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Frequently Asked Questions about Texas Adoption

1. **What is the process for birthparents to give up parental rights in Texas?**

- a. There are three kinds of birthparents in Texas: the mother, the presumed father, and the alleged father.
 - i. The mother signs a document called a relinquishment of parental rights. This cannot be signed less than 48 hours after the birth of the child, and it names Adoption Choices of Texas as the legal guardian of the child. Once it is properly signed it is irrevocable.
 - ii. The presumed father is a man who is married to the mother, or was married to her within 300 days before the child was born. He must follow the same process as the mother.
 - iii. The alleged father is a man who is not married to the mother, but the mother has named him as a possible father of the child. He can sign a waiver of his parental rights at any time. It is irrevocable for the purpose of the adoption.

2. **What if the birthfather is not participating?**

- a. If the father is married to the mother, he will have to be served with notice by the court that we are attempting to terminate his parental rights. If he fails to appear at that hearing then his rights can be terminated.
- b. If the father is not married to the mother, it is his responsibility to sign up with the Texas Putative Father Registry. This is a state service that any man can register with to be notified that his parental rights may be in jeopardy. If he has not signed up, then his parental rights may be terminated without any further notice. If he has signed up, he must be notified of the termination of parental rights process and be given the opportunity to participate. A man has 30 days following the birth of the child to register, after that we may proceed with terminating his parental rights.
 - i. Because judges understand that most people are not aware of the Registry, the Agency must make a good-faith effort to locate and contact any man named as a possible father of the child.

3. **Can the decision to place a child for adoption be undone?**

- a. Any relinquishments or waivers given to us are irrevocable upon execution. The only way that these documents can be ignored is if the judge finds that they were executed under fraud, duress, or coercion; or that terminating parental rights is not in the best interest of the child. Our process is designed to ensure that our documents will be valid.

4. Will I have a relationship with the birthparents?

- a. We certainly hope so. Openness tends to have a stabilizing effect on the adoption plan and can promote a healthy adoption identity in the child. Ultimately, the extent of the relationship between you and the birthparents will be up to everyone's desires, comfort-levels, and boundaries. We have worked on adoptions which were fully closed, and wide open – and everything in between. Please note that there is often some evolution of the desired level of openness as the birthmother approaches her due date and some flexibility may be required.

5. Will birthparents have my personal information?

- a. We will do everything possible to restrict any personal information to the birthparents about you, and to you about the birthparents. Please be aware that personal information may be contained in medical or legal documents related to the child's birth and adoption and we are less able to control the flow of that information.

6. When are the estimated fees due?

- a. The fees are due in full at the time the contract is signed, which needs to happen as soon as possible after you are selected by the birthparents. This process ensures that we don't have any crises in funding the birthmother's living expenses and that you and the birthparents do not have to worry about financial questions while you are preparing to complete the adoption.

7. If the adoption fails for some reason, what happens to the fees?

- a. If the adoption is permanently disrupted, most fees which have not been spent will be returned to you. This includes the majority of the Agency Fee.

8. When is the child placed with us?

- a. The child will be placed with you immediately after the birthparents have signed their adoption paperwork. Usually this happens at the hospital, shortly after 48 hours following the birth of the child.
- b. In order to take placement of the child you will have to execute certain documents accepting the responsibilities of parenting, and any legal or medical risks associated with the adoption. Samples of these standard documents will be provided to you once you are matched.

9. What is the ICPC?

- a. The ICPC is an agreement entered into by all the states that sets certain regulations on adoptions where the parents don't live in the state where the child was born. It requires us to send copies of the adoption documents to state offices for approval before the child can leave the state of Texas. The process for approval usually takes 5 – 10 business days.

10. What happens after we go back home?

- a. Once you return home with the baby you will be in the “post-placement supervision” period. Unfortunately, you will have to comply with the Texas requirements, which can be a little more extensive than some other state’s requirements. You will need to have several meetings with your homestudy social worker over a six month period. We will need reports from each of those visits. Once we have everything we need, we can consent to you finalizing the adoption.

11. Do we have to finalize the adoption in Texas?

- a. No. Although you can finalize the adoption in Texas if you wish, it is usually preferable to finalize the adoption in your home state.

12. Will the child’s birth certificate have the biological parents’ names?

- a. No. Once your adoption is finalized in your home state, your lawyer needs to send a certified copy of the decree of adoption to us. We will file it with Texas, and the state will issue a birth certificate listing you as the parents of the child. Please be aware that the State of Texas will not list two parents of the same gender on the birth certificate; there is a space for a male parent and a space for a female parent.

