

# Birthparents Legal Rights and Responsibilities



As a birth parent, you have every right to and responsibility for your child until the time that you sign a legal document terminating those rights.

At the time you sign the legal documents, you waive, or give up, any right to your child and you no longer have any legal responsibility for your child. You, as a birth parent, have the right to seek legal counsel that is independent of Inheritance Adoptions. Here are some legal terms that you may here regarding adoption:

## ❖ **Relinquishment of Parental Rights:**

- For the birthmother: She will sign a form called an **“Affidavit of Voluntary Relinquishment.”** This form states that she voluntarily relinquishes, or gives up, her rights to the child. This form cannot be signed until the baby is at least (48) forty-eight hours old.
- For the birthfather who is married to the birthmother, he will also sign a form called an, **“Affidavit of Voluntary Relinquishment.”** This form states that he voluntarily relinquishes, or gives up his parental rights. This form also cannot be signed until the baby is at least (48) forty-eight hours old.

## ❖ **Waiver of Interest:**

- For the birthfather that is not married to the birthmother, he will sign a **“Waiver of Interest.”** This form states that he is not claiming to be the father of the child, but that he waives, or gives up, any interest he may have in the child. He gives up any parental rights to or responsibility for the child. Once he signs the form, his rights to the child are terminated. He may sign this form any time before or after the birth of the child.

## ❖ **Termination of Parental Rights**

- After a birthmother and birthfather sign the above forms stating that wish to relinquish their parental rights, those parental rights are thereby “terminated”.

They no longer have any rights to or responsibility for the child. This not enables, or frees, the child to be adopted.

❖ **Affidavit of Status**

- For a birthmother who is not married to the birthfather, she will complete a form called an “Affidavit of Status.” On this form, she will declare who she believes to be the father or potential fathers of the child. If she does not know the name or whereabouts of the birthfather, she can designate the birthfather as “unknown”.

❖ **Designating the fathers as Unknown**

- If a birthfather designates the birthfather as “unknown,” the agency will, with all due diligence, search for the birthfather. Including this search of the Paternity Registry to determine if any man has registered as a potential father to the child.

❖ **Paternity Registry Requirements**

- The purpose of the Paternity Registry is to permit a man alleging to be the biological father of a child to assert his parentage, independent of the mother, and to preserve his rights as a parent. If a man wishes to file a notice of intent to claim paternity of a child, he must do so within 30 days of the date of the birth of the child. For more information please contact the Paternity Registry at:

Paternity Registry  
Bureau of Vital Statistics  
Texas Department of Health  
1100 West 49<sup>th</sup> Street  
Austin, Texas 76756-3191  
1-512-458-7368  
[www.tdhl.state.tx.us](http://www.tdhl.state.tx.us)

❖ By my signature, I acknowledge that:

- I have had this document explained to me
- I have had opportunity to ask questions and have them answered
- I have received a copy of my files

Signature \_\_\_\_\_ Date \_\_\_\_\_