

FORT BLISS LEGAL ASSISTANCE OFFICE ADOPTION OF CHILD

Overview: An adoption creates a legal relationship between a child and his or her adoptive parent(s) for all purposes, including but not limited to, inheritance.

Adoption in Texas: Texas adoptions are authorized by Chapter 162 of the Texas Family Code. If parental rights of the biological parent(s) have not yet been terminated, a petition for termination can be combined with a petition for adoption. The adoption process can take months to complete and involves: (a) an adoption evaluation; (b) preparation of a health, social, educational and genetic history report; (c) criminal history requests and reports; and (d) the appointment of an attorney for the child and/or the parent whose rights will be terminated. The fact that a petitioner is a service member may not be considered by the court as a negative factor in determining whether the adoption is in the best interest of the child or whether the petitioner would be a suitable parent. Tex. Fam. Code §162.0025. If the child is twelve years of age or older s/he must consent to the adoption and attend the adoption hearing. Tex. Fam. Code 162.010(c) and 162.014(b). The child must have lived with the petitioner(s) for at least six months, but the court can waive that requirement. Tex. Fam. Code §162.009.

Interstate Compacts: If you are attempting to adopt a child from another state, be aware that you must comply with the *Interstate Compact on the Placement of Children*, which makes it illegal to transfer a child from one state to another for the purpose of adoption without complying with the laws in each state. The *Interstate Compact on Adoption and Medical Assistance* authorizes interstate agreements with agencies of other states to provide adoption assistance payments, including medical payments, for interstate children.

Voluntary Adoption Registries: In most states, the courts usually seal adoption records to prevent access to the records after the case has been finalized. However, many states have enacted statutes that permit adoptees, birth parents and biological siblings to locate each other. The Texas voluntary adoption registry statutes can be found in Chapter 162, Subchapter E, of the Texas Family Code. For more information regarding the Central Adoption Registry in Texas, visit <https://www.dshs.texas.gov/vital-statistics/adoption-information/central-adoption-registry-0>.

Adoption Tax Credits and Exclusions: Under some circumstances you may be able to receive an adoption tax credit or tax exclusion when adopting a child. For more information, please see a Legal Assistance Attorney, or read the Internal Revenue Service guidelines provided at www.irs.gov/taxtopics/tc607.html.

Can Fort Bliss LAO Assist Me with an Adoption Case? Legal Assistance Attorneys in the Fort Bliss Legal Assistance Office cannot represent individuals in adoption cases. However, we may be able to answer basic questions about the adoption process. To request an appointment to speak with an attorney, call (915) 568-7141 during office hours, or send an e-mail anytime to: usarmy.bliss.hqda-otjag.mesg.bliss-legal-assistance-office@mail.mil.