



THE JBSA JURIST

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Adoption

The following is only intended to be a brief summary of Texas law. It is by no means a substitute for speaking with an attorney concerning your unique situation. If you have any questions concerning the material contained in this pamphlet, please contact the legal office to schedule an appointment.

Children are adopted in one of three ways. An "agency placement" is the procedure for adoption used by licensed adoption agencies. A "direct placement" (or "independent adoption") is one made by the natural parents directly into an unrelated adoptive home without the assistance of an agency. A "step-parent adoption" is one in which the subsequent spouse of one of the child's biological parents agrees to adopt the child.

A child can have two legal parents, so it must first be determined whether either parent's rights have already been terminated, or whether parental rights need to be terminated. If a parent's rights have been terminated, and another adult is seeking to take that parent's place, then the second parent may proceed with the adoption case. If a parent's rights have not already been terminated, then a request for termination must be included in the adoption case. Texas petitions for adoption must be signed by the adopting parents and then filed in the county where the child is living, the county in which the adoption agency is located, or the county in which the adopting parents live.

If the adoption is by consent (either a step-parent adoption or an agency placement, for example), the formal, written consent by the natural parents (or parent) is filed at the same time as the petition. In Texas, a child who is twelve years or older must also consent to the adoption. The assigned judge will normally appoint an attorney to represent the interest of the child. The attorney, called an "attorney ad litem," will be paid for his/her services by the adopting parents.

Next, the court will appoint an investigator to prepare and file a pre-adoptive and/or post-placement social study. The report will contain information about the adopting parents' marital history, financial history, employment history, and criminal history, as well as the child's medical and educational history. Both social studies, together, could cost between \$500 and \$1,500. Step-parent adoptions only require the pre-adoptive social study and are generally less expensive. All parties to the adoption must be present for the pre-adoptive home study. In all cases (except in step-parent, grandparent, and aunt or uncle adoptions) a copy of a Health, Social, Educational, and Genetic History Report must also be filed. Fingerprint cards, and a formal criminal history report from DPS or FBI, are also required.

The final step in the adoption process is scheduling a final hearing and obtaining a final order of adoption. If the child to be adopted is 12 years of age or older, he or she must attend the hearing. After obtaining a final decree, a child's birth certificate will be amended, and a new certificate will be issued, showing the adopting parents as the birth parents of the child. The adopting parents pay the fees for these documents. In Texas, a fee is charged for amending the birth certificate, and a second fee is charged for reissuing it to the parent.

The costs associated with a termination/adoption case can exceed \$2,000. Fortunately, the DoD may reimburse some or all of the expenses incurred by service members during the private, agency, or step-parent adoption process. Reimbursement is limited to \$2,000 per child and \$5,000 per calendar year. Service members have one year from the date that the adoption is final to submit the DD Form 2675 to their chain of command for certification. Qualified expenses include adoption agency expenses, legal fees, court costs, and medical costs.

AREA DEFENSE COUNSEL

ADCs are experienced judge advocates outside the local chain of command who provide Airmen completely confidential legal advice for criminal and adverse matters.

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1. Click on tab "Legal Worksheets"
2. Complete worksheet for documents you wish to have created
3. Save your ticket number, then call the Legal Office for an appointment!
4. Please complete survey online

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1. Click on tab "Legal Information"
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**TO SCHEDULE AN APPOINTMENT CALL
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2422 Stanley Road

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Tues 0830-1030 All eligible clients
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