

Addressing Common Scenarios Dads Face in the Access & Visitation Program

Answers by **Nikki Hunt**, Access & Visitation Manager, Office of the Attorney General

Being a father is an important and involved job. From government agencies to non-profits, many statewide systems exist to support families as they raise children, but these systems can be complex and confusing. In the “Ask the Experts” Series, experts on Texas systems answer frequently asked questions to help fathers and professionals who work with fathers to understand and navigate these complex systems.

For many parents with a child support order, the Access & Visitation Program is one such system. In Texas, the Office of the Attorney General’s Child Support Division’s Access & Visitation Program works to help parents establish and maintain active and fruitful parental relationships with their children. Navigating access and visitation can be confusing or intimidating, and noncustodial fathers do not always know what resources are available to them. By understanding how access and visitation works, fathers can make sure they have the information necessary to be actively involved in their children’s lives and professionals who work with fathers can provide the best support possible for dads.



RESOURCES

Access & Visitation

www.texasattorneygeneral.gov/child-support/families-and-parenting/access-and-visitation

Contact the OAG’s Child Support Division

<https://csapps.oag.texas.gov/locations/offices>

Find information on parenting time orders

www.TXAccess.org and www.TexasLawHelp.org

Call the Access & Visitation Hotline

866-292-4636

Parenting time specialists can answer questions regarding the visitation schedule, enforcing the schedule, or changing the schedule. Calls are answered in English and Spanish Monday through Friday from 1-5pm CT.

Key Access & Visitation Terms

Parenting Time Order: a court-issued document determining the specific times each parent spends with the child(ren).

Modification: the legal process of asking the Court to change a court order.

Custodial Parent: the parent the Court awarded primary custody to, and who has the rights to designate the primary residence of the child(ren) and receive child support payments.

Noncustodial Parent: the parent the Court did not award primary custody to. This parent has the right to parenting time according to the order and an obligation to pay child support.

Coparenting resources

www.texasattorneygeneral.gov/child-support/families-and-parenting/parenting-together-living-apart

Parenting resources

www.texasattorneygeneral.gov/child-support/families-and-parenting/helpful-parenting-resources

Information for fathers involved with the child welfare system

The family helpline at **(844) 888-6565** is a hotline staffed by attorneys who can answer questions for families involved with the child welfare system.

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Q: My work hours and/or my child's mother's work hours change week-to-week. How do we set up a parenting time plan?

A: Parents can reach an agreement with regard to your work schedule that is different from the visitation schedule in the parenting time order, but if at any point you no longer agree, the parenting time order is the only visitation schedule that is enforceable. If you do not agree on the changes, parents can seek to modify the parenting time order.

Q: My child's mother is denying me access to my child despite our parenting time order. What steps should I take?

A: Visit www.TexasLawHelp.org and search for "visitation enforcement kit." The visitation enforcement kit is a packet of information that will walk you through how to enforce visitation, and includes the legal forms you need.

The basic steps to enforce visitation:

1. **Send a notice to the other parent** that you're going to be exercising your visitation rights according to the court order by sending a demand letter for visitation in a way you can prove it (e.g., certified mail return receipt requested), so you can show a judge that you sent a copy of that letter to the other parent.
2. **Give that parent the opportunity to comply with the order**, and show that you are complying with the order by attempting your court ordered visits. If the other party is not at the predetermined location or does not allow you to take the child, get evidence to prove you complied with the order. The easiest way to get that evidence is to purchase something at a nearby gas station or fast food place, so you get a receipt that shows the date, time, and address that you were in that area. *Most courts want to see that you attempted visitations at least three times.*
3. **File a motion to enforce** and bring all of the evidence to the Court.

Once you file your motion and have your hearing, the Court will determine whether the other party was violating the court order. If the judge determines that the other party was in violation of the court order, punishments could include a monetary fine, placing the custodial parent on a probation-like program, or, in extreme situations, ordering jail time.

Q: I can't afford an attorney (legal representation). Are there free or low-cost legal resources to help me?

A: There are several different types of free or low-cost legal resources available:

- **The Access and Visitation Hotline:** a hotline answered by parenting time experts weekdays 1-5pm CT in English and Spanish. They can answer questions, provide general information and guidance, and provide referrals regarding questions about access and visitation. They can't give legal advice and don't represent individuals or file cases, on behalf of individuals. Call 866-292-4636.
- **www.TexasLawHelp.org and www.TXAccess.org:** websites with chat features available during certain times of the week where attorneys answer questions and, in certain circumstances, even provide legal advice. You can find free legal forms and information on how to walk through the legal process on www.TexasLawHelp.org.
- **Lawyer Referral Information Services:** a list of attorneys across Texas offering a half hour consultation for only \$20 who can provide legal advice (e.g., whether a circumstance qualifies for a modification). Call 800-252-9690.
- **Legal Aid:** free legal advice or representation for low-income families with offices throughout Texas. They don't always have enough resources to represent individuals who qualify for services. A variety of organizations provide Legal Aid services, conduct an online search for Legal Aid in your area.
- **Domestic Relations Offices (DROs):** government offices in counties throughout Texas that may offer assistance with a modification. Search online for Domestic Relations Offices to see if there is a DRO in your county.