTY NAME], TEXAS

\_\_\_\_\_ JUDICIAL DISTRICT

# PLEASE DO NOT COPY

AFFIDAVIT REGARDING

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

STATE OF [State]

COUNTY OF [Name of county]

BEFORE ME, the undersigned Notary Public, personally appeared [name of Petitioner/s], who upon his/her/their oath made the following statement:

“I, [name of Petitioner], verify under oath that there has been compliance with Sub-chapter B, of Chapter 162, Texas Family Code, which Sub-chapter is entitled Interstate Compact on the Placement of Children.”

[or] “I, [name of Petitioner], verify that Sub-chapter B of Chapter 163, Interstate Compact on the Placement of Children, Texas Family Code, is not applicable to the facts of this case in that this case does not involve the interstate placement of children. The child[ren] the subject of this case was/were not placed in my home from outside the State of Texas. The child[ren] was/were born in Texas.”

[or] “I, [name of Petitioner], verify that Sub-chapter B of Chapter 162, Interstate Compact on the Placement of Children, Texas Family Code, is not applicable to the facts of this case before the bar of this court because the child[ren] was/were sent or brought into Texas by someone, who

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is the [choose: parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt or guardian], who left the child[ren] with the Petitioner, who is the [choose: parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt or guardian] of the child.”

[or] “I, [name of Petitioner], verify that Sub-chapter B of Chapter 162, Interstate Compact on the Placement of Children, Texas Family Code, is not applicable to the facts of this case, because the child[ren] was/were placed in this state pursuant to an agreement between the sending state and the receiving state, which has the force of law.”

**PLEASE DO NOT COPY**

Signed on \_\_\_\_\_.

\_\_\_\_\_  
Petitioner's Signature

State of Texas  
County of [Name of County]  
**THIS DOCUMENT**

Subscribed and sworn to before me on [date] by [name of Petitioner] and acknowledged before me on \_\_\_\_\_ by [Name].

I, the undersigned notary swear that I am not an employee or relative of the Petitioner(s) or the attorney(s) for the petitioner(s).

**THANK YOU**

\_\_\_\_\_  
Signature of officer  
Notary's typed or printed name  
My commission expires: \_\_\_\_\_  
[or Notary's Stamp]

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**Information & Instructions: Affidavit of Relinquishment of Parental Rights**

**PREVIEW**

1. In many jurisdictions an affidavit of voluntary relinquishment of parental rights may be used as a ground for termination. An affidavit of relinquishment of parental rights must be signed after the birth of the child, and within a certain number of hours of the birth of the child.
2. The affidavit of voluntary relinquishment of parental rights is the most common used method or ground of termination. An affidavit of relinquishment of parental rights must be signed after the birth of the child and not before 48 hours of the birth of the child. The affidavit must be witnessed by 2 credible persons and verified before a person authorized to take oaths.

§161.103, Texas Family Code, requires that the affidavit contain:

- a. the name, address, and age of the parent whose parental rights are being relinquished;
- b. the name, age, and birth date of the child;
- c. the names and addresses of the guardians of the person and estate of the child, if any;
- d. a statement that the affiant is or is not presently obligated by court order to make payments for the support of the child;
- e. a full description and statement of value of all property owned or possessed by the child;
- f. one of the following, as applicable:
  - (A) the name and address of the other parent;
  - (B) a statement that the parental rights of the other parent have been terminated by death or court order; or

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(C) a statement that the child has no presumed father and that an affidavit of status of

the child has been executed as provided by this chapter;

g. a statement that the parent has been informed of parental rights and duties;

h. a statement that the relinquishment is revocable, that the relinquishment is irrevocable, or that the relinquishment is irrevocable for a stated period of time;

i. if the relinquishment is revocable, a statement in boldfaced type concerning the right of the parent signing the affidavit to revoke the relinquishment only if the revocation is made before the 11th day after the date the affidavit is executed;

j. if the relinquishment is revocable, the name and address of a person to whom the revocation is to be delivered; and

k. the designation of a prospective adoptive parent, the Department of Protective and Regulatory Services, if the department has consented in writing to the designation, or a licensed child-placing agency to serve as managing conservator of the child and the address of the person or agency.

3. It is permissible pursuant to the provisions of Texas Family Code, §161.103, to include in an affidavit of relinquishment a waiver of process in a suit to terminate the parent-child relationship filed under this chapter or in a suit to terminate joined with the petition for adoption, and a consent to the placement of the child for adoption by the Department of Protective and Regulatory Services or by a licensed child-placing agency.

4. The law requires that the person signing an affidavit of relinquishment be given a copy of said affidavit. Texas Family Code, §161.103 (d).

5. A relinquishment designating the Texas Department of Protective and Regulatory

Services or a licensed child-placing agency is revocable. A relinquishment and the

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affidavit of relinquishment is revocable unless it expressly provides that it is irrevocable for a stated period of time not to exceed 60 days after the date of its execution. As previously stated, a relinquishment that fails to state that the relinquishment is irrevocable for a stated time is revocable as provided by §161.1035 (provides that an affidavit that does not state a period of time is revocable for 11 days after it is signed and thereafter it is irrevocable).

6. The procedure for revoking a relinquishment is that a person must sign a statement witnessed by 2 credible persons and verified before a person authorized to take oaths. A copy of the revocation is required to be delivered to the person designated in the affidavit. The parent is required to file a copy of the revocation with the clerk of the court where a suit to terminate has been filed based on the parent's affidavit of relinquishment, if the parent has notice of the termination suit. (Texas Family Code, §161.103(g)).

**THIS DOCUMENT**

**THANK YOU**

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**Information & Instructions: Father's Affidavit of Relinquishment of Parental Rights**

**PREVIEW**

1. The most common ground of termination is the signing of a voluntary affidavit of relinquishment of parental rights. The affidavit for voluntary relinquishment of parental rights must be drafted pursuant to §161.103, Texas Family Code. An affidavit for voluntary relinquishment of parental rights must be:

- a. signed after the birth of the child, but not before 48 hours after the birth of the child, by the parent, whether or not a minor, whose parental rights are to be relinquished;
- b. witnessed by two credible persons; and

- c. verified before a person authorized to take oaths.

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2. The affidavit must contain:

- (1) the name, address, and age of the parent whose parental rights are being relinquished;
- (2) the name, age, and birth date of the child;
- (3) the names and addresses of the guardians of the person and estate of the child, if any;
- (4) a statement that the affiant is or is not presently obligated by court order to make payments for the support of the child;
- (5) a full description and statement of value of all property owned or possessed by the child;
- (6) an allegation that termination of the parent-child relationship is in the best interests of the child;
- (7) one of the following, as applicable:
  - (A) the name and address of the other parent;
  - (B) a statement that the parental rights of the other parent have been terminated by death or court order; or
  - (C) a statement that the child has no resuscitated other and that an affidavit of status of the child has been executed as provided by this chapter;
- (8) a statement that he parent has been informed of parental rights and duties;
- (9) a statement that the relinquishment is revocable, that the relinquishment is irrevocable, or that the relinquishment is irrevocable for a stated period of time.

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(10) if the relinquishment is revocable, a statement in boldfaced type concerning the right of the parent signing the affidavit to revoke the relinquishment only if the revocation is made before the 11<sup>th</sup> day after the date the affidavit is executed;

(11) if the relinquishment is revocable, the name and address of a person to whom the revocation is to be delivered; and

(12) the designation of a prospective adoptive parent, the Department of Protective and Regulatory Services, if the department has consented in writing to the designation, or a licensed child-placing agency to serve as managing conservator of the child and the address of the person or agency.

3. An affidavit of relinquishment of parental rights may contain:

## **PLEASE DO NOT COPY**

(1) a waiver of process in a suit to terminate the parent-child relationship filed under this chapter or in a suit to terminate joined with a petition for adoption; and

(2) a consent to the place of the child for adoption by the Department of Protective and Regulatory Services or by a licensed child-placing agency.

4. A copy of the affidavit of relinquishment must be provided to the parent signing the same at the time he signs the affidavit.

5. The code provides for designation of a period in which the affidavit of relinquishment is irrevocable. The statute limits that period to 60 days from the date the affidavit is signed, unless the affidavit designates the Department of Protective and Regulatory Services, or a licensed child-placing agency as the managing conservator, then the affidavit is irrevocable. Note that the code in §161.1035 provides that an affidavit can be revocable for the first 11 days after its execution, but thereafter is irrevocable. Thus, there is a choice for the practitioner and the client. Most often the affidavit is drafted with the 60 day period, but one could elect the alternate choice of allowing the parent relinquishing their rights to revoke the affidavit within an eleven day period immediately following the date it is signed, but thereafter, the affidavit would be irrevocable. The latter choice might be preferable, if the client feels that it less likely that the parent would revoke the affidavit in the 11 day window after it is signed, then say sixty (60) days after it was signed.

6. An affidavit of relinquishment signed naming a licensed child-placing agency as managing conservator is irrevocable. A separate form is set out hereafter for mother (§1:235) and for father (§1:237). If a parent who has signed an affidavit relinquishes them, if he or she desires to revoke their affidavit, and they are able to do so pursuant to the terms of the affidavit, they must revoke the affidavit pursuant to the terms of §161.103(g), Texas Family Code. A form for such affidavit revoking an affidavit of relinquishment is set forth in §1:239 following.

Form: Father's Affidavit of Relinquishment of Parental Rights

# PREVIEW

Cause Number \_\_\_\_\_

IN THE INTEREST OF:

[CHILD'S NAME],

[A CHILD]

IN THE DISTRICT COURT OF

[COUNTY NAME], TEXAS

\_\_\_\_\_ JUDICIAL DISTRICT

## FATHER'S AFFIDAVIT OF

# PLEASE DO NOT COPY

VOLUNTARY RELINQUISHMENT OF PARENTAL RIGHTS  
BEFORE ME, the undersigned Notary Public, on this day personally appeared

[Father's Name], who, was duly sworn and placed under oath, and in the presence of the

undersigned credible witnesses made the following statements:

"My name is [Father's Name]. I am \_\_\_\_\_ years of age. I live at: [address of father]. My telephone number is: \_\_\_\_\_. My social security number is \_\_\_\_\_ and my driver's license number is \_\_\_\_\_ which license is issued by [name of State].

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"I am the father of the following [child[ren]]:

Name: [Child's name]

Sex: [Male or female]. Birth date: [Birthrate].

Birthplace: [Birthplace].

Residence: [Residence]

Social Security Number: [Social Security Number]

Name: [Child's name]

Sex: [Male or female]. Birth date: [Birthrate].

Birthplace: [Birthplace].

Residence: [Residence]

Social Security Number: [Social Security Number]

"No person has been appointed or has qualified as guardian of the person or estate of the

child[ren].

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[or]" The guardian of the [child[ren]] is [Name], who resides at [address].

## PREVIEW

"I am [am not] presently obligated by court order to make payments for support of the [child[ren]].

"A complete description of the child[ren]'s property, which is known to me, including statement of value, of all property owned or possessed by the [child[ren]] is as follows:

[name of child]

[property item]  
[property item]  
[property item] PLEASE DO NOT COPY  
[value]  
[value]  
[value]

"The Mother of the children is [Mother's name].

"The [Mother's name] address is:

"The Mother's parental rights were terminated on the \_\_\_ day of \_\_\_\_\_,  
, by the \_\_\_\_\_ Court, of [name of County], [state or jurisdiction].

[or] The Mother's parental rights have not previously been terminated by any Court. [or] The  
Mother of the child[ren] is deceased and her parental rights are terminated because of her death.

"I choose and appoint [Name of person to be appointed Managing Conservator of the  
child[ren] upon termination of parent's rights], a qualified person, as managing conservator of the  
[child[ren]]. [or] [If the child is being placed through an agency:] It is in the best interest of the  
child[ren] that the child[ren] be placed for adoption in a suitable home by [name of child placing  
agency], an agency licensed by the Texas Department of Protective and Regulatory Services to  
place children for adoption. I therefore designate said agency to care for children or to place  
children for adoption, and to be the managing conservator of the child.]

"I have been informed that my parental rights, powers, duties, and privileges, are as  
follow:  
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a. the right to have physical possession, to direct the moral and religious training, and to establish the legal domicile of the [child[ren]]; **PREVIEW**

b. the duty of care, control, protection, and reasonable discipline of the [child[ren]];

c. the duty to support the [child[ren]], including providing the [child[ren]] with clothing, food, shelter, medical and dental care, and education;

d. the duty to manage the estate of the [child[ren]], except when a guardian of the estate has been appointed, including the right to act as the [child[ren]]'s agent of the [child[ren]]'s estate if the [child[ren]]'s action is required by a state, the United States, or a foreign government;

e. the right to the services and earnings of the [child[ren]];

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f. the power to consent to marriage, to enlistment in the Armed Forces of the United States, and to medical, dental, psychiatric, psychological and surgical treatment;

g. the power to represent the [child[ren]] in legal action and to make other decisions of substantial legal significance concerning the [child[ren]];

h. the power to receive and give receipt for payments for the support of the [child[ren]] and to hold or disburse any funds for the benefit of the [child[ren]];

i. the right to inherit from and through the [child[ren]];

j. the exclusive right to make decisions concerning the [child[ren]]'s education; and **THIS DOCUMENT**

k. any other rights, privileges, duties, and powers existing between a parent and the [child[ren]] by virtue of law.

"I freely and voluntarily surrender, transfer, give and relinquish to the above-named managing conservator all of my parental rights, powers, duties, and privileges.

"I fully understand that a lawsuit has been filed to terminate forever the parent-child relationship between me and the above-named [child[ren]]. I understand that if the Court grants the termination, that I will legally be excluded as the parent of said [child[ren]], and that the parent-child relationship between myself and the above named [child[ren]] will be permanently ended.

"I fully understand that the termination suit may or may not be combined with a suit to adopt my [child[ren]].

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"I understand that either way, once the Court terminates my parental rights, I have no further say concerning my [child[ren]], whether or not my [child[ren]] is/are adopted then or at some later time.

"I know that I have the right to appear personally before the Court, with an attorney of my choice, to testify about my desires with respect to my [child[ren]]. However, I do not want to go to court in person. No one has discouraged me or advised me or counseled me that I do not need an attorney. I am fully informed of my right to obtain legal advice and representation in this matter.

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However, I freely and voluntarily choose to sign this affidavit without the advice or counsel of a lawyer. I understand the nature of these proceedings, the consequences of this affidavit, and I wish to relinquish my rights as a parent. I want this Affidavit of Relinquishment of Parental Rights presented to the Court.

[or]

"I know that I have the right to appear personally before the Court, with an attorney of my choice, to testify about my desires with respect to my child. However, I do not want to go to court in person and choose not to be represented by a lawyer. I want this Affidavit for Voluntary Relinquishment of Parental Rights to be presented to the Court.

"Because I do not want to testify in person before the Court, I freely and voluntarily waive and give up my right to the issuance, service, and return of citation, notice, and all other process in any suit to terminate my parental rights or in any suit to terminate my parental rights joined with a suit to adopt. [If suit to terminate has been filed, then include the following sentence:] I know that the suit to terminate my parental rights has been filed in cause number \_\_\_\_\_, now pending in the \_\_\_\_\_ Court of [name of county], Texas. I hereby

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waive any right I may have to the issuance, service, notice, and return of citation in said cause of action.

## PREVIEW

“I do not want to be informed further about the lawsuit, and I waive and give up my right to be given notice about anything going on in the lawsuit.

“I specifically agree that a final hearing in the lawsuit may be held at any time without further notice to me. I waive and give up my right to have the official court reporter make a record

of the testimony in the lawsuit.

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Furthermore, I do not want to be mailed or given a copy of the judgment terminating my parental rights and do not want to be notified of the signing, rendition, or entry of that judgment.

Therefore, I waive and give up my right to insist that those things be done. I also consent to have any suit affecting the parent-child relationship filed or to be filed with respect to the above-

identified [child[ren]] be decided by a family law master appointed pursuant to § 201.001 of the

Texas Government Code.

## THIS DOCUMENT

“If I am in the armed services of the United States at this time, that fact in no way has interfered with my freedom to make my decision to execute this affidavit, and insofar as this matter is concerned, I waive all rights, privileges, and exemptions existing or that may hereafter exist in my favor under the Soldiers' and Sailors' Civil Relief Act of 1940, including the appointment of counsel to represent me in this cause.

“I FULLY UNDERSTAND THAT I MAY NOT BE FURTHER INFORMED ABOUT  
THE TERMINATION SUIT OR ABOUT ANY OTHER HEARING OR PROCEEDING  
AFFECTING THE [CHILD OR CHILDREN] IN THIS AFFIDAVIT.

“I acknowledge and agree that termination of the parent-child relationship between myself and the [child[ren]] is in the best interests of the children.

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[The practitioner has 2 methods from which to chose in drafting the period in which an

**PREVIEW**  
affidavit of relinquishment may be revoked. The following paragraph sets forth the 60 day non-

revocable period described in § 161.103, Texas Family Code] “I understand that I make this

termination possible by executing this affidavit. With that in mind, I KNOW THAT THIS

AFFIDAVIT OF RELINQUISHMENT MAY NOT BE REVOKED FOR 60 DAYS FROM THE

DAY I SIGNED IT. I FULLY UNDERSTAND THAT, IF I CHANGE MY MIND, I CANNOT

FORCE [THE MANAGING CONSERVATOR OR AGENCY] TO DESTROY, REVOKE, OR

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RETURN THIS AFFIDAVIT AND THAT I CANNOT TAKE BACK OR UNDO THIS

AFFIDAVIT IN ANY WAY DURING THIS 60-DAY PERIOD. I FURTHER UNDERSTAND

THAT MY PARENTAL RIGHTS PROBABLY WILL HAVE ALREADY BEEN ENDED FOR

ALL TIME BEFORE THIS 60-DAY PERIOD EXPIRES. I ALSO UNDERSTAND THAT, IF

MY PARENTAL RIGHTS HAVE NOT BEEN ENDED WITHIN THIS 60-DAY PERIOD, THIS

AFFIDAVIT SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL I REVOKE IT. I

**THIS DOCUMENT**  
FULLY UNDERSTAND THAT, AT ANY TIME UNTIL THIS AFFIDAVIT IS REVOKED,

MY PARENTAL RIGHTS MAY BE TERMINATED FOR ALL TIME.

[or the practitioner may elect to use the following language (which is set forth in § 161.103 and

161.1035, Texas Family Code), which makes the affidavit revocable for eleven days immediately

after its signing, after which the affidavit becomes irrevocable] “I HEREBY ACKNOWLEDGE

THAT THIS AFFIDAVIT OF RELINQUISHMENT MAY BE REVOKED BY ME BEFORE

**THANK YOU**  
THE EXPIRATION OF ELEVEN (11) DAYS FOLLOWING THE DATE THIS AFFIDAVIT IS

SIGNED BY ME. THEREAFTER, I UNDERSTAND AND WITNESS THAT I HAVE BEEN

INFORMED THAT THIS AFFIDAVIT WILL BE IRREVOCABLE BY ME FOR ANY

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REASON. THIS MEANS THAT ELEVEN DAYS AFTER I SIGN THIS RELINQUISHMENT  
**PREVIEW**  
OF MY PARENTAL RIGHTS, THAT I WILL BE UNABLE TO REVOKE IT.

“I understand that the only manner in which this affidavit of relinquishment may be revoked is that I must sign a statement revoking the same before two credible witnesses and a person authorized to administer a sworn oath. A copy of the revocation must be delivered to [name of managing conservator above] at [address of managing conservator]. I also have been informed that if a suit to terminate my parental rights has been filed, that I must also give a copy of such revocation to the clerk of the Court where said suit to terminate is pending.

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“I have carefully considered alternative plans for my [child[ren]]'s future and have obtained the advice of whatever family members, friends, or other persons and professionals I feel were necessary to help me make this decision. This decision is very difficult for me to make, and under other circumstances I might have made a different decision. Nevertheless, under the circumstances I find myself in, I have decided that I cannot provide properly for my [child[ren]]'s physical and emotional needs, and I want [name of adoptive parents or licensed agency] to adopt or to place my [child[ren]] for adoption and provide a permanent home.

**THIS DOCUMENT**

“As I sign this Affidavit of Relinquishment of Parental Rights, I know that [name of adoptive parents or licensed child placing agency] in accepting my [child[ren]] for adoptive placement and assuming responsibility for my [child[ren]], is relying on my promise that I will not attempt to reclaim my [child[ren]]. With this in mind, I declare that I fully understand the meaning of this affidavit of relinquishment and the finality of my action in signing it, and, understanding all this, I am signing it freely, voluntarily, and with the firm conviction that this decision is the best available alternative for my [child[ren]].

**THANK YOU**

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"I am signing this affidavit today because I want to sign it and not because [Name of adoptive parents] or any other person or persons want me to sign it.

"I am ready emotionally and in every other way to make the decision I am making today.

"I am signing this affidavit in the presence of the two undersigned witnesses, each of whom is known by me to be a credible person and each of whom is present and acting as a witness. I want them to be here and to witness my signature.

"I am also signing this affidavit before a notary public, who has asked me under oath whether or not each and every statement in this affidavit is true and correct and has advised me not to sign it unless it is correct.

"I REALIZE THAT I SHOULD NOT SIGN THIS AFFIDAVIT UNTIL I HAVE READ AND UNDERSTOOD EACH WORD, SENTENCE, AND PARAGRAPH IN IT. I REALIZE THAT I SHOULD NOT SIGN THIS AFFIDAVIT OF RELINQUISHMENT IF THERE IS ANY THOUGHT IN MY MIND THAT I MIGHT SOMEDAY SEEK TO CHANGE MY MIND AND SEEK TO GAIN CUSTODY OF MY CHILD. AT THE TIME OF SIGNING THIS AFFIDAVIT FOR VOLUNTARY RELINQUISHMENT OF PARENTAL RIGHTS, I FEEL THAT I AM PHYSICALLY AND EMOTIONALLY PREPARED TO SIGN THIS DOCUMENT. I AM NOT CURRENTLY UNDER THE INFLUENCE OF ANY SUBSTANCE AND/OR MEDICATION THAT WOULD AFFECT MY ABILITY TO EXECUTE THIS AFFIDAVIT.

## THANK YOU

"I ACKNOWLEDGE THAT I AM SIGNING THIS AFFIDAVIT FOR VOLUNTARY RELINQUISHMENT OF PARENTAL RIGHTS MORE THAN FORTY-EIGHT HOURS AFTER THE BIRTH OF THE CHILD NAMED IN THIS AFFIDAVIT.

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"I hereby acknowledge receipt of a copy of this Affidavit of Relinquishment of Parental Rights."

# PREVIEW

Signed on \_\_\_\_\_.

[Father's name]

WITNESSES:

## PLEASE DO NOT COPY

[Signature of witness]  
[Printed name of witness]

[Street address of witness]

[City, state, and zip code]

## THIS DOCUMENT

[Signature of witness]  
[Printed name of witness]

[Street address of witness]

[City, state, and zip code]

### VERIFICATION

State of Texas

County of [Name of County]

## THANK YOU

BEFORE ME, the undersigned notary public, on this day personally appeared [Name of parent relinquishing rights], who, being by me duly sworn on his oath, deposed and said that he is the Affiant and that he has read the foregoing Affidavit of Relinquishment of Parental Rights and that the statements contained therein in [His/her] personal knowledge, are true and correct.

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[Name of parent signing affidavit of relinquishment]

# PREVIEW

Subscribed and sworn to before me on \_\_\_\_\_ by [Name of parent

signing affidavit], and witnessed by [Printed name of witness] and [printed name of witness],

known to me to be credible and reliable witnesses.

I, the undersigned notary swear that I am not an employee or relative of the Petitioner(s) or the attorney(s) for the petitioner(s).

## PLEASE DO NOT COPY

Signature of Notary Public

Notary's typed or printed name

My commission expires: \_\_\_\_\_

[or Notary's Stamp]

## THIS DOCUMENT

## THANK YOU

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**Information & Instructions: Mother's Affidavit of Relinquishment of Parental Rights**

**PREVIEW**

1. The most common ground of termination is the signing of a voluntary affidavit of relinquishment of parental rights. The affidavit for voluntary relinquishment of parental rights must be drafted pursuant to §161.103, Texas Family Code. An affidavit for voluntary relinquishment of parental rights must be:

- a. signed after the birth of the child, but not before 48 hours after the birth of the child, by the parent, whether or not a minor, whose parental rights are to be relinquished;
- b. witnessed by two credible persons; and

c. verified before a person authorized to take oaths.

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2. The affidavit must contain:

- (1) the name, address, and age of the parent whose parental rights are being relinquished;
- (2) the name, age, and birth date of the child;
- (3) the names and addresses of the guardians of the person and estate of the child, if any;
- (4) a statement that the affiant is or is not presently obligated by court order to make payments for the support of the child;
- (5) a full description and statement of value of all property owned or possessed by the child;
- (6) an allegation that termination of the parent-child relationship is in the best interests of the child;
- (7) one of the following, as applicable:
  - (A) the name and address of the other parent;
  - (B) a statement that the parental rights of the other parent have been terminated by death or court order; or
  - (C) a statement that the child has no resuscitated other and that an affidavit of status of the child has been executed as provided by this chapter;
- (8) a statement that he parent has been informed of parental rights and duties;
- (9) a statement that the relinquishment is revocable, that the relinquishment is irrevocable, or that the relinquishment is irrevocable for a stated period of time.

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(10) if the relinquishment is revocable, a statement in boldfaced type concerning the right of the parent signing the affidavit to revoke the relinquishment only if the revocation is made before the 11<sup>th</sup> day after the date the affidavit is executed;

(11) if the relinquishment is revocable, the name and address of a person to whom the revocation is to be delivered; and

(12) the designation of a prospective adoptive parent, the Department of Protective and Regulatory Services, if the department has consented in writing to the designation, or a licensed child-placing agency to serve as managing conservator of the child and the address of the person or agency.

3. An affidavit of relinquishment of parental rights may contain:

## **PLEASE DO NOT COPY**

(1) a waiver of process in a suit to terminate the parent-child relationship filed under this chapter or in a suit to terminate joined with a petition for adoption; and

(2) a consent to the place of the child for adoption by the Department of Protective and Regulatory Services or by a licensed child-placing agency.

4. A copy of the affidavit of relinquishment must be provided to the parent signing the same at the time he signs the affidavit.

5. The code provides for designation of a period in which the affidavit of relinquishment is irrevocable. The statute limits that period to 60 days from the date the affidavit is signed, unless the affidavit designates the Department of Protective and Regulatory Services, or a licensed child-placing agency as the managing conservator, then the affidavit is irrevocable. Note that the code in §161.1035 provides that an affidavit can be revocable for the first 11 days after its execution, but thereafter is irrevocable. Thus, there is a choice for the practitioner and the client. Most often the affidavit is drafted with the 60 day period, but one could elect the alternate choice of allowing the parent relinquishing their rights to revoke the affidavit within an eleven day period immediately following the date it is signed, but thereafter, the affidavit would be irrevocable. The latter choice might be preferable, if the client feels that it less likely that the parent would revoke the affidavit in the 11 day window after it is signed, then say sixty (60) days after it was signed.

6. An affidavit of relinquishment signed naming a licensed child-placing agency as managing conservator is irrevocable. A separate form is set out hereafter for mother (§1:235) and for father (§1:237). If a parent who has signed an affidavit relinquishes them, if he or she desires to revoke their affidavit, and they are able to do so pursuant to the terms of the affidavit, they must revoke the affidavit pursuant to the terms of §161.103(g), Texas Family Code. A form for such affidavit revoking an affidavit of relinquishment is set forth in §1:239 following.

Form: Mother's Affidavit of Relinquishment of Parental Rights

# PREVIEW

Cause Number \_\_\_\_\_

IN THE INTEREST OF:

[CHILD'S NAME],

[A CHILD]

IN THE DISTRICT COURT OF

[COUNTY NAME], TEXAS

\_\_\_\_\_ JUDICIAL DISTRICT

## MOTHER'S AFFIDAVIT OF RELINQUISHMENT OF PARENTAL RIGHTS

STATE OF [State]

# PLEASE DO NOT COPY

COUNTY OF [Name of county]

BEFORE ME, the undersigned Notary Public, on this day personally appeared [Mother's Name], who, was duly sworn and placed under oath, and in the presence of the undersigned credible witnesses made the following statements:

"My name is [Mother's Name]. I am \_\_\_\_\_ years of age. I live at: [address of mother].

My telephone number is:

My social security number is \_\_\_\_\_  
and my driver's license number is \_\_\_\_\_, which license is issued by [name of State].

"I am the mother of the following [child[ren]]:

Name: [Child's name]

Sex: [Male or female].

Birth date: [Birthrate].

Birthplace: [Birthplace].

Residence: [Residence]

Social Security Number: [Social Security Number]

# THANK YOU

Name: [Child's name]

Sex: [Male or female].

Birth date: [Birthrate].

Birthplace: [Birthplace].

Residence: [Residence]

Social Security Number: [Social Security Number]

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“No person has been appointed or has qualified as guardian of the person or estate of the child[ren].

## PREVIEW

[or] “The guardian of the [child[ren]] is [Name], who resides at [address].

“I am [am not] presently obligated by court order to make payments for support of the [child[ren]].

“A complete description of the child[ren]’s property, which is known to me, including statement of value, of all property owned or possessed by the [child[ren]] is as follows:

## PLEASE DO NOT COPY

[property item]

[value]

[property item]

[value]

[property item]

[value]

“I do not know the name of the father of the children. [or] I was not married at the time the child was conceived or born, and the child does not have a presumed father. I have signed an affidavit of the status of the child[ren]. The father of the child[ren] is [name of alleged father]. [or] The name of the father of the children is: [name of father].

“The [Father’s name] address is:

“The father’s parental rights were terminated on the \_\_\_\_ day of \_\_\_\_\_,

, by the \_\_\_\_\_ Court, of [name of County], [state or jurisdiction].

[or] The father’s parental rights have not previously been terminated by any Court. [or] The father’s parental rights have not been adjudicated by any Court, and his parental rights have not been established by Court order nor has his parental rights been terminated by Court order. [or]

The father of the child[ren] is deceased and his parental rights terminated because of his death.

“I choose and appoint [Name of person to be appointed Managing Conservator of the child[ren]] upon termination of a parent’s rights, a qualified person, as managing conservator of the

## THANK YOU

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[child[ren]. [or] [If the child is being placed through an agency:] It is in the best interest of the  
**PREVIEW**  
child that the child be placed for adoption in a suitable home by an agency licensed by the Texas  
Department of Protective and Regulatory Services to place children for adoption. I therefore  
designate said agency to care for children or to place children for adoption, and to be the managing  
conservator of the child.]

"I have been informed that my parental rights, powers, duties, and privileges, are as follows:  
**PL E A S E D O N O T C O P Y**

**PLEASE DO NOT COPY**

a. the right to have physical possession, to direct the moral and religious training, and to establish the legal domicile of the [child[ren]];

- b. the duty of care, control, protection, and reasonable discipline of the [child[ren]];
  - c. the duty to support the [child[ren]], including providing the [child[ren]] with clothing, food, shelter, medical and dental care, and education;
  - d. the duty to manage the estate of the [child[ren]], except when a guardian of the estate has been appointed, including the right to act as the [child[ren]]'s agent of the [child[ren]]'s estate if the [child[ren]]'s action is required by a state, the United States, or a foreign government;
  - e. the right to the services and earnings of the [child[ren]],
  - f. the power to consent to marriage, to enlistment in the Armed Forces of the United States, and to medical, dental, psychiatric, psychological and surgical treatment;
  - g. the power to represent the [child[ren]] in legal action and to make other decisions of substantial legal significance concerning the [child[ren]];
  - h. the power to receive and give receipt for payments for the support of the [child[ren]] and to hold or disburse any funds for the benefit of the [child[ren]];
  - i. the right to inherit from and through the [child[ren]]
  - j. the exclusive right to make decisions concerning the [child[ren]]'s education; and
  - k. any other rights, privileges, duties, and powers existing between a parent and the [child[ren]] by virtue of law.

# THIS DOCUMENT

# THANK YOU

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“I freely and voluntarily surrender, transfer, give and relinquish to the above-named  
**PREVIEW**  
managing conservator all of my parental rights, powers, duties, and privileges.

“I fully understand that a lawsuit has been filed to terminate forever the parent-child relationship between me and the above-named [child[ren]]. I understand that if the Court grants the termination, that I will legally be excluded as the parent of said [child[ren]], and that the parent-child relationship between myself and the above named [child[ren]] will be permanently ended.

“I fully understand that the termination suit may or may not be combined with a suit to adopt my [child[ren]].  
**PLEASE DO NOT COPY**

“I understand that either way, once the Court terminates my parental rights, I have no further say concerning my [child[ren]], whether or not my [child[ren]] is/are adopted then or at some later time.

“I know that I have the right to appear personally before the Court, with an attorney of my choice, to testify about my desires with respect to my [child[ren]]. However, I do not want to go to court in person. I have been encouraged to seek independent legal advice. I want this Affidavit of Relinquishment of Parental Rights presented to the Court.

[or]

“I know that I have the right to appear personally before the Court, with an attorney of my choice, to testify about my desires with respect to my child. However, I do not want to go to court in person and choose not to be represented by a lawyer. I want the Texas Department of Protective and Regulatory Services to present this Affidavit for Voluntary Relinquishment of Parental Rights to the Court.

“Because I do not want to testify in person before the Court, I freely and voluntarily waive and give up my right to the assistance of a lawyer, and retain of it in any kind, and all other process in

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any suit to terminate my parental rights or in any suit to terminate my parental rights joined with a  
**PREVIEW**  
suit to adopt. [If suit to terminate has been filed, then include the following sentence:] I know that  
the suit to terminate my parental rights has been filed in cause number

, now pending in the \_\_\_\_\_ Court of [name of county], Texas. I hereby  
waive any right I may have to the issuance, service, notice, and return of citation in said cause of  
action.

*"I do not want to be informed further about the lawsuit, and I waive and give up my right to  
be given notice about anything going on in the lawsuit."*

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"I specifically agree that a final hearing in the lawsuit may be held at any time without  
further notice to me. I waive and give up my right to have the official court reporter make a record  
of the testimony in the lawsuit.

"Furthermore, I do not want to be mailed or given a copy of the judgment terminating my  
parental rights and do not want to be notified of the signing, rendition, or entry of that judgment.  
**THIS DOCUMENT**  
Therefore, I waive and give up my right to insist that those things be done. I also consent to have  
any suit affecting the parent-child relationship filed or to be filed with respect to the above-  
identified [child[ren]] be decided by a family law master appointed pursuant to § 201.001 of the  
Texas Government Code.

"If I am in the armed services of the United States at this time, that fact in no way has  
interfered with my freedom to make my decision to execute this affidavit, and insofar as this matter  
**THANK YOU**  
is concerned, I waive all rights, privileges, and exemptions existing or that may hereafter exist in  
my favor under the Soldiers' and Sailors' Civil Relief Act of 1940, including the appointment of  
counsel to represent me in this cause.

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"I FULLY UNDERSTAND THAT I MAY NOT BE FURTHER INFORMED ABOUT  
**PREVIEW**  
THE TERMINATION SUIT OR ABOUT ANY OTHER HEARING OR PROCEEDING  
AFFECTING THE [CHILD OR CHILDREN] IN THIS AFFIDAVIT.

"I acknowledge and agree that termination of the parent-child relationship between myself and the [child[ren]] is in the best interest of the [child[ren]].

[The practitioner has 2 methods from which to chose in drafting the period in which an affidavit of relinquishment may be revoked. The following paragraph sets forth the 60 day non-revocable period described in § 161.105, Texas Family Code] "I understand that I make this

**PLEASE DO NOT COPY**  
termination possible by executing this affidavit. With that in mind, I KNOW THAT THIS AFFIDAVIT OF RELINQUISHMENT MAY NOT BE REVOKED FOR 60 DAYS FROM THE DAY I SIGNED IT. I FULLY UNDERSTAND THAT, IF I CHANGE MY MIND, I CANNOT FORCE [THE MANAGING CONSERVATOR OR AGENCY] TO DESTROY, REVOKE, OR

RETURN THIS AFFIDAVIT AND THAT I CANNOT TAKE BACK OR UNDO THIS  
**THIS DOCUMENT**

AFFIDAVIT IN ANY WAY DURING THIS 60-DAY PERIOD. I FURTHER UNDERSTAND

THAT MY PARENTAL RIGHTS PROBABLY WILL HAVE ALREADY BEEN ENDED FOR ALL TIME BEFORE THIS 60-DAY PERIOD EXPIRES. I ALSO UNDERSTAND THAT, IF MY PARENTAL RIGHTS HAVE NOT BEEN ENDED WITHIN THIS 60-DAY PERIOD, THIS AFFIDAVIT SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL I REVOKE IT. I

FULLY UNDERSTAND THAT AT ANY TIME UNTIL THIS AFFIDAVIT IS REVOKED,  
**THANK YOU**  
MY PARENTAL RIGHTS MAY BE TERMINATED FOR ALL TIME.

[or the practitioner may elect to use the following language (which is set forth in § 161.103 and 161.1035, Texas Family Code), which makes the affidavit revocable for eleven days immediately

after it is signed, after which the affidavit becomes irrevocable] "I FULLY UNDERSTAND THAT BY SIGNING THIS AFFIDAVIT, I AGREE THAT IT WILL BE REVOCABLE FOR ELEVEN DAYS IMMEDIATELY AFTER IT IS SIGNED, AND THAT IT WILL BECOME IRREVOCABLE ON THE TWELFTH DAY AFTER IT IS SIGNED."

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THAT THIS AFFIDAVIT OF RELINQUISHMENT MAY BE REVOKED BY ME BEFORE  
**PREVIEW**  
THE EXPIRATION OF ELEVEN (11) DAYS FOLLOWING THE DATE THIS AFFIDAVIT IS  
SIGNED BY ME. THEREAFTER, I UNDERSTAND AND WITNESS THAT I HAVE BEEN  
INFORMED THAT THIS AFFIDAVIT WILL BE IRREVOCABLE BY ME FOR ANY  
REASON. THIS MEANS THAT ELEVEN DAYS AFTER I SIGN THIS RELINQUISHMENT  
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*"I have carefully considered alternative plans for my [child[ren]]'s future and have obtained  
the advice of whatever family members, friends, or other persons and professionals I feel were  
necessary to help me make this decision. This decision is very difficult for me to make, and under  
other circumstances I might have made a different decision. Nevertheless, under the circumstances  
I find myself in, I have decided that I cannot provide properly for my [child[ren]]'s physical and  
emotional needs, and I want [name of adoptive parents or licensed agency] to adopt or to place my  
[child[ren]] for adoption and provide a permanent home."*

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**THIS DOCUMENT**  
*"As I sign this Affidavit of Relinquishment of Parental Rights, I know that [name of  
adoptive parents or licensed child placing agency] in accepting my [child[ren]] for adoptive  
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attempt to reclaim my [child[ren]]. With this in mind, I declare that I fully understand the meaning  
of this affidavit of relinquishment and the finality of my action in signing it, and, understanding all  
this, I am signing it freely, voluntarily, and with the firm conviction that this decision is the best  
available alternative for my [child[ren]]."*

*"I am signing this affidavit today because I want to sign it and not because [Name of  
adoptive parents] or any other person or persons want me to sign it."*

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*"I am really in no shape and the only way to make the decision I am making today."*

"I am signing this affidavit in the presence of the two undersigned witnesses, each of whom  
**PREVIEW**  
is known by me to be a credible person and each of whom is present and acting as a witness. I  
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SEEK TO GAIN CUSTODY OF MY CHILD. AT THE TIME OF SIGNING THIS  
AFFIDAVIT FOR VOLUNTARY RELINQUISHMENT OF PARENTAL RIGHTS, I FEEL  
THAT I AM PHYSICALLY AND EMOTIONALLY PREPARED TO SIGN THIS  
**THIS DOCUMENT**  
DOCUMENT. I AM NOT CURRENTLY UNDER THE INFLUENCE OF ANY SUBSTANCE  
AND/OR MEDICATION THAT WOULD AFFECT MY ABILITY TO EXECUTE THIS  
AFFIDAVIT.

"I ACKNOWLEDGE THAT I AM SIGNING THIS AFFIDAVIT FOR VOLUNTARY  
RELINQUISHMENT OF PARENTAL RIGHTS MORE THAN FORTY-EIGHT HOURS  
AFTER THE BIRTH OF THE CHILD NAMED IN THIS AFFIDAVIT  
**THANK YOU**

"I hereby acknowledge receipt of a copy of this Affidavit of Relinquishment of Parental  
Rights."

Signed on \_\_\_\_\_.

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WITNESSES:

# PREVIEW

[Mother's name]

---

[Signature of witness]

[Printed name of witness]

[Street address of witness]

[City, state, and zip code]

# PLEASE DO NOT COPY

---

[Signature of witness]

[Printed name of witness]

[Street address of witness]

[City, state, and zip code]

## VERIFICATION

STATE OF [State] **THIS DOCUMENT**

COUNTY OF [Name of county]

BEFORE ME, the undersigned notary public, on this day personally appeared [Name of parent relinquishing rights], who, being by me duly sworn on her oath, deposed and said that she is the Affiant and that she has read the foregoing Affidavit of Relinquishment of Parental Rights and that the statements contained therein are within her personal knowledge and are true and correct.

**THANK YOU**  
[Name of parent signing affidavit of relinquishment]

Subscribed and sworn to before me on \_\_\_\_\_ by [Name of parent signing affidavit], and witnessed by [Printed name of witness] and [printed name of witness], known to me to be credible and reliable witnesses.

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I, the undersigned notary swear that I am not an employee or relative of the Petitioner(s) or the attorney(s) for the petitioner(s).

**PREVIEW**

---

Signature of officer

---

Notary's typed or printed name

My commission expires: \_\_\_\_\_  
[or Notary's Stamp]

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**THIS DOCUMENT**

**THANK YOU**

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**Information & Instructions: Father's Affidavit of Waiver of Interest in Child**

**PREVIEW**

1. §161.106, Texas Family Code, provides an alleged father an easy way to waive any interest in the child without acknowledging paternity.
2. In some cases, an alleged father may not be willing to admit paternity. § 161.106, Texas Family Code, provides that a man may sign an affidavit disclaiming any interest in a child and waive notice of the service of citation in any suit filed or to be filed affecting the parent-child relationship with respect to the subject [child[ren]].
3. The affidavit may be signed before the birth of the child.
4. The affidavit may contain a statement that the Affiant does not admit being the father of the child or having had a sexual relationship with the mother of the child.

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**THANK YOU**

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**Information & Instructions: Affidavit of Status of Child**

# PREVIEW

1. The affidavit of status of a child is required when the child has no presumed father.

(Texas Family Code §161.105) It may be executed by at any time after the first trimester of the pregnancy of the mother.

2. This affidavit must be signed by the mother, even if she is a minor, and witnessed by 2

credible persons, and verified before an authorized to take oaths. The affidavit must state that

the mother is not and has not been married to the alleged father; that the mother and the alleged  
**PLEASE DO NOT COPY**  
father have not attempted to marry under the laws of this state or another state of this nation; that

paternity has not been established under the laws of any state or nation, and contain one of the

following as applicable: (A) the name and whereabouts of a man alleged to be the father; (B) the

name of an alleged father and a statement that the affiant does not know the whereabouts of the

father; (C) a statement that an alleged father has executed an acknowledgment of paternity

under Chapter 160 [Uniform Parentage Act] and an affidavit of relinquishment of parental rights  
**THIS DOCUMENT**  
under this chapter and that both affidavits have been filed with the court; or (D) a statement that

the name of an alleged father is unknown.

3. §161.105, Texas Family Code, set out the requirements for an Affidavit of Status of Child.

This affidavit is required by law if the child does not have a presumed father. The affidavit must be:

a. signed by the mother, whether or not a minor;

b. witnessed by two credible persons; and

c. verified before a person authorized to take oaths.

# THANK YOU

4. The affidavit must state:

a. that the mother is not and has not been married to the alleged father of the child;

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b. that the mother and alleged father have not attempted to marry under the laws of this state or another state or nation;

c. that paternity has not been established under the laws of any state or nation; and

d. contain one of the following, as applicable:

i. the name and whereabouts of a man alleged to be the father;

ii. the name of an alleged father and a statement that the Affiant does not know the whereabouts of the father;

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iii. a statement that an alleged father has executed a statement of paternity under Chapter 160 and an affidavit of relinquishment of parental rights under this chapter and that both affidavits have been filed with the court; or

iv. a statement that the name of an alleged father is unknown.

5. The affidavit of status of child may be executed at any time after the first trimester of the pregnancy of the mother.

**THIS DOCUMENT**

**THANK YOU**

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Form: Affidavit of Status of Child

# PREVIEW

AFFIDAVIT OF STATUS OF CHILD

Cause Number \_\_\_\_\_

IN THE INTEREST OF:

[CHILD'S NAME],

[A CHILD]

IN THE DISTRICT COURT OF

[COUNTY NAME], TEXAS

\_\_\_\_\_ JUDICIAL DISTRICT

AFFIDAVIT OF STATUS OF CHILD  
**PLEASE DO NOT COPY**  
STATE OF [State]

COUNTY OF [Name of county]

BEFORE ME, the undersigned authority, in the presence of the two undersigned credible witnesses, on this date personally appeared [Natural mother's name], who being by me first duly sworn and placed upon her oath to tell the truth, stated and deposed that she is the natural birth mother of the child the subject of the above referenced adoption proceeding and that she is fully competent to make this affidavit of status, and that she is familiar with the matter and facts herein stated; and that the facts stated in this affidavit are true and correct. Affiant further states:

“My name is [Name] and I am the natural mother of [Child's name]. I live at [residence of mother].  
“The child was born on [Date] and is a [male or female] child. The child was born in [City, county & state].

[or]

# THANK YOU

“My name is [Name] and I am the expectant mother of a child that I believe will be born to me on or about [Mother's delivery due date].

“I have passed my first trimester of pregnancy.

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“I am not now nor have I ever been married to the father of the child. We have not attempted to  
**PREVIEW**  
marry under the laws of any state or nation. We are not common law spouses of each other.

“I was not married to any man at the time of conception or during my pregnancy.

“Paternity of the child has therefore not been established under any of the laws of any state or  
nation.

[or]

“I believe the father of the child to be [Name and last known address] or [I do not know where his  
**PLEASE DO NOT COPY**  
last known address is.]

[or]

“The father of the child is [Name and last known address]. He has signed a statement of  
paternity pursuant to the Texas Family Code and he has also signed an Affidavit of Relinquishment  
of parental rights per the Texas Family Code. Both affidavits are being or have been filed with the  
court in this proceeding

**THIS DOCUMENT**

[or]

“I do not know the identity of the probable father of the child.

[or]

“The name of the father is: [Name]. He is now deceased.”

WITNESSES:

---

[Mother's name]

**THANK YOU**

---

[Signature of witness]

[Printed name of witness]

[Street address of witness]

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[City, state, and zip code]

# **PREVIEW**

[Signature of witness]

[Printed name of witness]

[Street address of witness]

[City, state, and zip code]

## **VERIFICATION**

STATE OF [State]  
CITY OF [Name of city] **PLEASE DO NOT COPY**

BEFORE ME, the undersigned notary public, on this day personally appeared [mother's name], who, being by me duly sworn on her oath, deposed and said that she is the Affiant and that she has read the foregoing Affidavit of Status of Child and that the statements contained therein are within her personal knowledge and are true and correct.

## **THIS DOCUMENT**

Subscribed and sworn to before me on [date of execution] by [Name of Mother], and witnessed by [printed name of witness] and [printed name of witness], known to me to be credible and reliable witnesses.

I, the undersigned notary swear that I am not an employee or relative of the Petitioner(s) or the attorney(s) for the petitioner(s).

## **THANK YOU**

\_\_\_\_\_  
Signature of officer

\_\_\_\_\_  
Notary's typed or printed name

\_\_\_\_\_  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
[or Notary's Stamp]

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Form: Father's Affidavit of Waiver of Interest in Child

# PREVIEW

Cause Number \_\_\_\_\_

IN THE INTEREST OF: \_\_\_\_\_ IN THE DISTRICT COURT OF  
[CHILD'S NAME], \_\_\_\_\_ [COUNTY NAME], TEXAS  
[A CHILD] \_\_\_\_\_ JUDICIAL DISTRICT

## AFFIDAVIT OF WAIVER OF INTEREST IN CHILD

STATE OF \_\_\_\_\_, STATE  
**PLEASE DO NOT COPY**

COUNTY OF [Name of county]

BEFORE ME, the undersigned Notary Public, [Name of alleged father] personally appeared before me on [Date of Waiver of Interest], and after being placed under oath, made the following statements before the witnesses who have signed their names hereafter:

My name is [Name]. I am [Number of years] years old and I live at [Address].

I have received information that the following child is alleged to be my child:

NAME: \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_ SEX \_\_\_\_\_

PLACE OF BIRTH: \_\_\_\_\_

NAME OF MOTHER: \_\_\_\_\_

[The affiant may elect to deny paternity and to also deny that he had sexual relations with the Mother of the child] I am not the father of the above named child. I do not admit that I had sexual relations with the woman named above as the Mother of said child.

Regardless of my statements in this affidavit, information has been given to me and it is my understanding, that if I were the natural father of the child, I could protect my rights and

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seek a determination of paternity of the child under provisions of the Texas Family Code by filing  
**PREVIEW**  
an admission of paternity, or a counterclaim seeking paternity, or a petition for voluntary paternity.

In either of those instances, I understand that if I am permitted by the Court to establish my paternity of the child I would then have a parent's rights and duties as follows:

a. to receive information from the other parent concerning the health, education and welfare of the child; and

b. ~~to confer with the other parent to the extent possible before making a decision concerning the health, education and welfare of the child;~~  
**PLEASE DO NOT COPY**

c. of access to medical, dental, psychological and educational records of the child;

d. to consult with any physician, dentist or psychologist of the child;

e. to consult with school officials concerning the child's welfare and educational status,

including school activities;

f. to attend school activities;

g. to be designated on any records as a person to be notified in case of an emergency; and

h. to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the child; and

i. to manage the estate of the child to the extent the child's estate has been created by the parent or the parent's family.

I have received further information that by my executing this Affidavit of Waiver of Interest  
**THANK YOU**  
and failing to make claim to my parental rights, then a court of competent jurisdiction may make a judgment which forever prevents any assertion by me of those parental rights that I may desire to claim in and to the child[ren]. Understanding this fact, I wish to declare that I disclaim any legal

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interest in the child[ren] named hereinbefore hereby permanently abandoning any claim or interest  
**PREVIEW**  
in said child[ren].

By my making this disclaimer, I hereby waive the issuance and service of citation in any suit filed or which be filed which affects any parent-child relationship I may have in regards to the child.

My waiver specifically includes any suit for termination of any parent-child relationship that could exist between me and the child or any suit for termination of that relationship which may be joined with a suit for adoption.

## **PLEASE DO NOT COPY**

I further waive the making of an official record of testimony in any lawsuit.

I consent to the hearing of any suit regarding the child by an associate judge who has been appointed in accordance with §201.001 of the Texas Family Code.

IT IS MY FULL UNDERSTANDING THAT I MIGHT NOT RECEIVE FURTHER INFORMATION OR NOTICE OF ANY HEARINGS IN PROCEEDINGS WHICH AFFECT THE CHILD NAMED HEREIN, INCLUDING ANY SUIT FOR TERMINATION OF MY PARENTAL RIGHTS.

It is my full understanding that this Affidavit of Waiver of Interest in Child may be and will be used in any subsequent proceeding in which I might seek to establish and my parental rights and interest in the child and it is my further understanding that it cannot be used in any proceeding where there is a judicial effort to establish my paternity of the child.

No court order presently obligates me to make payments for the support of the child.

**THANK YOU**  
I do not know of any property owned by either the child or of any guardian of the person or estate of the child.

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In the event that a presumption arises by operation of any law, I am the father of the child,  
**PREVIEW**  
which I specifically deny, I agree termination of a parent-child relationship between myself and the  
child would be in the child's best interest.

I designate [Name of adopting parent's] to be the residential managing conservator of the  
child and make free, voluntary, and permanent relinquishment to [Name of adopting parent's] of all  
the parental rights, privileges, powers, and duties that I may have.

It is my understanding that this execution of the Affidavit of Waiver of Interest makes it  
**PLEASE DO NOT COPY**  
possible for termination of my rights, which is my intention and desire.

[If the affidavit is revocable for only the 11 days following its execution]:

I UNDERSTAND I HAVE THE RIGHT TO REVOKE THIS AFFIDAVIT OF WAIVER OF  
INTEREST IN THE ABOVE NAMED CHILD ONLY IF I HAVE REVOKED IT BEFORE THE  
11TH DAY AFTER ITS EXECUTION. AFTER THE EXPIRATION OF 11 DAYS FROM THE  
DATE I SIGN THIS AFFIDAVIT, I FULLY UNDERSTAND THAT, EVEN UPON MY  
**THIS DOCUMENT**  
CHANGE OF MIND, I CANNOT FORCE ANYONE TO DESTROY, REVOKE, ALTER OR  
RETURN THIS AFFIDAVIT TO ME AND THAT THIS AFFIDAVIT CANNOT BE TAKEN  
BACK OR UNDONE IN ANY WAY. I UNDERSTAND THAT AFTER THE 11<sup>TH</sup> DAY  
FOLLOWING THE DATE I SIGN THIS AFFIDAVIT, THAT THE AFFIDAVIT IS  
IRREVOCABLE BY ME. IT IS MY FULL UNDERSTANDING THAT AT ANY TIME  
UNLESS I HAVE REVOKED THIS AFFIDAVIT BEFORE THE EXPIRATION OF 11 DAYS  
**THANK YOU**  
IMMEDIATELY FOLLOWING MY SIGNING THIS AFFIDAVIT OF WAIVER OF  
INTEREST IN THE ABOVE NAMED CHILD, MY PARENTAL RIGHTS MAY BE  
TERMINATED FOREVER.

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[If the affidavit is irrevocable for 60 days:] I UNDERSTAND THAT THIS AFFIDAVIT OF  
**PREVIEW**  
WAIVER OF INTEREST IN THE ABOVE NAMED CHILD IS IRREVOCABLE FOR SIXTY  
(60) DAYS AFTER THE SIGNING OF THIS AFFIDAVIT. I UNDERSTAND THAT I MAY  
NOT REVOKE THIS AFFIDAVIT DURING SAID SIXTY (60) DAY PERIOD FOR ANY  
REASON, AND THAT EVEN AFTER THE EXPIRATION OF SAID SIXTY (60) DAY  
PERIOD, THIS AFFIDAVIT WILL REMAIN IN FULL FORCE AND EFFECT AND SHALL  
NOT BE CONSIDERED REVOKED UNLESS I REVOKE THE SAME PURSUANT TO THE  
**PLEASE DO NOT COPY**  
TEXAS FAMILY CODE.

IT IS MY FULL UNDERSTANDING THAT AT ANY TIME UNLESS I HAVE  
REVOKE THIS AFFIDAVIT PURSUANT TO THE REQUIREMENTS OF THE TEXAS  
FAMILY CODE, MY PARENTAL RIGHTS MAY BE TERMINATED FOREVER.

19. I have read this affidavit. All statements in this affidavit are true and correct and they are  
statements upon which I have personal knowledge.  
Signed on                                  **THIS DOCUMENT**

WITNESSES:

[Alleged Father's name]

[Signature of witness]

[Printed name of witness]  
**THANK YOU**  
[Street address of witness]

[City, state, and zip code]

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[Printed name of witness]  
**PREVIEW**  
[Street address of witness]

[City, state, and zip code]

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**THIS DOCUMENT**

**THANK YOU**

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STATE OF [State]

VERIFICATION  
**PREVIEW**

COUNTY OF [Name of county]

BEFORE ME, the undersigned notary public, on this day personally appeared [Name of parent waiving rights], who, being by me duly sworn on his oath, deposed and said that he is the Affiant and that he has read the foregoing Affidavit of Relinquishment of Parental Rights and that the statements contained therein are within his personal knowledge and are true and correct, which witness his hand this on \_\_\_\_\_.

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---

[Name of parent signing affidavit waiving rights]

Subscribed and sworn to before me on [date of execution] by [Name of parent signing affidavit], and witnessed by [printed name of witness] and [printed name of witness], known to me to be credible and reliable witnesses.

**THIS DOCUMENT**

I, the undersigned notary swear that I am not an employee or relative of the Petitioner(s) or the attorney(s) for the petitioner(s).

---

Signature of officer

---

Notary's typed or printed name

My commission expires: \_\_\_\_\_

[or Notary's Stamp]

**THANK YOU**

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Form: Consent To An Adoption by A Minor Child

# PREVIEW

Cause Number \_\_\_\_\_

IN THE INTEREST OF:

[CHILD'S NAME],

[A CHILD]

IN THE DISTRICT COURT OF

[COUNTY NAME], TEXAS

\_\_\_\_\_ JUDICIAL DISTRICT

## CONSENT BY CHILD TO ADOPTION

State of Texas

County of [Name of County]

# PLEASE DO NOT COPY

BEFORE ME, the undersigned authority, on this day personally appeared [Child's name], known to me and who, being by me first duly sworn, on oath stated:

I am 12 years of age or older.

I am the child whose adoption is sought in the above-entitled and numbered cause.

I consent to my adoption by [Petitioners' names]. Petitioners

I desire and request that the above-named Petitioner/s be my legal parent/s.

Signed on \_\_\_\_\_.

\_\_\_\_\_  
[Name of child], Affiant

I, the undersigned notary swear that I am not an employee or relative of the Petitioner(s) or the attorney(s) for the petitioner(s).

# THANK YOU

This instrument was acknowledged before me on \_\_\_\_\_ by [Name].

\_\_\_\_\_  
Signature of officer  
Notary's typed or printed name

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My commission expires: \_\_\_\_\_  
[or Notary's Stamp]

# PREVIEW

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# THIS DOCUMENT

# THANK YOU

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**Information & Instructions: Obtaining Criminal History**

# **PREVIEW**

1. The Texas Family Code, §162.0085 mandates that in a suit affecting the parent child relationship in which an adoption is sought, the court shall order each person seeking to adopt the child to obtain that person's own criminal history record information. The language of the code requires the Court to order that a criminal history be obtained by petitioners seeking adoption.
2. **PLEASE DO NOT COPY**  
411.128 A the Tex. Govt. Code sets forth the manner in which a person may obtain his criminal history.

## **THIS DOCUMENT**

## **THANK YOU**

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Form: Motion and Order on Criminal History

# PREVIEW

Cause Number \_\_\_\_\_

IN THE INTEREST OF:

[CHILD'S NAME],

[A CHILD]

IN THE DISTRICT COURT OF

[COUNTY NAME], TEXAS

\_\_\_\_\_ JUDICIAL DISTRICT

## MOTION FOR ORDER TO REQUIRE CRIMINAL HISTORY

[Name of Petitioner] Petitioner moves the Court to sign the order submitted herewith  
**PLEASE DO NOT COPY**  
requiring the Petitioner seeking adoption of a child to obtain a criminal history pursuant to

§162.0085, Texas Family Code.

Respectfully Submitted,

[Law firm name]

By \_\_\_\_\_

[Attorney's name]

[Attorney's address]

[Telephone & facsimile number]

State Bar Number \_\_\_\_\_

# THIS DOCUMENT

## THANK YOU

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Cause Number  
**PREVIEW**

IN THE INTEREST OF:

[CHILD'S NAME],

[A CHILD]

IN THE DISTRICT COURT OF

[COUNTY NAME], TEXAS

JUDICIAL DISTRICT

**ORDER TO REQUIRE CRIMINAL HISTORY**

On \_\_\_\_\_, came on to be considered the motion requesting the Court to

**PLEASE DO NOT COPY**

1. [Names of clients] are seeking to adopt [Name of child[ren]].
2. Pursuant to §162.0085 of the Texas Family Code, this Court issues the following Order:
3. The Court ORDERS [Client's Names] to obtain criminal history record information by requesting the same from the Texas Department of Public Safety, Crime Records Service.
4. The request is in compliance with Texas Government Code §411.128.

**THIS DOCUMENT**

Signed on \_\_\_\_\_.

\_\_\_\_\_  
Judge Presiding

APPROVED AND CONSENTED TO AS TO BOTH FORM AND SUBSTANCE:

**THANK YOU**

[Name of attorney]

Attorney for petitioner

[Street address]

[City, [State] Zip code]

[Phone] [Facsimile]

State Bar Number \_\_\_\_\_

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[Name of attorney]  
Attorney for Respondent  
[Street address]  
[City, [State] Zip code]  
[Phone] [Facsimile]  
State Bar Number \_\_\_\_\_

# PREVIEW

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**THIS DOCUMENT**

**THANK YOU**

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Form: Letter Requesting Criminal Record Information

# PREVIEW

[Date]

Texas Department of Public Safety  
Crime Records Service  
Attention: Correspondence Supervisor  
PO Box 15999  
Austin TX 78761-5999

Regarding: Request for Criminal History Report  
Texas Family Code § 162.0085  
Texas Government Code § 411.128

# PLEASE DO NOT COPY

Dear Supervisor:

The undersigned desires to adopt a child[ren] and pursuant to the requirements of the law, hereby requests my criminal history record.

Enclosed is a Texas Department of Public Safety fingerprint card and a check for \$15.00 to cover the costs of processing.

A copy of the order of the Court requiring me to obtain my criminal history is also enclosed.

The following information required about me is:

Name: \_\_\_\_\_

# THIS DOCUMENT

Sex: \_\_\_\_\_ Race: \_\_\_\_\_

Birth Date: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Street Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Please sent a copy of the information to the Court: [Court Number, Address, City, State, Zip]  
Cause Number of my case is: \_\_\_\_\_.

Please include my case number with the documents you send to the Court.

Please forward said information pursuant to the provisions of § 411.128 of the Texas Government Code.

Please contact me immediately if you need any additional information.

Sincerely,

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**PREVIEW**

[Type full name or click to edit]

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**THIS DOCUMENT**

**THANK YOU**

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**Information & Instructions: Motion and Order for Appointment of Ad Litem**

# **PREVIEW**

1. The following motion and order may be used to have an Guardian Ad-Litem or Attorney Ad-Litem for the child appointed, when such appointment is required by the Court, or when the practitioner feels that the appointment of a Guardian Ad-Litem or Attorney Ad-Litem would strengthen the termination-adoption process.
2. An attorney acting as a Guardian Ad Litem may place the termination-adoption on a more solid foundation, as the Guardian acts as a second set of eyes for the Court looking after the best interests of the child.  
**PLEASE DO NOT COPY**
3. An attorney who is appointed to represent the children may prefer to be named a Guardian Ad-Litem for liability reasons, as the code specifically provides for immunity to the Guardian Ad-Litem when he or she makes a recommendation to the Court. See §107.003, Texas Family Code.
4. A Guardian Ad-Litem differs from an Attorney Ad-Litem in that a Guardian acts in the best interests of the child, and his recommendations to the Court may not always be consistent with the wishes of the child. An Attorney Ad-Litem listens to the child's wishes and acts as the child's advocate.

# **THIS DOCUMENT**

# **THANK YOU**

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Form: Motion for Appointment of Guardian Ad Litem

# PREVIEW

Cause Number \_\_\_\_\_

IN THE INTEREST OF:

[CHILD'S NAME],

[A CHILD]

IN THE DISTRICT COURT OF

[COUNTY NAME], TEXAS

\_\_\_\_\_ JUDICIAL DISTRICT

## MOTION FOR APPOINTMENT OF AN GUARDIAN AD LITEM

[this motion may be used also to appoint Amicus Attorney or Attorney Ad Litem, if desired]

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On \_\_\_\_\_, the Petitioner's, [Names of Petitioner's], by and through their attorney make this Motion for Appointment of an Guardian Ad Litem [or Amicus Attorney or Attorney Ad-Litem], who shall perform the duties and have the powers as set forth in [State statute or code] and shall assist the Court to determine the best interest of the [child[ren]] in the above entitled and numbered cause.

Respectfully Submitted,

## THIS DOCUMENT

[Law firm name]

By \_\_\_\_\_

[Attorney's name]

[Attorney's address]

[Telephone & facsimile number]

State Bar Number \_\_\_\_\_

# THANK YOU

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Form: For Appointment of Guardian Ad-Litem, Amicus Attorney, or Attorney Ad-Litem for  
Child

# PREVIEW

Cause Number \_\_\_\_\_

IN THE INTEREST OF:

[CHILD'S NAME],

[A CHILD]

IN THE DISTRICT COURT OF

[COUNTY NAME], TEXAS

\_\_\_\_\_ JUDICIAL DISTRICT

## ORDER FOR APPOINTMENT OF AN [GUARDIAN AD-LITEM OR AMICUS ATTORNEY OR A LITEM] **PLEASE DONOTCOPY**

On \_\_\_\_\_, the foregoing Motion for Appointment of a [Guardian Ad-Litem, Amicus Attorney or Attorney] Ad Litem to represent the interest of [the child[ren], natural parent or other party] in this cause was presented to the Court.

The Court finds there is need to appoint a [Guardian Ad-Litem or Amicus Attorney or Attorney Ad Litem] , and the Court appoints [Guardian Ad-Litem's, Amicus Attorney's, or Attorney Ad Litem's Name] to represent the interests of the [the child[ren], natural parent or other party in this cause.]

This appointment shall be effective immediately and shall remain in effect during the pendency of this matter or until further action of the Court.

Signed on \_\_\_\_\_.

**THANK YOU**  
Judge Presiding

APPROVED AND CONSENTED TO AS TO BOTH FORM AND SUBSTANCE:

[Name of attorney]  
[Street address]  
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[City, [State] Zip code]  
[Phone] [Facsimile]  
State Bar Number \_\_\_\_\_

# PREVIEW

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**THIS DOCUMENT**

**THANK YOU**

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**Information & Instructions: Appointment of an Investigator to Prepare Required Reports**

# **PREVIEW**

1. There are three (3) reports required by the Texas Family Code in certain adoption proceedings. §162.005,

2. Texas Family Code, concerns the Health, Social, Educational, and Genetic History Report. This report is not required in adoptions where a stepparent, grandparent, aunt or uncle by birth, marriage, or prior adoption, is pursuing the adoption. This report is the duty of the person or entity who places the child for adoption. A parent can prepare this report. A copy of this report should be provided to the adoptive parents as soon as practicable before the first meeting of the adoptive parents with the child.

3. §162.003 of the Texas Family Code sets forth the requirement that in a suit for adoption, a Pre-Adoptive Home Screening Report and Post-Placement Adoptive Report must be conducted as provided in Chapter 107 of the Texas Family Code.

4. §107.0511, Texas Family Code, addresses the Pre-Adoptive Home Screening Report, and §107.052, deals with the Post-Placement Adoptive Report.

5. If the adoption is sought by a step-parent, these two reports (Pre-Adoptive Home Screening Report and Post-Placement Adoptive Report) may be combined. Both reports are to be prepared pursuant to rules adopted by the Board of Protective and Regulatory Services.

# **THIS DOCUMENT**

# **THANK YOU**

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**Form: Motion and Order Appointing an Investigator to Make Required Reports**

**PREVIEW**

Cause Number \_\_\_\_\_

IN THE INTEREST OF:

[CHILD'S NAME],

[A CHILD]

IN THE DISTRICT COURT OF

[COUNTY NAME], TEXAS

\_\_\_\_\_ JUDICIAL DISTRICT

**MOTION FOR PREPARATION OF REPORTS**

1. [Client's Name], Movant, pursuant to §162.003 and §162.005, Texas Family Code, moves the Court appoint an agency or other qualified person to prepare a Pre-Adoptive Home Screening Report, and also, the Post-Placement Adoptive Report. [If this is a stepparent adoption, add : Movant further moves the Court to combine the Pre-Adoptive Home Screening Report and the Post-Placement Adoptive Report into one combined Report.] [Add if this is not a stepparent, grandparent, aunt or uncle by birth, marriage, or prior adoption: Movant also moves the Court to order [name of the person or agency placing the child[ren] for adoption or a parent] to prepare the Health, Social, Educational, and Genetic History Report, provide a copy to Petitioners, and file a copy of the same with the Court.]
2. Termination [and adoption] of the subject child[ren] is/are requested by petitioner[s] herein.
3. Movant requests that the Court order the preparation of such reports as are required by law to assist the Court in naming a managing conservator in the event termination is granted, and to assist the Court in the adoption proceeding pending before this Court.
4. The preparation of said reports is in the child's best interest.
5. Movant prays that the Court enter an order granting this motion.

**THANK YOU**

Respectfully Submitted,

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[Law firm name]  
**PREVIEW**

By \_\_\_\_\_  
[Attorney's name]  
[Attorney's address]  
[Telephone & facsimile number]  
State Bar Number \_\_\_\_\_

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**THANK YOU**

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# PREVIEW

IN THE INTEREST OF:

[CHILD'S NAME],

[A CHILD]

IN THE DISTRICT COURT OF

[COUNTY NAME], TEXAS

JUDICIAL DISTRICT \_\_\_\_\_

## NOTICE OF HEARING

The foregoing Motion for the preparation of reports as required by §162.003, Texas

Family Code, is hereby set for a hearing before this Court on \_\_\_\_\_

\_\_\_\_\_  
Judge Presiding

## THIS DOCUMENT

## THANK YOU

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CERTIFICATE OF SERVICE  
**PREVIEW**

I certify that a true and correct copy of the foregoing pleading or document has been served upon all attorneys of record and any parties who are not represented by an attorney on \_\_\_\_\_, as follows:

Attorney for [Name party]:

Attorney's street address:

City, state and zip code:

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This document and notice was served in the following manner:

U.S. Mail, Certified Return Receipt Request No. \_\_\_\_\_.

U.S. Mail, First Class.

Hand delivery by [Name of delivery service]: \_\_\_\_\_.

Facsimile transmission to \_\_\_\_\_ [fax number].

**THIS DOCUMENT**

[Signature of attorney]

**THANK YOU**

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# PREVIEW

IN THE INTEREST OF:

[CHILD'S NAME],

[A CHILD]

IN THE DISTRICT COURT OF

[COUNTY NAME], TEXAS

JUDICIAL DISTRICT \_\_\_\_\_

## **ORDER APPOINTING INVESTIGATOR TO PREPARE REPORTS IN AN ADOPTION AND SETTING THE CASE FOR A HEARING**

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, the Court considered the motion of Movant to appoint an investigator or agency to prepare the reports required by §162.003. The

Court finds that the following Order should be entered:

IT IS ORDERED that [name of licensed agency, state agency, or individual] prepare the following reports: Pre-Adoptive Home Screening Report; and the Post-Placement Report.

The Court ORDERS [investigator's name] to investigate the circumstances and conditions of the child and of the home or residence of each person seeking some form of conservatorship or adoption of the child.

The preparation of said reports shall be governed by the criteria of the welfare and best interest of the child. The Court FURTHER ORDERS that [investigator's name] file with the Court, such written reports as authorized by the Texas Department of Protective and Regulatory Services, detailing such findings, conclusions and recommendations by [Date on which reports are due]. All parties, Ad Litems and attorneys shall have access to said reports within [Number of days before the hearing] days of its filing with the Court.

[In an adoption where grandparent, aunt or uncle by birth, marriage, or prior adoption, or stepparent is seeking the adoption, the Health, Social, Educational, and Genetic History Report is not required pursuant to §162.003, but if the other adoption is so required, IT IS ORDERED

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that [name of agency or person who placed the child, or name of parent to be appointed] prepare  
**PREVIEW**  
and file the Health, Social, Educational, and Genetic History Report. IT IS FURTHER

ORDERED that [name of agency, or person, or parent appointed] shall provide a copy of said  
Health, Social, Educational, and Genetic History Report to Petitioners as soon as practicable, and  
before Petitioners meet the child[ren] to be adopted.

The Court FURTHER ORDERS that Petitioner/s will pay the costs of the foregoing  
reports  
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[or] The Court FURTHER ORDERS that the cost of preparation of the foregoing reports shall  
be paid by the parties in the following proportions. Petitioner/s will pay [Movant percentage of  
cost] and Respondent [Name] will pay [Respondent percentage of cost].  
[or (the following paragraph could be added, which allows the ad litem or attorneys access to all  
of the records. The caveat is that some Courts made find this burdensome on the investigator)]

The Court FURTHER ORDERS that [investigator's name], if requested by any court-  
**THIS DOCUMENT**  
ordered Ad Litem or attorney of record, to produce all relevant documents or records in this case,  
including, but not being limited to notes, written communications, writings, records, memoranda,  
summaries, data, correspondence, test results, videos, photographs, tape recordings, or other  
materials. [investigator's name] is also ordered to produce the most recent copy of a most recent  
curriculum vita or resume.

IT IS ORDERED that no information contained within said reports within is confidential or  
**THANK YOU**  
protected by any privilege as between [investigator's name] and any Ad Litem, attorney of  
record or party to this case.

IT IS ORDERED that [investigator's name] shall give testimony in this cause without  
need of a subpoena.  
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IT IS ORDERED that this case is set for a hearing on [Date].

Signed on \_\_\_\_\_.

# PREVIEW

\_\_\_\_\_  
Judge Presiding

APPROVED AND CONSENTED TO AS TO BOTH FORM AND SUBSTANCE:

## ~~PLEASE DO NOT COPY~~

[Name of attorney]  
Attorney for petitioner  
[Street address]  
[City, [State] Zip code]  
[Phone] [Facsimile]  
State Bar Number \_\_\_\_\_

## THIS DOCUMENT

## THANK YOU

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**Information & Instructions: Order Granting Termination Of Parental Rights Of A Minor  
Child And Granting Adoption**

# **PREVIEW**

1. If the court finds grounds for termination of the parent child-child relationship by clear and convincing evidence, it shall render a termination order “An order terminating the parent-child relationship divests the parent and the child of all legal rights and duties with respect to each other, except that the child retains the right to inherit from and through the parent unless the court otherwise provides.” (Texas Family Code §161.206) This chapter 161 does not preclude or affect the rights of biological or adoptive maternal or paternal grandparent to reasonable access under chapter 152 [Conservatorship, Possession, and Access]. § 161.207 requires the court to appoint a managing conservator of the child should both parents or the only living parent, have their parental rights terminated. (Texas Family Code §161.207).

2. It is not required to mail a copy of a termination order to parties as required by Texas Rules of Civil Procedure Rules 119a and 239a. (Texas Family Code §161.209)

# **THIS DOCUMENT**

§1:160 Information & Instructions: Affidavit Required by §152.209, Texas Family Code

3. If the proceeding is considered a custody proceeding, the following affidavit is required by §152.209, Texas Family Code, to be either attached to the first pleading or contained within the first pleading..

4. A termination/adoption proceeding would affect the custody of the child, in that in almost all termination proceedings, the Court is required to name a managing conservator of the child, as well as removing a parent's rights to custody of his child.

5. The following affidavit is required to be attached to all termination proceedings, since they affect or involve the custody of children. Said affidavit could normally be attached as

“Exhibit B” set forth below in the foregoing section for termination.

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6. In all adoption proceeding, the attorney should file with the clerk of the Court a Bureau of Vital Statistics form. Certificate of Adoption (VS-160 REV 9/96). This form should be filed with the adoption decree.

**PREVIEW**

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**THANK YOU**

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Form: Order Granting Termination Of Parental Rights Of A Minor Child And Granting Adoption

# PREVIEW

Cause Number \_\_\_\_\_

IN THE INTEREST OF:	:	IN THE DISTRICT COURT OF
[CHILD'S NAME],	:	[COUNTY NAME], TEXAS
[A CHILD]	:	_____ JUDICIAL DISTRICT

**ORDER GRANTING TERMINATION OF PARENTAL  
RIGHTS OF A MINOR CHILD AND GRANTING ADOPTION**

# PLEASE DO NOT COPY

Date of Hearing

On the      day of                          , 20     , came on to be considered the

Petition for Termination filed by Petitioner/s herein, and this cause was heard by the Court.

Appearances of Parties and Ad Litems Appointed by the Court

Petitioner/s, [names of Petitioner/s] appeared in person and through attorney of record,

[name of Petitioner/s' attorney], and announced ready for trial

# THIS DOCUMENT

Respondent, [name of Respondent], although duly served with citation herein, did not appear and wholly made default. [or] Respondent, [name of Respondent], waived issuance of citation by Affidavit of Relinquishment of Parental Rights, as well as notice of this hearing, which was filed herein, and did not appear in person. [or] Respondent, [name of Respondent], appeared in person and through attorney of record, [name of Respondent's attorney], and announced ready for trial.

# THANK YOU

Also appearing was [Guardian Ad Litem's name], appointed by the Court as guardian Ad Litem of the child the subject of this suit. Also appearing was [name of attorney ad litem for parent served by publication], appointed by the Court as Attorney Ad Litem for [Respondent's Full Name],

who was served judicially by publication.

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TERMINATION  
Jurisdiction

# PREVIEW

The Court, after examining the record and hearing the evidence and argument of counsel, finds that it has jurisdiction of this case and of all the parties and that no other court has continuing, exclusive jurisdiction of this case. All persons entitled to citation were properly cited.

Jury

A jury was waived, and all questions of fact and of law were submitted to the Court.  
**PLEASE DO NOT COPY**  
Hearing Record

A record of testimony was duly recorded by the court reporter assigned to this Court.

Subject Child[ren]

The Court finds that the following child[ren] is/are the subject of this suit:

NAME OF CHILD:

AGE OF CHILD:

SEX OF CHILD:

BIRTH DATE:

BIRTHPLACE:

# THIS DOCUMENT

SOCIAL SECURITY NUMBER:

DRIVER'S LICENSE NUMBER:

ISSUING STATE:

NAME OF CHILD:

AGE OF CHILD:

SEX OF CHILD:

BIRTH DATE:

BIRTHPLACE:

SOCIAL SECURITY NUMBER:

# THANK YOU

DRIVER'S LICENSE NUMBER:

ISSUING STATE:

Termination

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The Court finds by clear and convincing evidence that Respondent's Full Name Is As:

voluntarily left the child alone or in the possession of another not the parent and expressed  
an intent not to return;

voluntarily left the child alone or in the possession of another not the parent without  
expressing an intent to return, without providing for the adequate support of the child, and remained  
away for a period of at least three months;

voluntarily left the child alone or in the possession of another without providing adequate  
support of the child and remained away for a period of at least six months;

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knowingly placed or knowingly allowed the child to remain in conditions or surroundings

which endanger the physical or emotional well-being of the child;

engaged in conduct or knowingly placed the child with persons who engaged in conduct  
which endangers the physical or emotional well-being of the child;

failed to support the child in accordance with the parent's ability during a period of one year  
ending within six months of the date of the filing of the petition;

**THIS DOCUMENT**  
abandoned the child without identifying the child or furnishing means of identification, and  
the child's identity cannot be ascertained by the exercise of reasonable diligence;

voluntarily, and with knowledge of the pregnancy, abandoned the mother of the child  
beginning at a time during her pregnancy with the child and continuing through the birth, failed to  
provide adequate support or medical care for the mother during the period of abandonment before  
the birth of the child, and remained apart from the child or failed to support the child since the birth;

**THANK YOU**  
contumaciously refused to submit to a reasonable and lawful order of a court under Chapter

264;

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been the major cause of: (i) the failure of the child to be enrolled in school as required by the

**PREVIEW**  
Education Code; or (ii) the child's absence from the child's home without the consent of the parents

or guardian for a substantial length of time or without the intent to return;

executed before or after the suit is filed an unrevoked or irrevocable affidavit of  
relinquishment of parental rights as provided by the Texas Family Code;

been convicted or has been placed on community supervision, including deferred  
adjudication community supervision, for being criminally responsible for the death or serious injury  
of a child under the following sections of the Penal Code or adjudicated under Title 5 for conduct

that caused the death or serious injury of a child and that would constitute a violation of one of the  
following Penal Code sections:

(i) § 19.02 (murder);

(ii) § 19.03 (capital murder);

(iii) § 21.11 (indecency with a child);

**THIS DOCUMENT**

(iv) § 22.01 (assault);

(v) § 22.011 (sexual assault);

(vi) § 22.02 (aggravated assault);

(vii) § 22.021 (aggravated sexual assault);

(viii) § 22.04 (injury to a child, elderly individual, or disabled individual);

(ix) § 22.041 (abandoning or endangering child);

**THANK YOU**

(x) § 25.02 (prohibited sexual conduct);

(xi) § 43.25 (sexual performance by a child); and

(xii) § 43.26 (possession or promotion of child pornography);

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had his or her parent-child relationship terminated with respect to another child based on a

**PREVIEW**  
finding that the parent's conduct was in violation of Paragraph (D) or (E) or substantially equivalent provisions of the law of another state;

constructively abandoned the child who has been in the permanent or temporary managing conservatorship of the Department of Protective and Regulatory Services or an authorized agency for not less than six months, and: (I) the department or authorized agency has made reasonable efforts to return the child to the parent; (ii) the parent has not regularly visited or maintained significant contact with the child; and (iii) the parent has demonstrated an inability to provide the child with a safe environment;

failed to comply with the provisions of a court order that specifically established the actions necessary for the parent to obtain the return of the child who has been in the permanent or temporary managing conservatorship of the Department of Protective and Regulatory Services for not less than nine months as a result of the child's removal from the parent under Chapter 262 for the abuse or neglect of the child;

used a controlled substance, as defined by Chapter 481, Health and Safety Code: (I) in a manner that endangered the health or safety of the child, and failed to complete a court-ordered substance abuse treatment program; or (ii) repeatedly, after completion of a court-ordered substance treatment program, in a manner that endangered the health or safety of the child;

knowingly engaged in criminal conduct that results in the parent's imprisonment and  
**THANK YOU**  
inability to care for the child for not less than two years from the date of filing the petition;

been the cause of the child being born addicted to alcohol or a controlled substance, other than a controlled substance legally obtained by prescription, as defined by § 261.001 of the Texas

Family Code  
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voluntarily left the child with an Emergency Medical Services Provider without expressing  
an intent to return.]

## PREVIEW

[if applicable: ]

executed an unrevoked or irrevocable affidavit of relinquishment of parental rights as  
provided for by Chapter 161 of the Texas Family Code (this affidavit of relinquishment is attached  
to this petition;

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The child subject of this proceeding has no living parents. or The names and addresses of  
the birth parents of the child are unknown.

[or]

The parent-child relationship between the child and the alleged biological father does not  
exist in law or in fact. It is in the best interest of the child that the Court so decree, and such finding  
and decree are requested.

## **THIS DOCUMENT**

[or]

If any parent-child relationship does exist, has ever existed, or could ever exist between the  
father or probable father and the child, which is not admitted but which is denied, it is in the best  
interest of the child that such relationship be terminated, and such termination is requested. As  
grounds, Petitioners further allege that the father or probable father has voluntarily, and with

knowledge of the pregnancy, abandoned the child's mother beginning at a time during her  
**THANK YOU**  
pregnancy with the child and continuing through the birth, failed to provide adequate support or  
medical care for the mother during the period of abandonment before the birth of the child, and  
remained apart from the child or failed to support the child since birth.

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If applicable The natural father of the child, who is the subject of this suit, has the right to seek to legitimize the child the Texas Family Code. Said natural father has not sought to exercise said right after being served with citation of service of this proceeding. Accordingly, he has failed to exercise his rights under the Texas Family Code and he has therefore waived said rights. After service of citation of this proceeding, petitioners request that rights to legitimize the child be terminated because he has failed to file a petition or take any action to preserve said rights.

[If applicable: statement regarding paternity registry:]  
**PLEASE DO NOT COPY**  
[Father's Name] has filed a notice of intent to claim paternity by registering with the paternity registry under Subchapter D, Chapter 160, of the Texas Family Code.

[Father's Name] has provided the registry with the following address: [address, city, state].  
The Court also finds by clear and convincing evidence that termination of the parent-child relationship between [Respondent's Full Name] and the child the subject of this suit is in the best interest of the child

**THIS DOCUMENT**  
IT IS THEREFORE ORDERED and DECREED that the parent-child relationship between [Respondent's Full Name] and the child[ren] the subject of this suit is terminated.

#### ADOPTION

#### Verified Statement Required by §162.002

The Court finds by clear and convincing evidence that Petitioner has filed a verified allegation or statement regarding compliance with the Interstate Compact on the Placement of Children as required by §162.002 of the Texas Family Code.

#### Termination Finding

The Court finds by clear and convincing evidence that the parent-child relationship has been terminated as to each living alleged natural father whose paternity has not been adjudicated.

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Criminal History

# PREVIEW

The Court finds that the criminal history record information required for [Petitioner's name]

is on file in the record of this case.

Residence of the Child

The Court finds that the child has lived in the home of Petitioner for at least six months. [or]

The Court finds that it is in the best interest of the child[ren] to waive the six (6) month residency

requirement, and IT IS ORDERED AND DECREED that the six (6) month residency requirement  
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is hereby waived.

The Pre- Adoptive Home Screening Report and the Post Placement Adoptive Report

The Court finds that the following required reports and studies have been made and are on  
file: the Pre-Adoptive Home Screening Report and the Post-Placement Adoptive Report. The  
Court finds that a copy of the reports and studies have been made available to Petitioner/s before  
this final order of adoption.

# THIS DOCUMENT

The Health, Social, Educational, and Genetic History Report [§162.005, Texas Family

Code]

[If the adoption is not by the child[ren]'s grandparent, aunt or uncle by birth, marriage, or  
prior adoption; or by a stepparent, then the Department of Protective and Regulatory Services, a  
licensed child placing agency, or the child[ren]'s parent or guardian shall compile a report on the  
available health, social, educational, and genetic history of the child[ren]. It is the finding of the  
Court that [name of agency placing child for adoption or name of person placing child for adoption  
or name of parent or guardian who prepared the report] has prepared a Health, Social Educational,  
and Genetic History Report, which has been filed herein, and a copy has been provided to the

Petitioner/s  
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Adoption Finding

# PREVIEW

The Court finds by clear and convincing evidence that all prerequisites and requirements for adoption have been met and that the adoption is in the best interests of the child.

Adoption

IT IS ORDERED, ADJUDGED, and DECREED that the adoption of the child[ren] the subject of this suit by Petitioner/s is GRANTED and IT IS ORDERED and DECREED that the parent-child relationship is created between the child[ren] and Petitioner/s for all purposes

# PLEASE DO NOT COPY

Name of Child[ren]

IT IS ORDERED that the name of the child the subject of this suit, a [Male or female], who was born on [Date] is changed from [Child's old name] to [Child's new name].

Fees Awarded Ad-Litem

Guardian Ad-Litem's Fees [Attorney Ad-Litem's Fees]

IT IS ORDERED that good cause exists to award [Client's Attorney] a judgment of \$[Amount of attorney fees] for legal services rendered in relation to the child and as Guardian Ad-Litem [Attorney Ad-Litem] for the child[ren] and in the nature of child support, with interest at [interest rate] percent per year compounded annually from the date the judgment is signed until paid. The judgment, for which let execution issue, is awarded against [Respondent's Full Name], Respondent.

These fees are taxed as costs and [Respondent's Full Name], Respondent is ORDERED to pay the fees to [Guardian Ad Litem's name] by cash, cashier's check, or money order on or before [Date fees are due]. [Guardian Ad Litem's name] may enforce this order for fees in his own name.

Court Costs

IT IS ORDERED that costs of court are to be borne by the party who incurred them.

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Sealing of Court Documents

# PREVIEW

IT IS ORDERED that all papers and records in this case, including the minutes of the Court,

be sealed.

Relief Not Requested is Denied

All relief requested in this case and not expressly granted is denied.

Bureau of Vital Statistic

IT IS ORDERED that the clerk of this Court, after entry of final orders in this case, shall

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transmit to the Bureau of Vital Statistics at Austin, Texas, a certified Report of Adoption pursuant to

§108.003 of the Texas Family Code. All papers and records in this case, including the minutes of  
the Court, are ordered sealed.

All relief requested in this case and not expressly granted is denied.

Signed on \_\_\_\_\_.

# THIS DOCUMENT

Judge Presiding

APPROVED AND CONSENTED TO AS TO BOTH FORM AND SUBSTANCE:

---

[Name of attorney]

Attorney for petitioner

[Street address]

[City, [State] Zip code]

[Phone] [Facsimile]

State Bar Number \_\_\_\_\_

# THANK YOU

---

[Name of Guardian Ad-Litem]

[Street address]

[City, [State] Zip code]

[Phone] [Facsimile]

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State Bar Number \_\_\_\_\_

# PREVIEW

---

[Name of Attorney Ad-Litem]

[Street address]

[City, [State] Zip code]

[Phone] [Facsimile]

State Bar Number \_\_\_\_\_

---

Attorney for Respondent

[Street address]

[City, [State] Zip code]

[Phone] [Facsimile]

State Bar Number \_\_\_\_\_

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# THIS DOCUMENT

# THANK YOU

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Information: VS 160 Certificate of Adoption

# **PREVIEW**

1. This form is filed with the court after the decree of adoption has been presented to the court.
2. The form is an information form that is sent to the Texas Vital Statistics.
3. The form is used to make a record of the pre adoption birth information and the post adoption birth information.
4. The form contains simple instructions for the completion of the form and filing instructions.
5. The adoption is not finalized until this form has been completed.

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## **THIS DOCUMENT**

## **THANK YOU**

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