



PAY YOUR CHILD SUPPORT TO AVOID PENALTIES

by Texas Attorney General Greg Abbott

MY OFFICE WORKS HARD to ensure that Texas children receive the support they need and deserve. Thankfully, most parents pay their child support in full and on time.

To encourage parental responsibility, the Child Support Division establishes paternity of children born to unmarried parents and obtains court orders for financial and medical support.

When a parent does not follow a court order to make regular child support payments, my office enforces the order by either obtaining a judgment against the parent and setting up a plan for repaying what is owed or by filing contempt-of-court charges. Interest on delinquent child support accrues at a rate of six percent per year.

Under state and federal law, the Attorney General's office has access to a myriad of enforcement remedies to collect past due child support. Withholding child support from a parent's paycheck has historically been the most effective enforcement remedy and is used when an employer is known. More than 70 percent of the \$1.86 billion collected in state fiscal year 2005 was made possible by withholding income from a parent's paycheck.

License suspension is another effective tool in enforcing payment of child support. Noncustodial parents who hold a state license, owe more than three months of past-due child support, and are not in

compliance with an existing court-ordered or voluntary repayment schedule face license suspension. Licenses and permits ranging from driver's, medical, dental and law licenses to hunting and fishing licenses can be suspended. Since the goal of this remedy is to compel compliance with a child support order, many parents faced with suspension make a payment agreement with the Child Support Division.

The Attorney General's office routinely matches parents who owe past due child support with a database of account holders supplied by financial institutions operating in Texas and across the nation. When a match occurs, the Attorney General's office can freeze – and ultimately seize – the accounts of parents who refuse to voluntarily settle their child support arrears. For example, the Attorney General's office seized more than \$95,000 from one delinquent parent's bank account after he had fallen drastically behind. The money paid the case in full just in time for the children's Christmas.

Federal law allows states to seize income tax refund checks from parents who are behind on their child support. Under current law, this tool cannot be used once a child who has never received income assistance turns 18, unless the child is disabled. Effective Oct. 1, 2006, a change in federal law will allow interception of

federal income tax refunds to collect arrears for all families on the Attorney General's caseload, regardless of the children's age at the time the refund is made.

Another enforcement tool from the federal government is a U. S. State Department hold on passport issuance or re-issuance to a parent who owes at least \$5,000 in past due child support. Before informing the State Department to lift the passport hold, my office will require that the delinquent parent make a substantial payment toward the arrears total and arrange to pay off the arrears balance in a timely manner. Effective Oct. 1, 2006, the arrears threshold will be lowered to \$2,500.

When all else fails, my office seeks jail time for delinquent parents who continue to ignore a court's order to pay child support. Since I became attorney general in December 2002, more than 10,000 parents have been incarcerated for failing to pay child support.

While there must be consequences for failing to pay court ordered child support, my office also recognizes that many parents who want to pay child support face obstacles to finding and keeping steady employment. For that reason, over the past 10 years the Attorney General's office has referred thousands of needy parents to local workforce development boards for employment services.

POINTS TO REMEMBER



CHILD SUPPORT ENFORCEMENT MEASURES

The Child Support Division has several enforcement measures at its disposal:

- Withholding income from a parent's paycheck;
- Obtaining a legal judgment for past due support;
- Intercepting federal income tax refund checks, unemployment insurance benefits, or lottery winnings;
- Filing liens against financial and real property;
- Suspending driver's, recreational and professional licenses;
- Filing contempt-of-court charges;
- and Incarceration

An application for Child Support services can be obtained by:

- Visiting Child Support Interactive located on the main Attorney General website at www.oag.state.tx.us
- Calling the 24-hour voice response system at (800) 252-8014



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