



LEGAL BRIEF

ADOPTION

April 2026

PREPARED BY:
CREECH LEGAL OFFICE
Bldg 271, Perimeter Rd, Creech AFB, Nevada
Phone: 702-404-0881

I. Introduction to Adoption

Adoption is a legal process that creates a new, permanent parent-child relationship. It grants the adoptive parents all the legal rights and responsibilities of a biological parent and gives the child being adopted all the social, emotional, and legal rights and responsibilities of a family member. When the goal for a child in foster care becomes adoption rather than reunification with his or her biological parents, the current foster parents often decide to adopt. If the judge approves an adoption, the biological parents lose all custody rights to a child. They will not have to pay child support and will not have any responsibilities for a child. The adoptive parents will be the child's parents forever, even if they later separate or divorce.

Actual adoption procedures vary from state to state. To adopt, the biological parents must either consent to the adoption in writing or must have their rights terminated by a court. If the biological parents will not consent to an adoption, you may need to file for Termination of Parental Rights first. All states require adoptive parents to prepare for the adoption with a social worker. This preparation includes an interview and a home inspection to determine whether they are "fit." Once the social worker and agency are both satisfied, a court will finalize the adoption.

II. Foreign Adoptions

Adopting a child from a foreign country may avoid long waiting periods, which is often the case with United States adoption agencies; however, foreign adoptions can be especially complicated. Anyone attempting to adopt a child from a foreign country will need to complete large quantities of paperwork and work closely with the United States Citizenship and Immigration Service (USCIS). It may be helpful to find another parent that has adopted from the country you are considering and contact the attorney that the person used.

III. Giving Up a Child for Adoption

Adoptions are quicker and easier if the noncustodial biological parents consent. The biological parents can sign a consent to the adoption which agrees to terminate their own rights, have it notarized in front of two witnesses, and then the adoption can go forward. You may voluntarily give up your parental rights if someone else wants to adopt your child, or if someone else has filed a petition to terminate your rights. You will typically need to go to a court hearing to let the judge know your wishes in person. No matter

THE INFORMATION CONTAINED IN THIS PAMPHLET IS OF A GENERAL NATURE AND IS PROVIDED FOR YOUR ASSISTANCE AND CONVENIENCE. IT IS NOT INTENDED AS LEGAL ADVICE AND IS NOT A SUBSTITUTE FOR LEGAL COUNSEL. IF YOU HAVE ANY QUESTIONS AS TO HOW THE LAW IN THIS AREA AFFECTS YOU OR YOUR LEGAL RIGHTS, CONTACT A CIVILIAN ATTORNEY OR THE CREECH AIR FORCE BASE LEGAL OFFICE FOR AN APPOINTMENT WITH A LICENSED ATTORNEY.



what, the judge also must decide that it would be in the child's best interest to terminate the parent's rights.

IV. Nevada Adoption Law

In Nevada, any adult resident may petition to adopt a child. If married, both spouses must join the petition. An adopting parent must be at least 10 years older than the child, and this process is often shorter for stepparents or other relatives. By state law, an adoptive parent is required to have a child placed in his or her home for a minimum of six months prior to finalizing an adoption. This period allows for the child and the adoptive family to adjust to each other.

If a non-relative wants to adopt a child, a home study is required. The child welfare agency and/or private adoption agencies usually arrange for the home study and help with the legal paperwork. If you are interested in adopting a child through the Clark County Department of Family Services, you can learn about their process by contacting them directly.

- Adoption Services Phone: (702) 455-0800
- Adoption Services Email: dfsfindmyforever@clarkcountynv.gov

<http://www.clarkcountynv.gov/family-services/adoptions/Pages/default.aspx>.

Adoptions are generally filed in the District Court of the county where the child lives. When the petitioner files the initial documents to terminate a parent's rights, the court sets a hearing date. If you are the petitioner, ensure you have filed documents proving that the parent was served with all the paperwork, or your hearing may be canceled. After the judge has heard from everyone, the judge may decide immediately whether to terminate the parent's rights or may set a trial to hear more before deciding.

V. Adoption Assistance

Currently, there are two primary ways military members can receive financial help for adoptions: the federal Adoption Tax Credit and the Department of Defense (DoD) Adoption Expense Reimbursement Program.

1. Adoption Tax Credit and Exclusions

You may be able to take a tax credit for qualifying expenses paid to adopt an eligible child (including a child with special needs). The adoption credit is an amount subtracted from your tax liability.

- **Maximum Credit:** For 2026, the maximum adoption tax credit is \$17,670 per eligible child.
- **Refundability:** The credit is now partially refundable. Up to \$5,120 of the credit can be received as a refund, even if you have no tax liability.
- **Income Limits:** The credit is reduced for Modified Adjusted Gross Incomes (MAGI) between \$265,080 and \$305,080. Your credit will be eliminated if your MAGI is above this range.
- **Special Needs Adoption:** For the adoption of a child with special needs, you may be eligible to claim the maximum credit regardless of your actual expenses, subject to the income limits.

THE INFORMATION CONTAINED IN THIS PAMPHLET IS OF A GENERAL NATURE AND IS PROVIDED FOR YOUR ASSISTANCE AND CONVENIENCE. IT IS NOT INTENDED AS LEGAL ADVICE AND IS NOT A SUBSTITUTE FOR LEGAL COUNSEL. IF YOU HAVE ANY QUESTIONS AS TO HOW THE LAW IN THIS AREA AFFECTS YOU OR YOUR LEGAL RIGHTS, CONTACT A CIVILIAN ATTORNEY OR THE CREECH AIR FORCE BASE LEGAL OFFICE FOR AN APPOINTMENT WITH A LICENSED ATTORNEY.



Qualifying expenses include reasonable and necessary adoption fees, court costs, attorney fees, and travel expenses. An eligible child must be under 18 or be physically or mentally incapable of self-care.

2. Adoption Expense Reimbursement Program (AERP)

The Department of Defense offers a program to reimburse a service member for adoption expenses.

- **Reimbursement Limits:** Members may be reimbursed a maximum of \$2,000 per child for qualifying expenses and a maximum of \$5,000 per calendar year for multiple adoptions.
- **Eligibility:** The program applies to service members on continuous active duty for at least 180 days whose adoption of a child under 18 is finalized during their active duty service.
- **Submission Deadline:** A service member must submit DD Form 2675 for reimbursement no later than two years after the finalization of the adoption.

Please contact your Military and Family Support Center for additional details.

VI. Conclusion

To learn more about foster care and adoption, please contact the Clark County Foster Care Department of Family Services at (702) 455-0181, or email your name, address and phone number to clarkcountyfostercare@ClarkCountyNV.gov, or schedule a legal assistance appointment to speak with an attorney.

THE INFORMATION CONTAINED IN THIS PAMPHLET IS OF A GENERAL NATURE AND IS PROVIDED FOR YOUR ASSISTANCE AND CONVENIENCE. IT IS NOT INTENDED AS LEGAL ADVICE AND IS NOT A SUBSTITUTE FOR LEGAL COUNSEL. IF YOU HAVE ANY QUESTIONS AS TO HOW THE LAW IN THIS AREA AFFECTS YOU OR YOUR LEGAL RIGHTS, CONTACT A CIVILIAN ATTORNEY OR THE CREECH AIR FORCE BASE LEGAL OFFICE FOR AN APPOINTMENT WITH A LICENSED ATTORNEY.