

THE LEGAL ASSISTANCE OFFICES OF  
III CORPS, 1<sup>ST</sup> CAVALRY DIVISION, AND 4<sup>TH</sup> INFANTRY DIVISION (MECHANIZED)  
FORT HOOD, TEXAS 76544

**ADOPTION**

**I. INTRODUCTION.**

A. *Adoption is the procedure* - by which a child born to one set of parents becomes the legal child of another parent or couple, who then assume all the parental rights and duties concerning the child. The word "child" does not mean only infants - it refers to one who is under eighteen years of age. The legal result is that the child ceases to be the legal obligation of the natural parents and becomes the responsibility of the adoptive parents.

B. *How are children adopted?*

1. An "agency placement" is the procedure for adoption used by licensed adoption agencies.

2. 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.

3. A "step-parent adoption" is one in which the new spouse of a parent agrees to adopt the child of that parent born before the marriage of the spouses.

**II. GENERAL ADOPTION PROCEDURES.**

A. The first step is the filing of the petition for adoption. The petition is signed by the adoptive parents and is filed in the county where the child is living, the county in which the adoption agency is located, or the county in which the adoptive parents live.

B. If the adoption is by consent (either a step-parent adoption or an agency placement, for example), the consent to the child's adoption by the natural parent or parents who would give such a consent is filed at the same time as the petition. In Texas, a child, who is twelve years or older must also consent to his or her own adoption.

C. Next, the court will appoint an investigator within the county Department of Social Services, or other qualified person or agency to complete and file a social study of the adoptive parent or parents. This investigator reports on their background and home situation, and how the child and parents are adjusting to each other. 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. Reports of recent medical examinations of the child and parents, as well as any other pertinent information, are also included in the social study. Thirty days or less prior to the hearing date, the adoptive parent will obtain a criminal history report.

D. The final step is the hearing and the final order of adoption. The parents are required to bring the child to court and the Judge may ask the child questions if the child is

old enough to speak. After the final decree, the birth certificate of the child is amended and the new certificate will show the adoptive parents as the birth parents of the child.

### **III. COMMONLY ASKED QUESTIONS.**

A. *What obligations do the biological parents have after the adoption?* None. Once the child has been adopted, the biological parent(s) cease to have any legal rights or obligations toward the child. If the biological parent owed a child support obligation, that obligation would stop once the child was adopted.

B. *What obligation does a step-parent have after he or she adopts a step-child?* The adoption makes the child legally the step-parent's child, just as if the step-child had been born to the step-parent. The child is able to inherit real and personal property just as a natural child would. Furthermore, if the step-parent divorces the biological parent and does not obtain custody of the adopted child, he or she will have to pay child support until the adopted child reaches the age of majority.

C. *Can I withdraw my consent to have my child adopted?* The laws of each state permit a biological parent to withdraw his or her consent to the adoption proceedings only in very limited circumstances. Basically the consent can be withdrawn only within certain time limits. In Texas, under certain circumstances, a biological parent's relinquishment of parental rights or waiver of interest in child can be revoked up to 60 days after it is signed by serving the agency or clerk of court with a notarized revocation.

### **IV. DOD REIMBURSES ADOPTION COSTS**

A. *Policy* - Congress has approved a permanent program for reimbursing "reasonable and necessary" adoption expenses for members of the armed forces who incurred adoption expenses on and after December 5, 1991. "Reasonable and necessary" expenses include such costs as agency fees, placement fees, legal fees, medical expenses, and temporary foster care charges. Reimbursement up to \$2,000 per child for qualifying adoption expenses may be paid in a calendar year with a maximum reimbursement of \$5,000 for more than one child in any calendar year. AR 608-12 explains the program in greater detail.

B. *Qualifications* – Adoptions qualify for reimbursement expenses only if they are arranged by a State or local governmental agency that has responsibility under State or local law for child placement through adoption agencies or nonprofit, voluntary adoption agencies. In most circumstances, a private step-child adoption will not qualify since the State or local government is not involved in the adoption.

### **V. FORT HOOD PRO SE ADOPTION PROGRAM**

A. In specific cases, the Fort Hood Legal Assistance Offices can provide assistance to soldiers and family members who are appearing pro se in adoption proceedings. Pro se

means that you are representing yourself in the case; the involvement of a legal assistance attorney is limited to providing advice and information about the type of case you are commencing as well as drafting court and other necessary documents. The Legal Assistance Attorney will not appear in court with you because you are representing yourself.

*B. Qualifications.*

1. Step-child adoptions only.
2. Child must reside with step-parent for 6 months prior to filing the petition.
3. Child must reside in Texas for 6 months and in the county for 90 days.
4. Address of the biological parent who will give up the child must be known.
5. Uncontested adoption - biological parent must be willing to sign an affidavit.
6. Step-parent is married for at least two years.\*
7. Army Sponsor is E-5 or below.\*

\* The Chief of Legal Assistance may waive these two requirements on a case by case basis.

*C. Documents you will need.*

1. Adoption Questionnaire.
2. Mailing address for biological parent giving up his/her right to the child.
3. Certified copy of any court orders (such as divorce or paternity) re: the child.
4. Certified Copy of Child's Birth Certificate.

D. The entire process usually takes about three to four months depending on how long it takes the biological father or mother to sign and send back the relinquishment of parental rights. The approximate minimum cost for the pro se adoption is \$262.00 (Coryell County Court at Law) and \$351.00 (Bell County). These prices may change if the fee schedule is raised; the child was born outside of Texas; or when there is a requirement to transfer jurisdiction from another county inside Texas.

**FOR ADDITIONAL INFORMATION CONTACT THE LEGAL ASSISTANCE OFFICES ON FORT HOOD: III Corps, Building 1001, Room C224, 287-7901/3199; 1st Cavalry Division, Building 28000, Room 1155, 287-6060; 4th Infantry Division (Mech), Building 410, Room 175, 287-1850.**