

# Understanding 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.

## 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.



## RESOURCES

### Access & Visitation

[www.texasattorneygeneral.gov/child-support/families-and-parenting/access-and-visitiation](http://www.texasattorneygeneral.gov/child-support/families-and-parenting/access-and-visitiation)

### Contact the OAG’s Child Support Division

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

### Find information on parenting time orders

[www.TXAccess.org](http://www.TXAccess.org) and [www.TexasLawHelp.org](http://www.TexasLawHelp.org)

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**Q:** What is the process of establishing a parenting time order?

**A:**

There are two ways to establish a parenting time order	
Child Support Review Process (CSRP)	Court System
<p>Parents can go through the CSRP at their local child support office to establish an order with parenting guidelines and a parenting time order.</p> <p><b>Learn more about CSRP</b>  <a href="http://www.texasattorneygeneral.gov/child-support/get-started/understanding-legal-process">www.texasattorneygeneral.gov/child-support/get-started/understanding-legal-process</a></p>	<p>A parent can also establish a parenting time order by going through the family court system in the county where the child is living. Parents, either through an attorney or by representing themselves, will file a Suit Affecting the Parent-Child Relationship. This suit is a legal process to establish a court order that includes parenting time.</p>

**Q:** How does a noncustodial father change a parenting time order?

**A:** The Office of the Attorney General cannot change a parenting time order. Parents, either through an attorney or by representing themselves, have to petition the Court to modify the parent-child relationship. The type of legal process depends on whether it is an agreed or contested petition to modify. The process for an agreed order can be quick, but a contested order can take much more time. The Court ultimately issues an order granting or denying the request to change or modify the parenting time order.

To qualify for a modification, there must be some type of material and substantial change. There is wide discretion on what constitutes a material and substantial change, but the change(s) could include: the child(ren) are older, the child(ren) started school, or one or both of the parents moved.

## Are noncustodial parents permitted to see their children outside the time outlined in the parenting time order without formal modification?

Parents are welcome to reach agreements outside of the parenting time order, but if they disagree with the informal agreement, the fallback is always what is outlined in the parenting time order.

**Q:** What are the rights of noncustodial parents?

**A:** Once a parenting time order is established by the Court, that order specifically lists the rights of the noncustodial parent. Those rights could include: accessing medical records and school records, conferring with the child's teacher, attending school functions, and more. The parenting time order will also include a parenting time schedule.

The Court makes orders regarding parent's rights based upon what is in the best interest of the child(ren). The Court can consider factors such as child abuse, neglect, or a history of alcohol or drug abuse when deciding parenting time orders.