

ADOPTION

Overview: Fort Bliss Legal Assistance Attorneys do not represent individuals in adopting a child in Texas. If you are interested in adopting a child in Texas, you may contact the El Paso Bar Association at (915) 532-7052 or www.elpasocountybar.org to retain counsel. Lower income personnel may qualify in certain circumstances for legal aid, or in some other states, a court appointed attorney.

Adoption in Texas: The procedure for adopting a child in Texas is similar to most other states. The attorney will file a petition for adopting stating the child's name, age, place of birth, relationship between the petitioners and child, and whether or not any other persons have a court ordered relationship with that child (e.g. guardianship, managing conservatorship). If the child is over twelve (12) years of age then his or her consent must usually be attached to the petition. As a general rule, the child must have lived with the petitioners for at least six (6) months by the time the petition is heard. A home study is also required. For more information on a Texas adoption, see www.dfps.state.tx.us/Application/TARE/Home.aspx/Default.

Foreign Adoptions: Foreign adoptions can be complicated. You will need to complete a lot of paperwork and work closely with the US Citizenship and Immigration Service (USCIS). If you have questions, you can contact the USCIS at (877) 424-8374. We recommend that you find another parent who has adopted from the country that you are considering and then contact the attorney that the person used. For more information, see the USCIS website located at www.uscis.gov/portal/site/uscis.

Giving Up a Child for Adoption: Adoption is irrevocable. After the adoption is finalized, the birth parents cannot "change their minds" or reinstate their parental rights. Thus, giving up a child for adoption or adopting a child is a decision that should not be made without serious consideration. Each state has an agency that administers adoptions. Up until the adoption is final, the child will often be placed in foster care. The use of private agencies or a personal arrangement with an individual or couple can also be accomplished. Note that it is illegal for one individual to pay another person money for the child. It is allowable, however, for the adoptive parents to pay the medical expenses and hospitalization costs for the birth mother.

Adoption Records: In most states, the court usually seals adoption records to prevent access by the public. However, many states have instituted procedures by which parties to an adoption may obtain information from an adoption record while still protecting the interests of all parties in the adoption. To determine what records you may be eligible for and how to get them, see www.childwelfare.gov/systemwide/laws_policies/statutes/infoaccessap.pdf.

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.

If you have questions, contact the Fort Bliss Legal Assistance Office at (915) 568-7141 for an appointment to speak with an attorney.

This Information Paper from the Fort Bliss Legal Assistance Office contains general legal information on a topic upon which Legal Assistance Attorneys typically advise. The information provided is general in nature and does not constitute formal, specific legal advice. If you wish to receive legal advice specific to your situation, consult an attorney.

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