

**Information & Instructions: Affidavit of Voluntary 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.

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 presumed father and that an affidavit of status of the child has been executed as provided by this chapter;

(8) a statement that the parent has been informed of parental rights and duties;

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(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.

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

(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.

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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.

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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 of relinquishment, 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.

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Form: Father's Affidavit of Relinquishment of Parental Rights to Licensed Child-Placing Agency

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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 VOLUNTARY RELINQUISHMENT OF PARENTAL RIGHTS TO LICENSED CHILD-PLACING AGENCY PLEASE DO NOT COPY

STATE OF [State]

COUNTY OF [Name of county]

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:

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"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].

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

Name: [Child's name] Sex: [Male or female] Birth date: [Birth date] Birthplace: [Birthplace] Residence: [Residence] Social Security Number: [Social Security Number] THANK YOU

Name: [Child's name] Sex: [Male or female] Birth date: [Birth date] Birthplace: [Birthplace] LegalFormsForTexas.Com

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].

[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]].

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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]	[value]
[property item]	[value]
[property item]	[value]

“The Mother of the children is [Mother’s name].

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“[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.

“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 child[ren] or to place child[ren] for adoption, and to be the managing

conservator of the child [ren].

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“I have been informed that my parental rights, powers, duties, and privileges, are as

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follows:

- 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.

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

**THANK YOU**

“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.

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“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. 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]

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“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

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, 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.

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“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.

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“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.

**THANK YOU**

“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.

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“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]].

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“I DECLARE THAT THIS AFFIDAVIT FOR VOLUNTARY RELINQUISHMENT OF PARENTAL RIGHTS IS AND SHALL BE FINAL, PERMANENT, AND IRREVOCABLE. I FULLY UNDERSTAND THAT, IF I CHANGE MY MIND AT ANY TIME, I CAN NEVER FORCE THE AGENCY TO DESTROY, REVOKE, RESCIND, OR RETURN THIS AFFIDAVIT AND THAT I CANNOT TAKE BACK OR UNDO THIS AFFIDAVIT IN ANY WAY.

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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 licensed agency] to adopt or to place my [child[ren]] for adoption and provide a permanent home.

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“As I sign this Affidavit of Relinquishment of Parental Rights, I know that [name of 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]].

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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.

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“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.

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“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

**THIS DOCUMENT**

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.”

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

\_\_\_\_\_  
[Father's name]

WITNESSES:

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\_\_\_\_\_  
[Signature of witness]  
[Printed name of witness]

[Street address of witness]

[City, state, and zip code]

\_\_\_\_\_  
[Signature of witness]  
**THIS DOCUMENT**  
[Printed name of witness]

[Street address of witness]

[City, state, and zip code]

**THANK YOU**

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VERIFICATION  
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STATE OF [State]

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 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 her personal knowledge and are true and correct.

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[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.

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).

**THIS DOCUMENT**

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

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

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

[or Notary's Stamp]

**THANK YOU**

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