



## Legal Rights of Birth Parents

As a birth parent of a child you have certain legal rights. A birth mother is granted these rights by virtue of the fact that she has given birth to a child. The husband of the birth mother will also have these rights because he is the presumed father of the child. If the birth mother and the birth father are not married, then the birth father must take action to establish his paternity of the child before he has the legal rights of a parent. If everyone agrees that he is the father, then he simply files an Acknowledgment of Paternity with the state. If there is a dispute about the birth father, then a lawsuit will need to be filed with the court to establish paternity.

The rights of a birth parent include the right to possession of the child and the right to make decisions on behalf of the child. The Texas Family Code sets out your rights and duties as a parent of a child. These rights and duties 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, custody, 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 child's 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 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
11. Any other right or duty existing between a parent and child by virtue of law.

You can convey your legal rights with respect to a child to another person or an agency. The way that this is done is by signing a document called as Affidavit of Relinquishment or the Affidavit of Waiver of Interest. If you are legally the parent (i.e. you are the birth mother or her husband or a man whose paternity has been established) then you will sign an Affidavit of Relinquishment. If you are the alleged father who has not established his paternity, then you will sign the Affidavit of Waiver of Interest. These affidavits will give the agency the legal right to take action on behalf of the child. They will also give the agency the legal right to file suit to terminate your parental rights, which is the first step in the adoption process. Once the Affidavit of Relinquishment or the Affidavit of Waiver of interest are signed designating the agency as the Managing Conservator, then they become irrevocable.

If you will be signing an Affidavit of Relinquishment, then it can not be signed until 48 hours following the birth of the child. If you are an alleged father then you may sign the Affidavit of Waiver of Interest at any time before or after the birth of the child. You are free to have the attorney of your choice review these documents with you prior to signing them. If you choose to review the documents with an attorney, then it will be your responsibility to retain an attorney.

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Birth Mother date

\_\_\_\_\_  
Birth Father date