

FATHER'S AFFIDAVIT OF WAIVER OF INTEREST IN CHILD

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 competent to make this affidavit from my own personal knowledge. I reside at _____, City _____, State _____, Zip _____.

"I am the presumed father of the following child born to _____:

"A male/female child, _____, born on _____, 20_____ at _____.

"I have been informed, and I understand, that if I were the natural father of the child, I would have a right to seek paternity of the child by filing an admission of paternity or by filing a counterclaim for paternity or for voluntary paternity to be adjudicated under chapter 160 of the Texas Family Code with respect to the child identified above. I have further been informed, and I understand, that if I am allowed to establish my paternity of the child I would have the rights and duties of a parent of the child. I understand that the rights and duties of a parent 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 estates of the child, including the right as an agent of the child to act in relation to the child's estates if a 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 have further been informed that if I execute this instrument and do not take the necessary steps to claim the rights of a parent, a court of competent jurisdiction may enter an order that will forever prevent me from asserting any rights I may wish to claim in and to the child. Understanding all this, I disclaim any legal interest in the child identified above, and I waive and give up my right to the service of citation in any suit filed or to be filed affecting the parent-child relationship with respect to the child, including any suit to terminate any parent-child relationship that could exist between me and the child or any suit to terminate any parent-child relationship that could exist between me and the child joined with a petition for adoption, and I waive my right to have the official court reporter make a record of the testimony in the lawsuit. I also consent to have any suit affecting the parent-child relationship filed or to be filed with respect to the child identified above be decided by an associate judge appointed under section 201.001 of the Texas Family Code.

"I FULLY UNDERSTAND THAT I MAY NOT BE FURTHER INFORMED OF ANY HEARINGS OR PROCEEDINGS AFFECTING THE CHILD NAMED IN THIS AFFIDAVIT, INCLUDING ANY TERMINATION SUIT.

"I understand that this Affidavit of Waiver of Interest in Child may be used in any proceedings in which I attempt to establish an interest in the child but that it may not be used in any proceeding brought by another to establish my paternity of the child.

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

"I have no knowledge of any property owned by the child or of any guardians of the person or estate of the child.

"If by operation of law I am presumed to be a parent of the child, which I deny, termination of the parent-child relationship between me and the child would be in the best interest of the child. I therefore designate _____ and _____, prospective adoptive parents, as managing conservators of the child and freely, voluntarily, and permanently give and relinquish to those managing conservators all parental rights and duties I may be presumed to have. I understand that by executing this affidavit I make this termination possible, and that is my intent and desire.

"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 DECLARE THAT THIS AFFIDAVIT OF WAIVER OF INTEREST IN CHILD 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 _____ 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 am signing this affidavit today because I want to sign it and not because _____ or _____ 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 OF WAIVER OF INTEREST IN CHILD IF THERE IS ANY THOUGHT IN MY MIND THAT I MIGHT SOMEDAY SEEK TO GAIN CUSTODY OF THESE CHILD. AT THE TIME OF THE SIGNING OF THIS AFFIDAVIT, 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.

_____, Affiant

Witness

Printed name:

Address:

Witness

Printed name:

Address:

Verification

_____ appeared in person before me and stated on his oath that he is the affiant, that he has read the foregoing Affidavit of Waiver of Interest in Child, and that the statements contained in it are within his personal knowledge and are true and correct.

This Affidavit of Waiver of Interest in Child was signed under oath before me on _____, 20_____, by the affiant.

Notary Public, State of Texas

Description:

Father's Affidavit of Waiver of Interest in Child should only be used if another man is asking to assume the rights and responsibilities of the father and you wish to give up any claim to the child.