

Same-Sex Adoption & Gestational Agreements Research Guide

Overview

This research guide contains information and resources related to same-sex adoption and gestational agreements. For information on accessing or unsealing adoption records, please see a separate handout. The resources listed below are not exhaustive and may not include the most up-to-date information. It is for information purposes only and should not be construed as legal advice or act as the substitute for legal counsel.

Statutes & Codes

Texas Statutes Online www.statutes.capitol.texas.gov

Texas Family Code

- §160.751 Gestational Agreements
<https://statutes.capitol.texas.gov/Docs/FA/htm/FA.160.htm#1>
- Ch. 162 Adoption
<https://statutes.capitol.texas.gov/Docs/FA/htm/FA.162.htm>

Secondary Resources in Print

Texas Family Law: Practice & Procedure KFT 1294.F35

- Vol. 4, Task R1.04 Assisted Reproduction

O'Connor's Texas Family Code Plus KFT 1294.03B4

- Gestational Agreements, § 160.753-160.762

Texas Family Law Practice Manual Practice Notes KFT 1294.T4S7

- §54.34 Gestational Agreements

Texas Family Law Practice Manual KFT 1294.T4S7

- Vol. 4, Ch. 54 Parentage (contains template forms for gestational agreements)

O'Connor's Texas Family Law Handbook

KFT 1294.A291 O26

- Ch. 1-B The Parent-Child Relationship § 3.5 Mother by Gestational Agreement

Texas Family Code Annotated KFT 1294.A3

- Ch. 160 Uniform Parentage Act, Subsection I: Gestational Agreements

A Legal Guide for Lesbian & Gay Couples KF 539.L44

- Ch. 4 I'm Mom, She's Mommy (or I'm Daddy, He's Papa)

CLE Materials

Advanced Family Law Course KFT 1294.S83

- 2019 Ch. 25: Mom, Mommy & Daddy and Daddy, Dad & Mommy: Assisted Reproductive Technologies & The Evolving Legal Recognition of Tri-Parenting
- 2019 Ch. 33: Ties That Bind: Gestational Agreements and ART
- 2019 Ch. 49: Legislative Update 2019: Child Welfare, p. 1
- 2018 Ch. 66: Assisted Reproduction for Same-Sex Married Couples Post *Obergefell*
- 2017 Ch. 21: Same Sex Issues
- 2016 Ch. 12: Same Sex Issues: SAPCR, Paternity, and Adoption (Parentage and Adoption – 12.1 p.14, and Adoptions – 12.2 p.12-16, see also p.47-49)
- 2015 Ch. 19: Same-Sex Issues – Where Are We Today?
- 2014 Ch. 17: Marriage, Divorce and Parentage After the Demise of DOMA, Section V. The Status of Same-Sex Marriage in Texas, p. 14-18

- 2013 Ch. 40: Parentage in the 21st Century “We’ve Come a Long Way Baby!” (p. 1-52)
- 2010 Ch. 43: Trying a SAPCR Case on a Shoestring
- 2010 Ch. 47: SAPCRs for Same Sex Partners
- 2007 Ch. 59: A Practical Guide to Gestational Agreements, A.R.T. and Adoption Issues
- 2006 Ch. 59.2: Is Adoption an Option for Gays and Lesbians?
- 2005 Ch. 39: Same Sex Parenting
- 2003 Ch. 69: Same-Sex Divorce: Where We Are Now and Where We Are Going

<https://www.dallasbar.org/index.cfm?pg=legalline>

Tarrant County Bar Association Lawyer Referral Service: 817-336-4101 (\$20 for the first 30 minutes)

Advanced Family Law Drafting Course KFT 1294.A92

- 2008 Ch. 16: Gestational Agreements: Where Are We Five Years Later?

Marriage Dissolution 101 KFT 1300.M3732

- 2018 Ch. 7: Non-Parent Standing

Online Resources

Same Sex Parentage (Texas Law Help)

<https://texaslawhelp.org/article/same-sex-parentage>

Texas LGBTQ Family Law: A Resource Guide for LGBTQ-Headed Families in the Lone Star State

<https://www.familyequality.org/wp-content/uploads/2018/06/Texas-LGBTQ-Family-Law-Guide-Web.pdf>

Article: Adoption Laws for Same-Sex Couples in Texas

<https://youngbergfamilylaw.com/2019/09/26/adoption-laws-for-same-sex-couples-in-texas/>

Civil Rights for LGBT Community (Lambda Legal)

<https://www.lambdalegal.org/>

Legal Assistance

Legal Lines – Ask Attorneys simple legal questions (free service)

- Tarrant County LegalLine Sign-up
<https://www.tarrantbar.org/>
- Dallas County LegalLine Sign-up