

§1:130 Information & Instructions: Disclosure Statement Regarding Combined Termination and Adoption

PREVIEW

1. This form documents the fact that the attorney has disclosed important information about the adoption process, and presents the adoptive parent with an form for making a decision regarding the dilemma presented to the client and attorney regarding the possible revocation of the affidavit of relinquishment after the expiration of the 60 day period.

2. By using this form, you will document the fact that you have informed your client about the limitations or restrictions set forth in the law governing the revocation of an affidavit of relinquishment by a natural parent.

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THIS DOCUMENT

THANK YOU

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Form: Disclosure Statement Regarding Combined Termination and Adoption

PREVIEW
Cause Number _____

IN THE INTEREST OF:

[CHILD'S NAME],

[A CHILD]

IN THE DISTRICT COURT OF

[COUNTY] COUNTY, TEXAS

_____ JUDICIAL DISTRICT

**CLIENT'S DIRECTIVE REGARDING PERIOD OF TIME FOR REVOKING
RELINQUISHMENT OF PARENTAL RIGHTS**

THE UNDER SIGNED CLIENTS do hereby direct our attorney as follows:
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1. The law requires that a child to be adopted must live in the prospective home of the adoptive parents for at least six months. We also have been informed that a social study (Pre-Adoptive Home Screening Report and Post-Placement Adoptive Report) must be completed before an adoption may be heard. Thus, we realize that this termination/adoption process may take more than sixty (60) days to complete.

2. We have further been informed that the Texas Family Code provides a relinquishment of parental rights may either contain provisions stating that the affidavit is irrevocable for a period of 60 days, which after the expiration of said 60 days, may be revoked by the parent signing the same. Or, in the alternative, the said relinquishment of parental rights may be drafted so that it specifies that for the first 11 days after the date it is signed, it is revocable, in which case the affidavit may only be revoked if the parent signing the same revokes the said affidavit of relinquishment within 11 days of the execution thereof. After the expiration of the eleven (11) days immediately following the signing of the relinquishment, said affidavit is irrevocable.

3. Our attorney has also explained to us that we could elect to file a separate petition for termination and a separate suit for adoption, or we could file one petition combining a termination suit with an adoption suit. If we file two separate petitions, this means we would have two separate cases pending. The reason we might consider filing 2 separate causes of action, rather than one combined petition, is to facilitate the hearing of the termination case, if needed, within the sixty (60) day irrevocable period, and before the adoption can be heard. The advantages in combining termination with adoption is to reduce costs and facilitate efficiency.

4. Thus, after consulting with our attorney, we direct him to (check one of the following):

a. _____ Please file 2 separate petitions and hear the termination suit as soon as possible; or

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b. ____ Please file one petition joining together pleadings concerning termination and adoption.

PREVIEW

5. As to the affidavit of relinquishment of parental rights, we have decided that our attorney should (check one of the following):

a. ____ Make the affidavit revocable after the expiration of sixty (60) days after the execution thereof; or

b. ____ Specify in the affidavit of relinquishment a period of time in which the affidavit is revocable (11 days immediately following its execution), thus making the affidavit revocable for the first 11 days after its execution, after which the affidavit is irrevocable.

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Signed on _____, 20____.

Petitioners

Petitioner's Signature

Petitioner's Signature

THIS DOCUMENT

State of Texas
County of [Name of County]

Subscribed and sworn to before me on [date] by [Name of Petitioner(s)] and
acknowledged before me on _____ by [Name of Petitioner(s)].

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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