

[STYLE of the case]

**MOTHER'S AFFIDAVIT FOR VOLUNTARY RELINQUISHMENT
OF PARENTAL RIGHTS**

State of Texas §

County of _____ §

_____ appeared in person before me today and, in the presence of the undersigned credible witnesses, stated under oath:

"My name is _____. I am ____ years of age and reside at _____ . I am the mother of the following child:

"_____, a female child born to me on _____.

["The guardian of the person of the child is _____, who resides at _____ . (Use this sentence only if a Probate procedure has resulted in the Probate Court naming a legal guardian of the child. Otherwise, use "There is no guardian of the person of the child.")"]

"I am not presently obligated by court order to make payments for the support of the child.

"A full description, including statement of value, of all property owned or possessed by the child is as follows:

"No property of consequence is owned or possessed by the child the subject of this suit.

"The child's father is _____, who resides at _____, and I have executed an affidavit of status of the child.

"I designate _____, a prospective adoptive parent, as managing conservator of the child. I have been informed that my parental rights, powers, duties, and privileges are as follows:

1. the right to have physical possession, to direct the moral and religious training, and to

establish the residence of the child;

2. the duty of care, control, protection, and reasonable discipline of the child;

3. the duty to support the child, including providing the child with clothing, food, shelter, medical and dental care, and education;

4. the duty, except when a guardian of the estate has been appointed, to manage the estate of the child, including the right as an agent of the child to act in relation to the child's estate if the child's action is required by a state, the United States, or a foreign government;

5. the right to the services and earnings of the child;

6. the right to consent to the child's marriage, enlistment in the armed forces of the United States, medical and dental care, and psychiatric, psychological, and surgical treatment;

7. the right to represent the child in legal action and to make other decisions of substantial legal significance concerning the child;

8. the right to receive and give receipt for payments for the support of the child and to hold or disburse funds for the benefit of the child;

9. the right to inherit from and through the child;

10. the right to make decisions concerning the child's education; and

11. any other right or duty existing between a parent and child by virtue of law.

"I freely and voluntarily give and relinquish to _____ all my parental rights and duties.

"I fully understand that a lawsuit will be promptly filed in a court of competent jurisdiction to terminate forever the parent-child relationship between me and the child named above. I fully understand that the termination suit may or may not be combined with a suit to adopt my child. I

understand that either way, once the Court terminates my parental rights, I have no further say concerning my child, whether or not my child is adopted then or at some later time.

"I know that I have the right to appear personally before the Court, with an attorney of my choice, to testify about my desires with respect to my child. However, I do not want to go to court in person and choose not to be represented by a lawyer. I want this Affidavit for Voluntary Relinquishment of Parental Rights presented to the Court.

"Because I do not want to testify in person before the Court, I freely and voluntarily waive and give up my right to the issuance, service, and return of citation, notice, and all other process in any suit to terminate my parental rights or in any suit to terminate my parental rights joined with a suit to adopt. I do not want to be informed further about the lawsuit. I specifically agree that a final hearing in the lawsuit may be held at any time without further notice to me. I waive and give up my right to have the official court reporter make a record of the testimony in the lawsuit. Furthermore, I do not want to be mailed or given a copy of the judgment terminating my parental rights and do not want to be notified of the signing, rendition, or entry of that judgment. I also consent to have any suit affecting the parent-child relationship filed or to be filed with respect to the child named above be decided by an associate judge appointed under section 201.001 of the Texas Family Code.

"If I am in the armed services of the United States at this time, that fact in no way has interfered with my freedom to make my decision to execute this affidavit, and, insofar as this matter is concerned, I waive all rights, privileges, and exemptions existing or that may hereafter exist in my favor under the Soldiers' and Sailors' Civil Relief Act of 1940, including the appointment of counsel to represent me in this case.

"I FULLY UNDERSTAND THAT I MAY NOT BE FURTHER INFORMED ABOUT THE

TERMINATION SUIT OR ABOUT ANY OTHER HEARINGS OR PROCEEDINGS AFFECTING THE CHILD NAMED IN THIS AFFIDAVIT.

"Termination of the parent-child relationship is in the best interest of the child. I understand that I make this termination possible by executing this affidavit.

"I DECLARE THAT THIS AFFIDAVIT FOR VOLUNTARY RELINQUISHMENT OF PARENTAL RIGHTS IS AND SHALL BE IRREVOCABLE FOR SIXTY DAYS. I FULLY UNDERSTAND THAT, IF I CHANGE MY MIND, I CANNOT FORCE THE MANAGING CONSERVATOR TO DESTROY, REVOKE, OR RETURN THIS AFFIDAVIT AND THAT I CANNOT TAKE BACK OR UNDO THIS AFFIDAVIT IN ANY WAY DURING THIS SIXTY-DAY PERIOD. I FURTHER UNDERSTAND THAT MY PARENTAL RIGHTS PROBABLY WILL HAVE ALREADY BEEN ENDED FOR ALL TIME BEFORE THIS SIXTY-DAY PERIOD EXPIRES. I ALSO UNDERSTAND THAT, IF MY PARENTAL RIGHTS HAVE NOT BEEN ENDED WITHIN THIS SIXTY-DAY PERIOD, THIS AFFIDAVIT SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL I REVOKE IT. I FULLY UNDERSTAND THAT, AT ANY TIME UNTIL THIS AFFIDAVIT IS REVOKED, MY PARENTAL RIGHTS MAY BE TERMINATED FOR ALL TIME.

"I understand that, for any revocation to be valid, I must sign a statement before two credible witnesses and a person authorized to take oaths. A copy of the revocation must be delivered to _____(attorney)_____ at _____. If I know that a termination suit based on this affidavit has been filed, I must file a copy of the revocation with the clerk of the court.

"I have carefully considered alternative plans for my child's future and have obtained the advice of whatever family members, friends, or other persons and professionals I feel were necessary

to help me make this decision. This decision is very difficult for me to make, and under other circumstances I might have made a different decision. I know that _____, in accepting my child for adoptive placement and assuming responsibility for my child, is relying on my promise that I will not attempt to reclaim my child. I declare that I fully understand the meaning of this affidavit of relinquishment and the finality of my action in signing it, and I am signing it freely, voluntarily, and with the firm conviction that this decision is the best available alternative for my child.

"I am signing this affidavit today because I want to sign it and not because _____ or any other person or persons want me to sign it. I am signing this affidavit in the presence of the two undersigned witnesses. I am also signing this affidavit before a notary public, who has asked me under oath whether or not each and every statement in this affidavit is true and correct.

"I REALIZE THAT I SHOULD NOT SIGN THIS AFFIDAVIT FOR VOLUNTARY RELINQUISHMENT OF PARENTAL RIGHTS IF THERE IS ANY THOUGHT IN MY MIND THAT I MIGHT SOMEDAY SEEK TO GAIN CUSTODY OF MY CHILD. AT THE TIME OF THE SIGNING OF THIS AFFIDAVIT FOR VOLUNTARY RELINQUISHMENT OF PARENTAL RIGHTS, I FEEL THAT I AM PHYSICALLY AND EMOTIONALLY PREPARED TO SIGN THIS DOCUMENT. I AM NOT CURRENTLY UNDER THE INFLUENCE OF ANY SUBSTANCE AND/OR MEDICATION THAT WOULD AFFECT MY ABILITY TO EXECUTE THIS AFFIDAVIT.

"I ACKNOWLEDGE THAT I AM SIGNING THIS AFFIDAVIT FOR VOLUNTARY RELINQUISHMENT OF PARENTAL RIGHTS MORE THAN FORTY-EIGHT HOURS AFTER THE BIRTH OF THE CHILD NAMED IN THIS DOCUMENT.

_____, Affiant

Witness
Printed name:
Address:

Witness
Printed name:
Address:

Verification

_____ appeared in person before me today and stated on her oath that she is the affiant, that she has read the foregoing Affidavit for Voluntary Relinquishment of Parental Rights, and that the statements contained in it are within her personal knowledge and are true and correct.

This Affidavit for Voluntary Relinquishment of Parental Rights was signed under oath before me at _____ . m. on _____ by the affiant.

Notary Public, State of Texas