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Shades of Theology in Suits Affecting the Parent-Child Relationship: A Tribute Honoring the Memory of Professor Joseph W. McKnight

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SHADES OF THEOLOGY IN SUITS
AFFECTING THE PARENT-CHILD
RELATIONSHIP: A TRIBUTE
HONORING THE MEMORY OF
PROFESSOR JOSEPH W. MCKNIGHT

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TABLE OF CONTENTS

I. PRELUDE	339
II. SHADES OF THEOLOGY IN SUITS AFFECTING THE PARENT-CHILD RELATIONSHIP	341
III. BROAD GOVERNING PROVISIONS AND THE BEST INTEREST OF THE CHILD.....	342
IV. THE ADOPTION OF CHILDREN AND STANDING ..	343
V. TERMINATION OF PARENTAL RIGHTS.....	346
VI. THE INITIATION OF THE PROCESS	347
VII. ADOPTEES HAVE A VOICE	349
VIII. THE QUALITIES OF AN ADOPTEE ARE IRRELEVANT	350
IX. CONCLUSION	352

I. PRELUDE

PROFESSOR Joseph W. McKnight and I were colleagues for fifteen years. On one occasion prior to his death, as he passed by me in the hallowed halls of Storey at the Dedman School of Law at Southern Methodist University, he asked, “What’s new with you young lady?” With excitement, I informed him that I was finally nearing the end of my theological doctoral work. With a diplomatic pause, raised eyebrows, and a bit of quip in his voice, he asked me why in the world I wanted a theological doctorate.

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As is often the case when faced with such an inquiry, I began to share with him my love for the interdisciplinary synergy between law and theology. More importantly, I emphasized that there are shades of theology in almost every subject of law, especially in procedural concepts. Further, I stressed that biblical precepts have often provided a framework for many laws in several cultures. Family law is no exception.

Without doubt, Professor McKnight, a renowned scholar¹ who literally wrote and helped to revise the Family Code,² was well aware of the interplay between theology, concepts in *The Holy Bible* (hereinafter *The Bible*), and family law. As a prolific and well-respected writer in the area of family law,³ he undoubtedly knew where disharmonies and similarities between the two disciplines existed, and even which topics and types of family-related proceedings were riddled with sticky theological ideologies.⁴ Thus ostensibly, as we conversed, he was allowing his Socratic bait to invite an interesting dialogue, one which we unfortunately never had an opportunity to finish in depth.

I am thus pleased to continue that interdisciplinary conversation now, albeit in an abridged⁵ and occasionally anecdotal manner, as a means to honor Professor McKnight and his love for and contributions to family law. Indeed, it is very fitting that the SMU Law Review is paying homage to Professor McKnight with this Symposium Issue. He was part of the foundational and colorful tapestry that helped to frame the reputation of the Dedman School of Law and to place it on the map among family practitioners and scholars of many disciplines for decades to come. I am honored to be a part of this tribute to him.

1. See, e.g., *Legal Scholar Joseph W. McKnight to Receive Honorary Doctor of Laws Degree May 17*, SMU (Apr. 30, 2014), <https://www.smu.edu/News/2014/joseph-w-mcknight-symposium-30april2014> [<https://perma.cc/8XWZ-SBGW>] (capturing a plethora of similar sentiments at Southern Methodist University's symposium honoring Professor McKnight on May 15, 2014).

2. See generally TEX. FAM. CODE ANN. (West Supp. 2016).

3. See, e.g., Denise Gee, *SMU Dedman School of Law Honors Distinguished Professionals Through Alumni Awards*, SMU (Mar. 19, 2015), <http://www.smu.edu/News/2015/law-daa-19march2015> [<https://perma.cc/XQS4-EGPE>] (detailing some of McKnight's publications and credentials as a recipient of one of the highest and most prestigious alumni awards at Dedman Law School).

4. Indeed, Professor McKnight was frequently called upon to present the *Annual Survey of Texas Family Law*. In so doing, he sometimes captured some of the cutting-edge cases that addressed theologically-charged issues. See, e.g., Joseph W. McKnight & Shanin Turner Brevig, *Family Law: Husband and Wife*, 66 SMU ANN. TEX. SURV. 895, 895 (2013) (addressing same-sex unions and divorce proceedings); Joseph W. McKnight, *Family Law: Husband and Wife*, 53 SMU L. REV. 995, 996 (2000) (presenting issues related to a transsexual's capacity to marry); Joseph W. McKnight, *Family Law: Husband and Wife*, *Annual Survey of Texas Law*, 38 Sw. L.J. 131, 135–36 (1984) (citing *Trickey v. Trickey*, 642 S.W.2d 47 (Tex. App.—Fort Worth 1982, writ dismissed)). The court in *Trickey* addressed a claim that it lacked jurisdiction to grant a divorce in an informal marriage based on nonbiblical grounds since the parties were married in a church and according to doctrines in *The Holy Bible*. *Trickey*, 642 S.W.2d at 48–49.

5. This paper will discuss only selected aspects of the Texas Family Code and other Texas laws affecting the parent-child relationship and select scriptures. It is not meant to be exhaustive.

This interdisciplinary piece will explore shades of theology that appear in laws pertaining to the adoption of children and highlight how they differ from, and are also similar to, the concept of spiritual adoptions. One need not be a family law scholar to understand this discourse. In fact, admittedly, as the writer, I do not profess to be one but am attempting simply to honor Professor McKnight, an unquestionably distinguished scholar in the field of family law.

Even more important, one need not be a member of any particular religious faith, or profess any faith at all, to grasp the theological precepts or to enjoy the spiritual nuances presented. However, it is notable that the theological concepts discussed are Evangelical and predicated upon Judeo-Christian precepts and *The Bible*.⁶ Therefore, while the reader need not agree with the precepts shared, they indeed reflect Christian beliefs.

II. SHADES OF THEOLOGY IN SUITS AFFECTING THE PARENT-CHILD RELATIONSHIP

Often, in addressing some of the issues affecting the parent-child relationship, or specifically the adoption of children, when a person thinks about adopting a child who has parents, or those who have no parents due to previously terminated parental rights, one question that may come to mind is who has standing to adopt.⁷ A similar question is whether it is necessary for a person who has a preexisting relationship with a potential adoptee to actually go through a formal adoption proceeding.⁸ Yet another issue may concern which children may actually be adopted.⁹ Last, one might want to know how to terminate another's parental rights.¹⁰

Questions pertaining to spiritual adoptions are often similar. As a major tenet of evangelical evangelism (the process of inviting others to join the family of God), some inquiries that frequently arise from prospective Christian converts¹¹ are (1) whether everyone who was created by God is

6. Scripture quotations are taken from *The Holy Bible*, New International Version® NIV,® copyright © 1973, 1978, 1984, 2011 Biblica, Inc.,™ used by permission. All rights reserved worldwide. In a biblical citation, the first number references the chapter of a book and the number following the colon is the verse.

7. See, e.g., *In re R.B.*, No. 02-16-00387-CV, 2016 WL 6803200, at *1-3 (Tex. App.—Fort Worth Nov. 17, 2016, no pet.) (mem. op.) (analyzing standing rights of biological mother whose parental rights had been previously terminated).

8. See, e.g., *In re J.C.*, 399 S.W.3d 235, 236 (Tex. App.—San Antonio 2012, no pet.) (discussing standing rights of paternal grandparents).

9. See generally *In re W.E.R.*, 669 S.W.2d 716, 716 (Tex. 1984) (per curiam) (stating that adoptions must be based upon the “best interest of the child”).

10. If it is also in the best interest of a child, parental rights may be terminated if the parent has engaged in any one of the acts or omissions statutorily itemized. See, e.g., *In re S.K.S.*, No. 12-17-00046-CV, 2017 WL 3224963, at *1-2 (Tex. App.—Tyler July 31, 2017, no pet. h.) (mem. op.) (citing TEX. FAM. CODE ANN. § 161.001(b)(1), (2) (West Supp. 2016)).

11. Caution is used here not to employ the term “seeker,” made popular by Bill Hybels, founding and senior pastor of Willow Creek Community Church in South Barrington, Illinois. While that is a term in Christendom that has been used to refer to a potential convert who is either initiating a relationship with God or is extremely open to the concept, the scriptures teach just the opposite. Biblically, no one seeks God. *Romans* 3:11. Rather,

in fact already considered one of his children; (2) how one gets adopted into the family of God, if a formal process is needed; and (3) what types of people can actually be accepted by and, thus, adopted by God.

In providing brief answers to some of these inquiries, it will be discovered that if one can understand generally how the Texas Family Code operates concerning the welfare of children in general, and in the area of adoptions specifically, so too can one better comprehend the spiritual adoption process. Some of the same policy considerations implicit in the Texas Family Code, which center upon the best interest of the child, are also found in the transcendent processes that place a person into an eternal relationship with God.

III. BROAD GOVERNING PROVISIONS AND THE BEST INTEREST OF THE CHILD

As a Texas court decides with whom a child should be placed for adoption, the best interest of the child is always of utmost importance.¹² This policy indeed has a shade of theology in it because it is always God's desire to implement a plan for individuals that is steeped in hope and in their best interest. On point, the scriptures capture the essence of this concept, stating, "For I know the plans [that] I have for you . . . plans to prosper you and not to harm you, plans to give you hope and a future."¹³

Another shade of theology that is paramount, and which undergirds the expectations implicit in parent-child relationships imposed by the state, is for the actual or adoptive parents to be responsible for the health, safety, and welfare of their children.¹⁴ This mirrors a theological truth; children should not worry about food, clothing, or shelter.¹⁵ That is because God, as the heavenly Father, provides those things.¹⁶ He also makes provisions even for those who do not claim him as their spiritual father.¹⁷

There is even a higher expectation for Christians to take care of and provide for not only their children but also their relatives.¹⁸ In this vein, 1 *Timothy* 5:8 teaches, "Anyone who does not provide for their relatives, and especially for their own household, has denied the faith and is worse than an unbeliever." One of the reasons for this heightened expectation is that Christians are called upon to love others just as they love

God seeks or draws individuals to himself through his son Jesus Christ, and they respond to that invitation. *John* 6:44.

12. *In re* W.E.R., 669 S.W.2d at 716; see also TEX. FAM. CODE § 162.016(b) (stating that "[i]f the court finds that the requirements for adoption have been met and the adoption is in the best interest of the child, the court shall grant the adoption.").

13. *Jeremiah* 29:11.

14. See TEX. FAM. CODE § 151.001(a) (outlining the rights and duties of parents).

15. See *Matthew* 6:25-32.

16. *Id.* God is the actual "source" of positive resources and gifts. See *James* 1:17. He "resources" them through individuals to distribute to others. See *id.*

17. See *Matthew* 5:45.

18. 1 *Timothy* 5:8.

themselves.¹⁹

Similarly, the state of Texas, through the Family Code's provisions, frowns upon parental neglect and endangerment.²⁰ In fact, child endangerment and abandonment are indeed felonies in Texas.²¹ Moreover, the Family Code provides a means for one to even obtain a cumulative money judgment for past-due child support after the proper presentation of a motion for the enforcement of child support requesting a money judgment for arrearage.²² Thus, these child-friendly laws and God's precepts mirror in policy when it comes to ensuring that children are not denied the necessities of life and that their lives do not suffer from neglect or endangerment.

IV. THE ADOPTION OF CHILDREN AND STANDING

The Texas Family Code also provides some specific substantive and procedural guidance for the legal aspect of the adoption of children.²³ Many of its provisions have hints of theology embedded in them or have language or policies that parallel concepts found in spiritual adoptions, that is, the process of an individual becoming a part of God's family.²⁴

More specifically, the Texas Family Code indicates that a petition for adoption is the vehicle to be utilized to put new parentage in place for a child.²⁵ It also addresses who has standing to adopt a child, especially if the procedure will also involve the termination of parental rights.²⁶

Just as there is a codified body of law that governs adoptions of children,²⁷ similarly, *The Bible*, which, among other things, contains laws and regulations applicable to the kingdom of God, sets forth such standards

19. See *Mark* 12:31. Jesus identified this call to love others as the second most important commandment, with loving God with all of one's heart, soul, mind, and strength as the most important. *Id.* at v. 29–30. That is why Christians are to love even people who do not share their same beliefs, values, or views. See also *Jude* 23 (teaching that displeasure is only proper when involving *behaviors and things*, not people).

20. See generally TEX. FAM. CODE ANN. § 161.001(b)(1)(A)–(T) (West Supp. 2016) (detailing undesirable acts that may constitute child endangerment and that might result in termination of parental rights).

21. See generally TEX. PENAL CODE ANN. § 22.041(d)–(f) (West Supp. 2016).

22. See generally *In re* S.K.S., No. 12-17-00046-CV, 2017 WL 3224963, at *3 (Tex. App.—Tyler July 31, 2017, no pet. h.) (mem. op.) (citing TEX. FAM. CODE § 157.263(a)).

23. See generally TEX. FAM. CODE § 102.005 (governing standing in adoption proceedings); *Id.* § 162.001 (identifying the children who may be adopted).

24. There is a major distinction between being a part of God's family as a result of "relationship" and merely being a product of God's creation. The spiritual adoptions referenced herein have the former in mind.

25. A child is defined statutorily as an unmarried and unemancipated person under the age of eighteen. TEX. FAM. CODE § 101.003 (a). However, when speaking spiritually of a "child" of God, the reference includes *all* people, regardless of age. See *John* 3:1–15, the story of Nicodemus, an adult Jewish man. He questioned Jesus about how one, who is an adult, could be "born again" and become a *child* of God. *Id.* at v. 4. The answer given was that the "rebirth" process was a spiritual one, rather than physical, and results simply when one believes in (accepts) Jesus Christ as their personal Savior. See *id.* at v. 5–8, 15; see also *Romans* 10:9–10 for concise steps to walk through for the rebirthing process.

26. TEX. FAM. CODE § 102.005; see also TEX. FAM. CODE § 162.001.

27. See generally *id.* §§ 102.005, 162.001.

and practices.²⁸ Although all of the information pertaining to a spiritual adoption is not found in one place in *The Bible*, it is indeed instructive on how one can establish a relationship with God and be adopted by him.²⁹

The statutory provision in Texas, entitled “Standing to Request Termination and Adoption,” identifies who has standing to seek an adoption of a child.³⁰ Included are the child’s step-parent; an adult in possession, either as a result of adoption placement or other circumstances; an adult petitioner who has adopted or is fostering the child’s sibling; or another adult determined by the court to have had “substantial past contact with the child sufficient to warrant standing to do so.”³¹ Thus, stated in a broad sense, the code allows adults with legitimate, previous connections to and interests in adoptable children to adopt them.³²

One may ask whether one’s desire to be adopted by God works much in the same way as the Texas Family Code, especially if there is a need for God to show that there is some type of previous connection between him and the potential adoptee. Indeed, this aspect of an adoption might be of concern to some because they have had no previous exposure to God. Or, a concern could arise in a potential adoptee because of feeling unworthy, especially since God is Holy.³³ The answer is that spiritual adoptions, on this point, are very similar to the law in Texas, but they also differ in some respects.

It is important to note at the outset that individuals who are unfamiliar with what *The Bible* actually states often presume that since God created them they are actually *already* one of his children. This type of assumption is steeped in the relational doctrine of the *imago Dei*, which means the divine image of God.³⁴

More specifically, the *imago Dei* is “[a] theological term, applied uniquely to humans, which denotes the symbolic[] relation between God and humanity.”³⁵ The biblical basis for this term has its origins in *Genesis* 1:27,³⁶ which states that “God created [both male and female] in his own image.”³⁷ The interpretation to be ascribed to this passage is not one which suggests that God has a replicable human form but, rather, that “humans are in the image of God in their moral, spiritual, and intellectual

28. See, e.g., *John* 14:6 (explaining that one gains access to God only through Jesus). God’s love is the impetus behind the gift of eternal life. See *id.* at 3:16 (NASB). It states, “For God so loved the world, that He gave His only begotten Son, that whoever believes in Him shall not perish, but have eternal life.” *Id.* (footnote omitted). Eternal life is more than life after death; it is defined as knowing God and his son Jesus Christ. See *id.* at 17:3.

29. See generally *John* 14:6, 3:16, 17:3.

30. TEX. FAM. CODE § 102.005.

31. *Id.*

32. See generally *id.* §§ 102.005, 162.001(b).

33. *Psalms* 99:5.

34. C.F.H. Henry, *Image of God*, in *EVANGELICAL DICTIONARY OF THEOLOGY* 545, 545 (Walter A. Elwell ed., 1984).

35. Counterbalance Found., *Imago Dei*, PBS, <https://www.pbs.org/faithandreason/genglos/index-frame.html> [<https://perma.cc/SBY6-4SFL>] [hereinafter *Imago Dei*].

36. *Id.*

37. *Genesis* 1:27.

nature.”³⁸ However, the *imago Dei* just means that one reflects the personality and traits of the creator; it does not automatically connote sonship.³⁹

As a result, much like under Texas law, an adoptable child does not automatically become the legal child of a relative simply because they have similar traits or qualities.⁴⁰ Similarly, in a spiritual sense, an individual is only merely *like* God and *not automatically a child of* God. But even though a person is not already a child of God, there is a preexisting relationship between God and his potential adoptees (notwithstanding his holiness), which demonstrates he has had “substantial past contact with the child sufficient to warrant standing” to adopt the child.⁴¹

Specifically, he indeed has legitimate previous connections to and interests in the children he desires to adopt, and this is true even if the relationship is unbeknownst to the child; it is based upon God’s foreknowledge, that is, his previous knowledge of all things.⁴² This is because God is an eternal being and is omniscient (all knowing).⁴³ Although this is a somewhat hard concept to grasp, before individuals come into being in the physical realm God already *knew* them.⁴⁴ On point, and as one example, God, speaking to the prophet Jeremiah, said, “Before I formed you in the womb I knew you, before you were born I set you apart; I appointed you as a prophet to the nations.”⁴⁵

That means God not only had intimate knowledge with and of Jeremiah, but he also purposed his destiny.⁴⁶ The prophet Jeremiah is but one example; what applies to him applies to everyone.⁴⁷ Thus, in this vein, God’s previous “interest” in *any* adoptee is not only akin to that which is required in Texas of prospective adoptive parents, but his interests actually exceed that requirement.⁴⁸ This certainly demonstrates that if God were to file a petition for adoption, he could certainly prove an adequate interest in and connection to adoptees.⁴⁹

More specifically, by analogy, § 102.005(5) states, in relevant part, that “[a]n original suit requesting only an adoption or for termination of the parent-child relationship joined with a petition for adoption may be filed by: . . . (5) another adult whom the court determines to have had substan-

38. *Imago Dei*, *supra* note 35.

39. *See generally id.*

40. *Cf.* TEX. FAM. CODE ANN. §§ 102.005, 162.001 (West Supp. 2016) (setting forth the considerations required to make individuals proper adoptive parental candidates).

41. *Cf.* TEX. FAM. CODE § 102.005(5).

42. *See* G.W. Bromiley, *Foreknowledge*, in EVANGELICAL DICTIONARY OF THEOLOGY, *supra* note 34, at 419, 419–21.

43. *See id.* at 419 (citing 1 *Samuel* 2:3).

44. *See, e.g., Jeremiah* 1:5 (detailing God’s foreknowledge of the prophet Jeremiah).

45. *Id.*

46. *See id.*

47. For example, Jesus, with a crowd of thousands present, said that God’s knowledge of them was so vast that he even knows the number of the strands of hair on each of their heads. *See Luke* 12:1, 7.

48. *Cf.* TEX. FAM. CODE ANN. § 102.005 (West Supp. 2016).

49. *See id.* § 102.005(5).

tial past contact with the child sufficient to warrant standing to do so.” As demonstrated, God’s foreknowledge certainly indicates that he has spiritual standing to adopt.

V. TERMINATION OF PARENTAL RIGHTS

Before a child may be adopted, the Texas Family Code requires an analysis of whether the child’s biological parents, if any, have had their parental rights terminated.⁵⁰ If the parental rights are still in place, their rights must first be terminated voluntarily or involuntarily.⁵¹

Section 162.001 then enumerates the children that are adoptable and, relevant to this conversation, states: “(b) [a] child . . . may be adopted if: (1) the parent-child relationship as to each living parent of the child has been terminated or a suit for termination is joined with the suit for adoption.”⁵² However, a termination is not required in circumstances involving an attempted adoption of a child by a step-parent who is married to one of the child’s parents.⁵³

Similarly, if the termination is occurring by the agreement of the non-terminated parent, there is nothing to forestall the proceeding.⁵⁴ Lastly, in cases where the Department of Family and Protective Services has obtained an affidavit of relinquishment that includes consent to an adoption, no further termination proceedings are necessary.⁵⁵

Concepts in a *spiritual* adoption are similar.⁵⁶ Theologically speaking, there are two types of spiritual fathers—either a person has God as a spiritual father⁵⁷ or the Devil (Satan) is deemed to be one’s spiritual father.⁵⁸ Satan is so designated *not* because he has adopted anyone but because at birth people are born into sin (a state of depravity apart from

50. *See id.* §162.001(b).

51. *See id.* §162.001(b), (c) (stating that where parental rights have been terminated, children are adoptable); *id.* §§ 161.001–161.007 (outlining involuntary termination procedures).

52. *Id.* § 162.001(b)(1).

53. *Id.* § 162.001(b)(2).

54. *See id.* § 162.001(b)(3).

55. *Id.* § 162.001(c).

56. An emphasis is placed on the word “spiritual” because the analogy presented should not be construed to mean that God, in carrying out his plan to adopt an individual spiritually, would seek to terminate the rights of that person’s biological parents. However, it is notable that God considers the *true* biological family of Christians to be those who are not just biologically connected, but those who also do the will of God. *See, e.g., Matthew* 12:46–50 (recording Jesus stating this principle in the presence of his biological mother and brothers).

57. . . *See Matthew* 6:9 (instructing believers in Jesus Christ (Christians) to pray to God the Father, who is in heaven); *John* 20:17 (identifying the spiritual father and God of Christians as the Father and God of Jesus).

58. *See John* 8:41–47 (referring to Satan as the father of those who do not love Jesus or accept him); *see also Ephesians* 2:1–2 (World English) (speaking about the status of individuals *before* they became believers in Jesus Christ (Christians)). It states, “You were made alive when you were dead in transgressions and sins, in which you once walked according to the course of this world, according to the prince of the power of the air [Satan/the Devil], the spirit who now works in the children of disobedience”

God),⁵⁹ and Satan is the father of all that is dark, evil, and apart from God.⁶⁰ However, when God adopts a child, Satan's parental rights *are terminated simultaneously* and God transfers a person from Satan's domain of darkness to God's kingdom and domain of light.⁶¹

Also, after Satan's parental rights are terminated and a person becomes a child of God, Satan *cannot* file a petition to readopt or reclaim a person as his.⁶² In theology, this concept is called the doctrine of eternal security or perseverance.⁶³ It operates very much like the Texas Family Code's provision that outlines exceptions to standing in adoption procedures.⁶⁴

On point, § 102.006, entitled "Limitations on Standing," states in relevant part:

[I]f the parent-child relationship between the child and every living parent of the child has been terminated, an original suit [for adoption] may not be filed by: (1) a former parent whose parent-child relationship with the child has been terminated by court order; [or] (2) the father of the child.

Thus, just as it appears that in Texas the termination of parental rights should be considered a final act,⁶⁵ so too it is in the case of a spiritual adoption.⁶⁶

VI. THE INITIATION OF THE PROCESS

Just as § 102.005 *does not* list "a child" (or next friend initiating a suit on a child's behalf) among those who have standing to initiate an adoption proceeding,⁶⁷ so too it is biblically. God the Father, the one who is interested in forming a parent-child relationship, is the one who initiates the spiritual adoption process.⁶⁸ This process is often referred to as the doctrine of election; stating a complicated doctrine in the simplest of terms, it means that God chooses individuals, they do not choose him.⁶⁹

59. See generally *Psalm* 51:5 (affirming that people are born into sin and fashioned in iniquity, using King David as an example).

60. See, e.g., *John* 10:10 (affirming that Satan comes to kill, steal, and destroy).

61. See *Colossians* 1:12–14; 1 *Peter* 2:9.

62. See *John* 10:29, where Jesus, speaking about those who belong to God, says, "My Father, who has given them to me, is greater than all; no one can snatch them out of my Father's hand."

63. See R. E. O. White, *Perseverance*, in *EVANGELICAL DICTIONARY OF THEOLOGY*, *supra* note 34, at 844, 844 (stating that the doctrine of eternal security means "once a Christian, always a Christian").

64. See generally *TEX. FAM. CODE ANN.* § 102.006(a)(1), (2) (West Supp. 2016) (placing readoption standing limitations on those whose parental rights have been terminated).

65. See *id.*

66. See *John* 10:29; *cf.* *TEX. FAM. CODE* § 102.006(a)(1), (2).

67. See *TEX. FAM. CODE* § 102.005.

68. See, e.g., *John* 6:44 (stating God seeks or draws individuals to himself through his Son Jesus Christ).

69. See *Romans* 3:11 (stating no one seeks God). The doctrine of election is also based in part on *Ephesians* 1:3–11 (explaining how God chooses people and has benefits and destinies for them) and *Romans* 8:28–30 (explaining that one of election's purposes is to conform individuals to the image of Jesus). Election was popularized by John Calvin. See

Thus, if one envisions who the petitioner is in a spiritual adoption, it is God, the one who desires to become the parent. This is identical to the Texas Family Code's provision.⁷⁰

While § 102.005 of the Texas Family Code requires the filing of a formal petition for adoption,⁷¹ *The Bible* does not require a formal proceeding for a spiritual adoption. It is a matter of grace.⁷² In fact, rather than petitioning a court to become one's parent, God, in his supremacy and salvific love, "calls" or petitions people to come to him through a relationship with his Son.⁷³ Indeed, "[i]n love [God] predestined⁷⁴ us for adoption to [be his sons] through Jesus Christ, in accordance with his pleasure and will."⁷⁵

In fact, one of the most popular examples of a person who became a child of God, where there were no formalities or a court proceeding initiated, involved a thief who was being crucified on a cross alongside Jesus, the Son of God.⁷⁶ As the repentant criminal hung there nearing his death, he simply said, "Jesus, remember me when you come into your kingdom."⁷⁷ Jesus's responded, "Truly I tell you, today you will be with me in paradise."⁷⁸

While at first blush it might appear that this was an impromptu informal request *initiated* by the thief, the appeal, when viewed in context, tells another story.⁷⁹ It confirms that God the Father initiated the process by allowing truths about Jesus to be proclaimed in the thief's hearing, as the

generally F.H. Klooster, *Election*, in *EVANGELICAL DICTIONARY OF THEOLOGY*, *supra* note 34, at 348, 348–49.

70. See TEX. FAM. CODE §102.005.

71. *Id.*

72. See *Ephesians* 2:8–9 (stating for it is by grace (God's unmerited favor) through faith that individuals are saved (granted salvation)).

73. See 1 *Corinthians* 1:9. One might wonder how God calls individuals. It need not be audibly, although sometimes it is. See *Acts* 9:1–22 (detailing the call of Saul of Tarsus, who used to hate, kill, and persecute Christians). While Saul encountered Jesus, as already explained, God the Father initiated the call. Sometimes, the call may be in a vision, as in *Isaiah* 6:8, or in a dream. In fact, at an alarming rate, many non-believers are reporting that they are having dreams of Jesus calling them to him. See, e.g., Janelle P., *Muslims Turn to Christ in Unprecedented Numbers Pt. 1*, OPEN DOORS USA (June 28, 2017), <https://www.opendoorsusa.org/christian-persecution/stories/muslims-turn-to-christ-in-unprecedented-numbers-pt-1/> [<https://perma.cc/QDD3-EPEW>]. Sometimes God's call may manifest in a more mundane way—a person may have an interest in spiritual or moral things; have lots of questions concerning, or curiosity, about God and his invisible qualities, eternal power, and divine nature; or have an appreciation for creation. They may simply want to respond to one of God's acts of deliverance: a healing, his kindness, or a rescue. In any event, God's call is for *all* people—to Jewish individuals first, then to everyone else. See *Romans* 1:16.

74. The term predestined (from the doctrine of predestination) means to foreordain, or to determine ahead of time. See generally W.S. Reid, *Predestination*, in *EVANGELICAL DICTIONARY OF THEOLOGY*, *supra* note 34, at 870, 870.

75. See *Ephesians* 1:5 (specifically stating it is for adoption "to sonship").

76. See *Luke* 23:26–43.

77. *Id.* at v. 42.

78. *Id.* at v. 43.

79. See generally *id.* at v. 26–43.

criminal hung on his own cross for a span of six hours.⁸⁰ Among other things, the thief heard that Jesus claimed to be⁸¹ and was called the Son of God⁸² and that Jesus provides access to God and adoption into his family.⁸³

After hearing these things, the thief became convicted of and confessed his own sins.⁸⁴ He was responding to the realization that he was literally on death row and soon to meet his maker.⁸⁵ Even more important, he was responding to the information that he had acquired, even though at one point he even insulted Jesus⁸⁶ and, notwithstanding that much of the information was said to mock Jesus.⁸⁷ The truth of the information gave him hope.⁸⁸ He knew that he was qualified for adoption by God, as is evidenced by the faith he exercised in asking Jesus to remember him.⁸⁹ And as is indicated by Jesus's favorable response, the thief was accepted by Jesus and thereby adopted into God's family.⁹⁰

VII. ADOPTEEES HAVE A VOICE

Even though God calls people into a relationship with him in a spiritual adoption, just as in most Texas adoptions, the adoptee has a say. More specifically, the Texas Family Code requires a child twelve or older to consent to an adoption unless the court waives the requirement based upon it being in the child's best interest.⁹¹ So too, those who are deemed to be at an age to know the difference between good and evil⁹² must be

80. Jesus and the two thieves were nailed to their respective crosses at 9:00 a.m., *Mark* 15:25, 27. Jesus died at 3:00 p.m. and the thief shortly thereafter. *Id.* at v. 34, 37. The thief was thus learning about Jesus Christ for six hours, but he had ostensibly accepted Jesus Christ as his personal savior after three hours, right before noon. *See Luke* 23:42–44. For a vivid re-enactment of Jesus's crucifixion and the thief's adoption into God's family, see generally Mel Gibson's 2004 movie, *THE PASSION OF THE CHRIST* (Icon Productions 2004).

81. *Matthew* 27:43.

82. *Matthew* 27:40.

83. *Mark* 15:31 (stating that Jesus had saved others).

84. *Luke* 23:41–42.

85. *See id.*

86. *See Mark* 15:32.

87. *See Matthew* 27:38–43.

88. *See Luke* 23:35 (hearing, particularly, that Jesus had saved others in the past and that he was called God's Messiah, the Chosen One); *see id.* at v. 42 (hearing that Jesus had a kingdom and realizing that Jesus was going there after his own death).

89. *See Luke* 23:42.

90. *See id.* at v. 43. This type of experience is available to anyone who seeks to have a relationship with God through Jesus Christ. In this vein, *Romans* 10:9 states, "If you declare with your mouth, 'Jesus is Lord,' and believe in your heart that God raised him from the dead, you will be saved." "Saved," as used here, means saved from the penalty of eternal death and separation from God that is attached to one's sins. *See Romans* 6:23 (stating that "the wages of sin is death"); *cf. Romans* 6:23 (stating the gift of God is eternal life).

91. TEX. FAM. CODE ANN. § 162.010(c) (West Supp. 2016) (stating consent is required, but "[t]he court may waive this requirement if it would serve the child's best interest").

92. This concept is often referred to as "the age of accountability." *See G.M. Burge, Age of Accountability, in EVANGELICAL DICTIONARY OF THEOLOGY, supra* note 34, at 21, 21. This is a phrase that is not in the scriptures. However, it is gleaned from *The Bible* since it is believed that children will arrive at an age when they can know enough to refuse evil and choose that which is good. *See, e.g., Isaiah* 7:14–15 (KJV) (speaking beforehand about

willing participants in a spiritual adoption.

More specifically, while individuals are urged over and over to favorably respond to God's beck and call for a relationship with him while they have time to do so,⁹³ God forces himself on no one; man has free will.⁹⁴ Indeed, a person may reject God's invitation, but there is no guarantee that another invitation will be extended. Consequently, an individual who rejects God's invitation to come into his family through his Son Jesus Christ places his or her spiritual fate in their hands, and the forecast is not a pleasant one.⁹⁵

VIII. THE QUALITIES OF AN ADOPTEE ARE IRRELEVANT

The Texas Family Code is also designed to eliminate discrimination in the adoption

process.⁹⁶ In this vein, an adoption petitioner's race or ethnicity, or that of a potential adoption candidate, may not be the basis for the denial of an adoption.⁹⁷ These are certainly good laws to have in place and, as compared to a biblical standard, they properly keep the evaluative focus on a person's heart rather than their ethnic or physical characteristics.⁹⁸

One's heart refers to the nonphysical essence within a person and is the origin of one's evil thoughts and "sexual immorality, theft, murder, adultery, greed, malice, deceit, lewdness, envy, slander, arrogance and folly."⁹⁹ Some of those very traits, when coupled with infractions against or that endanger a child, can result in the termination of one's parental rights and thus demonstrate that such individuals are not good parental

Immanuel (Jesus)). The NIV notes that same passage as the knowledge "to reject the wrong and choose the right." *Id.* (NIV).

93. See generally *Hebrews* 3:7-8, which states, "Today, if you hear his voice, do not harden your hearts."

94. See generally *Joshua* 24:14-15, where Joshua, the successor to Moses, stated, "[I]f serving the Lord seems undesirable to you, then choose for yourselves this day whom you will serve, whether [other] gods . . . [b]ut as for me and my household, we will serve the Lord." See also *Revelation* 3:20, where Jesus states, "I stand at the door and knock. If anyone hears my voice and opens the door, I will come in and eat with that person, and they with me."

95. See generally *John* 3:18-20 (stating "whoever does not believe [in Jesus] stands condemned already because they have not believed in the name of God's one and only Son"). In this vein, it is notable that many individuals mistakenly believe that if they go through a formal baptismal service, attend church, do good deeds, or are considered a good person, when they die they will go to heaven to be with God. See, e.g., *Matthew* 7:21-23. The scriptures teach just the contrary; salvation, or having a relationship with God, is a matter of faith that someone receives as a free gift from God. See *Ephesians* 2:8-9. God does not base one's salvation upon a person's works because he does not want people to boast. *Id.* Thus, unfortunately, those who stand before Jesus at the final judgment and recount their "works" as a basis to get into heaven will be rejected and told to depart from Jesus's presence (and thus eternal condemnation will be their fate). See *Matthew* 7:23; *Revelation* 20:11-15.

96. See, e.g., TEX. FAM. CODE § 162.015 (referencing race and ethnicity in adoptions).

97. *Id.* (noting also one statutory exception).

98. See, e.g., 1 *Samuel* 16:7 stating, "The LORD does not look at the things people look at. People look at the outward appearance, but the LORD looks at the heart."

99. *Mark* 7:20-23.

candidates.¹⁰⁰

However, it is noteworthy that those same characteristics, no matter how heinous, would *not* prevent a person from being a good potential adoptee for God. *The Bible* teaches that Jesus's death on the cross is the provision that allows people to be adopted by God the Father, and despite the sinful nature of people, Christ still died for everyone.¹⁰¹

Also on this point, speaking of God the Father, it is recorded that "God demonstrates his own love for us in this: While we were still sinners, Christ died for us."¹⁰² In other words, Jesus died for everyone, notwithstanding that they *were* sinners,¹⁰³ and God adopts people even though they *are* sinners.¹⁰⁴

While God does not expect for people to continue to commit deeds of sin after they are adopted by him, being sinless is not a prerequisite *to becoming* a child of God.¹⁰⁵ If that were the case, no one could be spiritually adopted, "for all have sinned and fall short of the glory of God."¹⁰⁶

The ultimate goal is for a person to move from being called a child of God¹⁰⁷ to a "son" of God, which is a gender-neutral phrase that describes a person who operates their life in submission to God and is filled with the Spirit of God.¹⁰⁸ Such people are full of faith, good works, and are pleasing to God.¹⁰⁹ It is upon such a person that additional spiritual benefits accrue, and those benefits are referred to sometimes as one's spiritual inheritance.¹¹⁰

100. See, e.g., TEX. FAM. CODE § 161.001.

101. 1 Peter 3:18 states, "For Christ also suffered once for sins, the righteous for the unrighteous, to bring you to God."

102. Romans 5:8.

103. *Id.*

104. See *id.*

105. Indeed, such a person does not exist except for Christ, who was without sin and committed no deeds of sin. See generally 1 John 3:5 (stating that Christ appeared in order to take away sins and in him there is no sin). The Reverend Billy Graham, a famous evangelist, widely proclaimed that all sinners are welcome by God and made this concept well known by playing a song at many of his evangelistic crusades entitled *Just as I Am*. The song was written by Charlotte Elliott, 1789–1871, and the music written by William B. Bradbury, 1816–1868. See ACruceSalus1, *Just as I Am—Hymn (w/ lyrics)*, YOUTUBE (June 18, 2011), <https://www.youtube.com/watch?v=W2VrRk4pZHY> [<https://perma.cc/DM68-4EQY>] (performed by Joslin Grove Choral Society). The lyrics stress that a person may come to God through Christ "just as they are." *Id.* However, it has been this writer's observation that even though people come as they are, they will never be the same, and they will make (or God will accomplish for them) transformative life changes for the better if they indeed do come.

106. Romans 3:23.

107. . See John 1:12 (emphasizing that the access to God the Father is one's receipt of Jesus Christ). It states, "[But] to all who did receive [H]im [Jesus], to those who believed in [H]is [Jesus's] name, [H]e [God] gave the right to become children of God." *Id.*

108. See Romans 8:14 (NKJV). This is also evident because the calling by God is to "sonship," which is the end of the earthly spiritual maturation process. See Ephesians 1:5.

109. See generally Galatians 5:22–23 (listing positive attributes displayed by individuals filled with the Spirit of God).

110. See, e.g., Malachi 3:16–18 (emphasizing that God's servants will receive special rewards).

Similarly, the adoption provisions of the Texas Family Code are in place to move children into functional family units. Further, and comparable to a spiritual adoption, children adopted in Texas can avail themselves of the provisions in the Texas Family Code that indicate that as adopted children they, too, have inheritance rights.¹¹¹

IX. CONCLUSION

There are undeniable shades of theology in suits affecting parent-child relationships, especially pertaining to the adoption of children. Likewise, the Texas Family Code helps to provide a good framework for one to reference and use by analogy to gain a better understanding of what it means to be adopted by God. An interdisciplinary analysis between theology and this aspect of the law brings more color to the tapestry of both sides of the discussion. It is, without a doubt, a conversation worth having.

In Memory of Professor Joseph W. McKnight (1925–2015)

111. *See generally* TEX. FAM. CODE ANN. § 162.017(a), (b) (West Supp. 2016).