

FREQUENTLY ASKED QUESTIONS
ABOUT CHILD SUPPORT



ATTORNEY GENERAL OF TEXAS
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MISSION STATEMENT

The Child Support Division
in the Office of the Attorney

General assists parents
in obtaining the financial
support necessary for
children to grow up and

succeed in life. To encourage
parental responsibility, the
Office of the Attorney General
establishes paternity of
children, establishes court
orders for financial and
medical support, and enforces
support orders.

The Attorney General promotes the involvement of both parents in the life of the child by working with community groups, schools, and hospitals. In the performance of their duties on behalf of Texas children, child support staff focus on quality, efficiency, effectiveness, and customer service. Custodial parents can call the 24-hour hotline at (800) 252-8014 to receive automated information. With their customer identification numbers (CIN), they can receive information on payments and case status without having to wait for a caseworker.

FREQUENTLY
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SERVICES
what does the child support program do?

The Office of the Attorney General is responsible for:

- locating absent parents;
- establishing paternity;
- establishing, enforcing, and modifying child and medical support orders; and
- collecting and distributing child support payments.

Who can apply for child support services and what is the fee?

The Attorney General's Office accepts applications from mothers, fathers, and other individuals who request services. Our attorneys represent the State of Texas in providing child support services and do not represent either parent in the case.

Customers do not have the right to select what enforcement actions are taken in their cases. The Office of the Attorney General is required to provide all appropriate services for the benefit of the children.

Temporary Assistance for Needy Families (TANF) and certain Medicaid recipients automatically receive child support services after they are certified for public assistance. Persons who do not receive TANF or Medicaid must apply for child support services. There is **no fee** to apply for child support services provided by the Office of the Attorney General.

Where do people apply for child support services with the Office of the Attorney General?

The Child Support Division of the Office of the Attorney General operates field offices throughout the state where people may apply for services. The telephone numbers and addresses for these offices may be found in local telephone directories or on the Attorney General's Internet site at www.oag.state.tx.us.

A parent also can request an application for services by calling our toll-free telephone number at (800) 252-8014

or by visiting our Web site. An applicant who is deaf or hard of hearing can call TTY (800)572-2686 or (512) 460-6124 (voice).

How long before payments begin?

Obtaining child support involves a wide variety of factors, making it difficult to predict the time required to secure payments on individual cases. For example, one case may require the full range of services—locating the absent parent, establishing paternity and a support order, and enforcing the order. Another case may have a divorce decree with an established order, a social security number, and an employer for the non-custodial parent, allowing enforcement of payment through an administrative income withholding order.

What information does the Office of the Attorney General need to locate a non-custodial parent?

The most important information an applicant can provide, aside from the non-custodial parent's current address, is the name and address of the non-custodial parent's current employer. If the current employer is not known, the name and address of the last known employer should be provided.

Additionally, the following information about the non-custodial parent should be provided, if known:

- social security number and date of birth;
- names and addresses of relatives and friends;

- names of banks or creditors such as utility companies;
- names of organizations, unions, or clubs to which the non-custodial parent belongs; and
- places where the non-custodial parent spends free time.

What documents are needed by the Office of the Attorney General?

If available, child support applicants should submit **copies** of the following:

- the divorce decree, separation agreement, or court order for child support;
- the acknowledgment of paternity, if one has been signed;
- the birth certificate(s) of the child(ren) involved;
- all documents reflecting both parents' incomes and assets (paycheck stubs, tax returns, bank statements, etc.); and
- evidence of child support payment history.

How do TANF recipients seek child support?

To receive TANF benefits through the Texas Health and Human Services Commission, recipients must cooperate with the Office of the Attorney General's efforts to identify the child(ren)'s non-custodial parent and collect child support.

TANF recipients must assign to the State their right to child support collections. Payments collected in the case while the family receives TANF benefits are applied toward reimbursing the state and federal governments for TANF benefits received by the family. However, the family will receive up to \$50 a month as a supplemental TANF payment during any month that a current child support payment is made. When the family no longer receives TANF, all current child support payments are sent to the custodial parent.

I have some child support issues, but I am deaf.

How do I go about communicating with the Attorney General's Office?

You may call (toll-free in Texas) (800) 572-2686 (TTY) or (512) 460-6124 (voice) or (512) 460-6043 (fax). When you call, please have the following information available: Your name, social security number, and TTY number. You also may learn valuable information on the Attorney General's Web site at www.oag.state.tx.us.

What if a person no longer wants the Office of the Attorney General's services?

If the parent no longer receives TANF or Medicaid and wishes to discontinue child support enforcement services, the case can be closed by written request, provided no arrears are owed by the non-custodial parent that are assigned to the state.

How can child support be changed?

Only the Court can modify the child support order. It cannot be done by agreement of the parties. Grounds for a modification include a material and substantial change in the circumstances of a child or a person affected by the order, or the passage of three years since the last child support order and a difference in monthly payment by either 20 percent or \$100 from the child support guidelines. A parent subject to a child support order may request a review of the ordered child support amounts every three years by contacting the Office of the Attorney General.

What if the non-custodial parent is still in school and has no money?

Remember, a non-custodial parent is responsible for supporting his or her child even if that parent is still a minor. The judge will look at a young parent's income while he or she is still in school and decide how much support must be paid.

The non-custodial parent's income can be reviewed again after he or she has finished school and begins working. The judge will decide what changes need to be made in the child support payment.

PATERNITY

If an unmarried father is already providing support, is it necessary to establish paternity?

Yes. Even though the child's father is providing support, he may change his mind, become disabled, or even die.

In most cases, unmarried parents can ensure certain benefits for their children only if paternity has been established.

Children who are supported by only one parent often do not have enough money for even basic needs. Every child is entitled to financial support and other resources from both parents.

The custodial parent, the child, and the child's doctor need to know whether the child has inherited any diseases or disorders which may not be detected at birth or in childhood. Children can receive better medical treatment if doctors know the full medical history of the family.

If paternity has been established, a child has a legal father and will have the possible right of inheritance from both parents. The child also may be eligible for other benefits, such as Social Security, medical insurance, life insurance and veteran's benefits.

How does paternity establishment affect custody and visitation?

Each parent has a duty to financially and emotionally support his or her child, and is presumed to possess the right to custody or visitation. If the parents cannot agree, custody, child support, and visitation will be decided by a court. Both parties must obey the court order. One parent cannot refuse to pay support because the other parent is refusing visitation and vice versa.

How is paternity established?

Paternity may be established voluntarily by agreement of both the mother and the father of the child. The parents can sign an Acknowledgment of Paternity (AOP), which becomes a legal finding of paternity when it is filed with the Texas Vital Statistics Unit. If the mother or alleged father is not sure about the paternity of the child, neither should sign an AOP. Paternity should be established through the courts.

What happens if the father signs the Acknowledgment of Paternity?

Effective September 1, 1999, Texas law states that a biological father will become the legal father if both he and the mother sign an AOP. This makes him legally responsible for paying child support if he lives apart from the child, and enables the court to grant him visitation or custody. In order to obtain child support and visitation rights, a parent must go to a child support office or a private attorney.

Where can we get the Acknowledgment of Paternity form?

An Acknowledgment of Paternity (AOP) form can be obtained from a certified entity, such as a local birth registrar or child support office. Parents completing an AOP form through a child support office are not required to open a child support case. Information on local certified entities and information about establishing paternity is available toll-free at 1-866-255-2006.

What if the father wants to sign the Acknowledgment of Paternity but cannot come to the hospital?

The AOP can be signed before or after the birth of the child. However, the AOP must be processed through a certified entity. If the father cannot be at the hospital, both parents can go to a certified entity (child support office or local birth registrar's office) to process the AOP and get an entity code. Then, the mother can bring the AOP to the hospital and have it completed at the time of the birth of the child. The AOP also can be processed after the birth of the child by going to a certified entity. Parents who live out of state can get assistance in completing the AOP over the phone by calling 1-866-255-2006.

What if the mother is married to someone else at the time of the child's birth or the baby is born within 300 days of the date of her divorce?

If the mother is married to someone other than the biological father at the time of the child's birth or the baby is born within 300 days of her divorce from a man who is not the biological father, the man she was married to at the time of the birth must sign a Denial of Paternity. The biological father cannot become the legal father by signing the AOP until the man she was married to at the time of the child's birth signs the Denial of Paternity, which is part of the AOP form. If the Denial is not signed, either biological parent can open a case with the Attorney General or establish paternity through the courts.

What if the mother is not sure who the father is?

If the mother applies for services or is referred to the Child Support Division to establish paternity, she will be asked questions about men who may have fathered the child. It is very important for the mother to provide as much information as she can to help determine the father's identity.

Paternity may be established even if the father is still in school or if he lives in another state.

What if the pregnancy was unplanned?

Texas law says that both parents are responsible for supporting their children. Just as the mother is responsible for the child even if the pregnancy was not planned, so is the father. This means that once the court determines the identity of the biological father, the man must help support his child.

What if the father does not believe it is his child?

He may ask for scientific paternity testing. A court will examine the results of the paternity test and then decide whether the alleged father is the biological father.

Who pays for the paternity test?

If the Child Support Division files the case, the Office of the Attorney General will pay for the test. If the alleged father is found to be the biological father of the child, he may be ordered to repay the cost of the test.

What if one or both parents change their mind after they have signed the AOP and it has been filed at VSU?

Anyone who signed the AOP may file a petition to rescind it. The petition must be filed in court within the first 60 days after the AOP has been filed with VSU or before the first court hearing, whichever is earlier. After the period to rescind has expired, any person who signed the AOP may challenge the document in court, but only on the basis of fraud, duress, or material mistake of fact. Four years after being filed with VSU, the AOP **cannot** be challenged. Effective Sept. 1, 2005, a minor signing the AOP has a four-year time limit to challenge the AOP. The time-limit is four years from the date he or she becomes an adult and **not** the date the AOP was filed with VSU.

ENFORCEMENT

What if the non-custodial parent lives in another state?

The law requires states to cooperate with each other. The non-custodial parent is legally required to make regular child support payments, no matter where he or she lives.

What if the non-custodial parent gets behind in child support payments or refuses to pay?

If a non-custodial parent does not pay child support, he or she is subject to enforcement measures to collect regular and past-due payments. The Child Support Division uses many techniques to enforce child support orders, including:

- requiring employers to deduct court-ordered child support from the non-custodial parent's paycheck through income withholding;
- intercepting federal income tax refund checks, lottery winnings, or other money due from state or federal sources;
- filing liens against his or her property or other assets;
- suspending driver's, professional, and hunting and fishing licenses; and
- filing a lawsuit against the non-custodial parent asking the court to enforce the order. A judge may sentence a nonpaying parent to jail and enter a judgment for past due child support.

LICENSE suspension

Who is affected by the license suspension law?

Non-custodial 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.

What types of licenses are usually suspended?

Most adults have a driver license. Computer matches can determine which obligors have other licenses and permits ranging from medical, dental, and law licenses to hunting and fishing licenses.

How many licensing agencies are involved?

The statute identifies 60 licensing agencies. However, this list is not exclusive. For example, “licensing authority” includes political subdivisions and any other board or agency not listed by name.

How does the process work?

The Attorney General’s Child Support Division matches its caseload with computer tapes from different licensing agencies. When the match shows that a parent who meets the statutory criteria for license suspension holds one or more of the identified licenses, the Office of the Attorney General will send the license holder a warning and provide an opportunity to resolve the outstanding delinquency.

If the parent fails to respond, the Child Support Division will confirm his or her location and other information necessary to suspend the license and then refer the case for administrative or judicial prosecution.

CUSTODY and visitation

Can a parent take custody of the child instead of making child support payments?

Both parents must provide for the child, no matter which parent has primary custody. Child support is normally paid to the custodial parent for the benefit of the child. Legal custody can be changed, but only if the parents go to court to modify the previous child support order and establish a child support amount for the new non-custodial parent.

Does the Office of the Attorney General handle custody and visitation disputes?

Federal regulations do not allow the Office of the Attorney General to use child support funding to provide legal services for custody or visitation disputes. The Attorney General encourages mediation of these issues, and most cases are resolved by agreement.

The Office of the Attorney General does receive limited special funding to provide assistance to parents with custody and visitation issues. Information about these services and basic legal information regarding child access and visitation issues is available by contacting the Texas Access and Visitation Hotline. The state-wide toll-free number, 1-866-292-4636, is answered in English and Spanish, Monday–Friday from 1 to 5 P.M. The hotline has a corresponding Web site, www.txaccess.org, where parents can download sample materials and tools for assistance with child access issues.

The OAG maintains an online directory of programs and service providers across Texas designed to facilitate shared parenting after separation or divorce. You can search the online directory at <http://www.oag.state.tx.us/cs/access/> by zip code, county, or service provided.

In the rare case where custody and/or visitation are contested, you may choose to hire a private attorney or represent yourself. If you cannot afford a lawyer, you may be eligible for federally-funded legal assistance. Look

in the phonebook under “Legal Aid” or “Legal Services.” Sometimes the court will appoint a lawyer for the child. Also, many law schools operate legal clinics at which law students assist people under the supervision of a law professor or other lawyer. Contact the law school nearest you for more information.

Some communities have additional resources for parents to resolve custody and visitation conflicts, check your local listings for dispute resolution providers, such as mediators or co-parenting facilitators, or check with your county to see if there is a County Domestic Relations Office that provides these services.

Is a non-custodial parent entitled to visit the child if he or she is not paying child support?

Child support and visitation rights are separate issues. The court determines both and will usually order the non-custodial parent to pay child support and the custodial parent to make the child available for visits.

The custodial parent has a duty to obey the court order for visitation, even if the non-custodial parent cannot or will not pay child support. The court can enforce its orders against either parent.

PRIVATE CHILD SUPPORT collection agencies

Can any other agency handle child support enforcement cases?

In Texas, county-operated domestic relations or child support offices, private attorneys, and private collection agencies also provide some child support enforcement services.

Private agencies charge for their services. Parents who use the services of a private child support collection agency should fully understand any contract they sign.

Can a private child support collection agency process my case faster?

The majority of the Child Support Division's incoming cases do not have established paternity or child support orders. These cases take longer to process than cases with established paternity and child support orders. Private child support collection agencies and county domestic relations offices generally handle only cases with established paternity and existing child support orders.

The Office of the Attorney General is required to provide child support services to all families applying for services. Services must also be provided to Temporary Assistance for Needy Families (TANF) and Medicaid families referred to the Child Support Division by the Texas Health and Human Services Commission.

Moreover, the Child Support Division provides a full range of child support services. The division's caseload is very large—much larger than that of any private collection agency. Therefore, private agencies may be able to process some cases more quickly. This must be balanced against the cost of using a private agency.

COMMUNITY SERVICES and volunteer program

I have some extra time on my hands and would like to put that time to good use helping others. Does the Office of the Attorney General need volunteers?

Absolutely. The Office of the Attorney General uses many volunteer workers. In fact, volunteers contributed a cost-equivalent value of \$1.3 million last year. All 86 Child Support Division offices and Customer Service Centers across the state utilize volunteers for everything from preparing packets for court cases to filing and other clerical tasks.

Students seeking internships to satisfy course requirements are also needed.

Information on how to volunteer or become an intern is available by calling the Community Services and Volunteer Program at (512) 460-6124.



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CONTACT information

BY US MAIL

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ON THE INTERNET

Web site - www.oag.state.tx.us
E-mail - child.support@oag.state.tx.us

BY TELEPHONE

REGIONAL CUSTOMER SERVICE

CENTERS AND

ADMINISTRATIVE OFFICES

Harris County (713) 243-7100
Dallas/Tarrant County (972) 339-3100
Bexar County (210) 841-8450
Travis County (512) 514-7000
Lubbock (806) 765-0094
McAllen (956) 682-5581
Tyler (903) 595-6900
El Paso (915) 779-2388

24-HOUR PAYMENT AND CASE STATUS

INFORMATION: (800) 252-8014

FOR THE DEAF AND HARD OF HEARING

(800) 572-2686 (TTY)
(512) 460-6124 (voice)