

A Checklist for D.F.P.S. Adoptions

Adoptions of children in the conservatorship of the Department of Family and Protective Services are handled in a different manner than private adoptions. The following is a guide and checklist for successfully completing those cases.

- 1. The attorney should review the underlying termination order to confirm it has been completed correctly and that there is no appeal pending.
- 2. Prepare the Petition for Adoption and file it with the Family In-Take Division of the Harris County Clerk's Office. Include within the body of the Petition for Adoption the cause number and court of continuing jurisdiction where the termination of parental rights occurred.
 - a. The District Clerk's Office will randomly assign the case to a Family Court. After it reaches that court, the case will be transferred to the court of continuing jurisdiction where the termination occurred. The attorney can expedite this transfer by following up with the assigned Family Court where the case is filed and advising that court clerk of the court of continuing jurisdiction.
 - b. The petition must include a verified allegation of compliance with the Interstate Compact on the Placement of Children or, if no compliance, a verified statement as to the reasons for noncompliance. TFC §162.002(b)
 - c. If the petitioners want the child's name to be changed, request that within in the body of the petition.
 - d. If the petitioners want the records to be sealed, request that within the body of the petition.
- 3. The adoptive parents are required to have a criminal record investigation. TFC §162.0085; Tex. Govt. Code Ann. §411.128
 - a. Petitioners should contact their local constable's office to determine if they have fingerprint cards. If they do, the petitioners may go there, be fingerprinted and have the fingerprints sent to the Texas Department of Public Safety. The Precinct 1 Constable's Office is located at 1302 Preston, 3rd floor, Houston, TX 77002. Hours of operation are Monday-Friday, 8:00 a.m. until 5:00 p.m. Attorneys may also pick up fingerprint cards at the constable's office and provide them to the client to take elsewhere for fingerprinting, but this is provided by the attorney as a service. The completed form should be sent to the court of continuing jurisdiction.
 - b. Instead of fingerprints, the Department of Family and Protective Services or the licensed child-placing agency may run a criminal background check and provide that information to the court. It is the responsibility of the attorney to review the criminal history check and confirm that the correct procedures have been followed.

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- 4. A Health, Social, Educational and Genetic History Report is required unless the petitioner is a grandparent, aunt, uncle or stepparent. TFC §162.005. The report must be filed with the court. It is a good practice for the attorney to have the client read and initial each page. Petitioners need to know all information available about their child.
- 5. Pre-adoptive Home Screenings and Post-placement Reports are mandatory and must be filed with the court. TFC §162.003, TFC §107.0511 and TFC §107.052.
- 6. The Department of Family and Protective Services must sign a written consent and this must be filed with the court, and/or a representative of the Department of Family and Protective Services must be present to testify to that consent. TFC §162.010.
- 7. If certified copies of the Order of Adoption are desired, file with the court a separate Motion for Certified Copies and also an Order for Certified Copies.
- 8. Review all of the required documents and know that they are all in proper order before filing them with the court.
- 9. Set the hearing with the court.

The Houston Bar Association would like to thank The Honorable Sherry Van Pelt, Associate Judge for the 315th District Court, for providing this guide for D.F.P.S. adoptions.