

# Addressing Common Scenarios Dads Face in the Child Support System

Answers by **Annette Hernandez**, Deputy Division Chief for Program Innovation & Communications Director for the Child Support Program, Office of the Attorney General and **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 who are seeking paternity and/or child support, the child support system is one such system. In Texas, the Office of the Attorney General oversees the Child Support Division. This division works to encourage responsible parenting, promote involvement of both parents, and ensure that children receive the support they need and deserve. Navigating the child support system can be confusing or intimidating, and noncustodial fathers do not always know what resources are available to them. By understanding how the child support system works, fathers can make sure they have the information necessary to take care of their needs and their children's needs, and professionals who work with fathers can provide the best support possible for dads.

## Key Child Support Terms

**Child Support Order:** a court-issued document determining the legal rights and responsibilities of the parents for the child(ren).

**Custody:** the legal physical responsibility for a 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.

**Child Support Pay:** an amount a noncustodial parent is ordered to pay a custodial parent, based on a percentage of the noncustodial parent's net income.

**Arrears:** unpaid child support the noncustodial parent owes the custodial parent or the State of Texas from the time before and after the child support order was set.

**Paternity:** the legal term for fatherhood. Texas requires biological fathers to establish paternity to have any legal rights to their child – including adding their name to the child's birth certificate. Paternity is automatically established at birth for married heterosexual couples. Unmarried heterosexual couples must establish paternity by completing an Acknowledgement of Paternity (AOP) or establishing through the Court. Find more AOP information on the OAG website - [www.texasattorneygeneral.gov/child-support/paternity/acknowledgement-paternity-aop](http://www.texasattorneygeneral.gov/child-support/paternity/acknowledgement-paternity-aop). The OAG recommends that all parents seek legal counsel for paternity and adoption questions.



## RESOURCES

### Get started

[www.texasattorneygeneral.gov/child-support/get-started](http://www.texasattorneygeneral.gov/child-support/get-started)

### About Child Support Interactive (CSI)

[www.texasattorneygeneral.gov/child-support/about-child-support-interactive-csi](http://www.texasattorneygeneral.gov/child-support/about-child-support-interactive-csi)

### Contact the OAG's Child Support Division

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

### I have specific questions because I am a ...

#### Currently or formerly incarcerated parent

[www.texasattorneygeneral.gov/child-support/programs-and-initiatives/incarcerated-parents](http://www.texasattorneygeneral.gov/child-support/programs-and-initiatives/incarcerated-parents)

#### Current military or veteran parent

[www.texasattorneygeneral.gov/child-support/programs-and-initiatives/heroes-program-service-members](http://www.texasattorneygeneral.gov/child-support/programs-and-initiatives/heroes-program-service-members)

#### Low-income un- or under-employed parent

[www.texasattorneygeneral.gov/child-support/programs-and-initiatives/noncustodial-parent-ncp-choices](http://www.texasattorneygeneral.gov/child-support/programs-and-initiatives/noncustodial-parent-ncp-choices)

#### Father with paternity concerns or needs

[www.texasattorneygeneral.gov/child-support/paternity](http://www.texasattorneygeneral.gov/child-support/paternity)

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**Q: I am a noncustodial parent under 18 years old, do I have to pay child support?**

**A:** Yes. Noncustodial parents under the age of 18 are expected to pay child support.

- If you are **not** working and **not** earning any income, child support is set based on 18 hours a week at minimum wage.
- If you **are** working (whether you are earning more or less than minimum wage at 18 hours a week), child support is set based on your earnings.

**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:

- **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](http://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 you qualify 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.

**Q: I pay child support and want to be sure the money I send is supporting my child. What can I do to ensure my child support payments are used to support my child?**

**A:** The custodial parent has full control over how they spend the child support payments. Texas law does not require the custodial parent to track the way they spend child support.

**Q: I need a modification quickly to avoid arrears. How can I expedite the process?**

**A:** Modification requests made on the OAG website are the fastest way to have child support reviewed. *When completing that application, it is important that you provide as much information as possible so that the OAG can make a full assessment in a timely manner.*

**Learn more about the modification process here:**  
[www.texasattorneygeneral.gov/child-support/paying-and-receiving-child-support/get-back-track/modify-child-support](http://www.texasattorneygeneral.gov/child-support/paying-and-receiving-child-support/get-back-track/modify-child-support)

**Q: My child support payments are too high, and it makes it hard for me to support myself and/or my children when they're with me. What can I do?**

**A:** You can apply for a modification to have your child support payment reviewed, especially if you've experienced a life change since a judge issued the last order. You can apply on the OAG website which is the fastest and easiest method. To receive an application in the mail, parents can call 800-252-8014 or chat with us on the OAG website. *You should provide as much information as possible in the application so we can make the fullest assessment at first review for the fastest processing.*

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