

# STEPS IN AN ADOPTION PROCEEDING

## TERMINATION OF PARENTAL RIGHTS

- If a step-parent is seeking adoption, the parental rights of the biological parent they are “replacing” must be terminated prior to or concurrently with the adoption proceeding.
- If a relative or unrelated person is seeking adoption, the parental rights of both biological parents must be terminated prior to or concurrently with the adoption proceeding.
- A parent can consent to terminate their rights by signing a Relinquishment of Parental Rights.
- If parental rights were terminated by the Department of Family Protective Services (DFPS), we will need to confirm that there is no appeal pending from that proceeding.

## DRAFTING THE PLEADINGS AND SERVICE OF PROCESS

- If parental rights have already been terminated, we will draft an Original Petition for Adoption
- If parental rights have not been terminated, we will draft an Original Petition for Termination and Adoption and include language in the petition on why the parent’s rights should be terminated.
- We will file the petition with the Court and will pay the filing fee from your retainer.
- If parental rights have not been terminated, our process server will serve the parent(s) with the petition and the process server’s fee will be paid from your retainer.

## ↓ DOCUMENTATION OF THE FOLLOWING FIVE ITEMS REQUIRED BEFORE HEARING ↓

### CRIMINAL BACKGROUND CHECK

Fingerprints are submitted to DPS; Required from everyone except the natural parent.

### CONSENT

Required from the child if over 12 years old and from the Managing Conservator (unless the MC is the petitioner or the spouse of the adopting parent).

### HEALTH, SOCIAL, EDUCATIONAL, AND GENETIC HISTORY REPORT

We will draft the social history of the child needed for this report and file it with the Bureau of Vital Statistics.

### HOME STUDY

An investigator will conduct a home screening and obtaining information about the child and adoption applicants.

### SIX MONTH REQUIREMENT

You must provide proof that the child has been residing with you for at least six months.

## COURT APPEARANCE AND FINAL ORDER

- We will draft the Order Granting Adoption (and Order Terminating Parental Rights if applicable) and a Motion to Seal the Records to go in effect once the adoption is finalized.
- We will accompany you to Court for a short hearing to “prove up” the adoption in front of the judge and have the judge sign the submitted Order and Motion.



HUNT LAW FIRM, PLLC