

Understanding 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

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. The OAG recommends that all parents seek legal counsel for paternity and adoption questions.



RESOURCES

Get started

www.texasattorneygeneral.gov/child-support/get-started

About Child Support Interactive (CSI)

www.texasattorneygeneral.gov/child-support/about-child-support-interactive-csi

Contact the OAG’s Child Support Division

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

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Q: How does a parent establish a child support order?

- A:**
- 1. Apply for services.** Parents can apply on the OAG website which is the fastest and easiest way to submit an application. To receive an application in the mail, parents can call 800-252-8014 or chat with us on the OAG website.
 - 2. Establish an order.** Parents can either go through the in-office Child Support Review Process (CSRP) or the court process. Parents primarily use the CSRP when they agree on the child support terms.

Apply for Child Support Services

www.texasattorneygeneral.gov/child-support/get-started/how-apply-child-support

Learn more about the CSRP and court process on the OAG website here:

www.texasattorneygeneral.gov/child-support/get-started/understanding-legal-process

Q: How is the amount of child support calculated?

- A:** The base amount of child support is 20% of the noncustodial parent's income. The percentage of income typically increases by 5% for each child on the order, up to 40%. The percentage decreases if the noncustodial parent has other children to support.

Q: How does a parent change a child support order?

- A:** The Office of the Attorney General cannot change a child support obligation. We must ask the Court to change a child support order. To modify a child support order:

- 1. Parents apply for a modification** on the OAG website which is the fastest and easiest method or by mail. To receive an application in the mail, parents can call 800-252-8014 or chat with the OAG on our website. *Parents should provide as much information as possible in the application so we can make the fullest assessment during the first review.*
- The OAG staff conducts a review of the request.
- The OAG staff prepares the case for Court **or** finds that the modification is not warranted and notifies the requestor.

Learn more about the modification process here:

www.texasattorneygeneral.gov/child-support/paying-and-receiving-child-support/get-back-track/modify-child-support

What circumstances warrant a modification?	
Is the child support order <u>more than</u> 3 years old?	
Yes	No
The re-calculated child support amount must be either 20% or \$100 higher or lower than the current order.	There must be a material and substantial change. A warranted change could include an increase or decrease in earnings, a change in custody of the child(ren), a change in the child(ren)'s medical coverage, or a change in the number of children the parent is legally responsible to support.

Q: What are the penalties for non-payment of child support?

- A:** We prefer to work directly with noncustodial parents to help them find ways to pay, and encourage parents who are having a difficult time making child support payments to call us (800-252-8014) before too much time passes and we have to take action to enforce the child support order. If parents do not pay their child support, our response could include court action, license suspension, credit reporting, passport denial, filing liens, and more.

Arrears Payment Incentive Program

A statewide program for noncustodial parents who have state-owed arrears. Noncustodial parents who have state-owed arrears can call the OAG (800-252-8014) and ask to participate. The OAG will send an application in the mail.