

Termination and Adoption suits



A court may terminate a person's parental rights if two prongs are proved by a heightened standard of proof known as clear and convincing evidence. The first prong is proof that the parent committed certain actions, such as endangering a child, or failed to commit certain actions, such as ensuring the child's safety or supporting the child. Among these acts or omissions set out in the Family Code for this first prong is a parent's signing an affidavit relinquishing his or her parental rights. The second prong is proof that the termination is in the best interest of the child. Both prongs must be proved by clear and convincing evidence.

Unless the court waives the requirement, the court must appoint a separate attorney to represent the child, even if the parent wants to relinquish his or her parental rights. That attorney will meet with the parties and the child, if the child is old enough.

Except in some suits filed by the Department of Family and Protective Services (*i.e.*, Child Protective Services), once the court terminates the parent's rights, the parent is no longer obligated to pay child support for the child for the future. The termination order, by itself, does not eliminate any child support that parent owed before the date of the order. The terminated parent still owes any unpaid child support and is subject to collection efforts, including an enforcement suit.

Termination suits are frequently combined with or followed by a suit for adoption. Adoption suits (or the adoption portions of termination and adoption suits) are generally easier than termination suits. Persons wanting to adopt must submit to a criminal background check and complete other paperwork. They also must undergo an adoption evaluation performed by a court-appointed evaluator. The evaluator will meet with the persons wanting to adopt, visit their home, speak to their family members and references, and visit with the child.

Once the court grants the adoption, the adoptive parent has all the rights and responsibilities of a biological parent. The child's name may be changed, and the birth certificate will be amended to show the adopting parent as a parent of the child.

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