



## **QUICK CHILD SUPPORT FACTS FOR RE-ENTERING PARENTS**



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THE OFFICE OF THE  
ATTORNEY GENERAL (OAG)

*knows how important  
it is for children to have  
the emotional, physical and  
financial support of  
both parents.*

# WELCOME HOME MOMS AND DADS!

THE OFFICE OF THE ATTORNEY GENERAL (OAG) KNOWS HOW IMPORTANT IT IS FOR CHILDREN TO HAVE THE EMOTIONAL, PHYSICAL AND FINANCIAL SUPPORT OF **BOTH** PARENTS. THIS RESOURCE GUIDE WAS CREATED SPECIFICALLY FOR PARENTS RE-ENTERING THE COMMUNITY AFTER THEIR RELEASE FROM PRISON. THIS INFORMATION WILL TEACH YOU MORE ABOUT THE CHILD SUPPORT DIVISION'S (CSD) SERVICES AND RESOURCES.

It contains quick facts to help you navigate our system; whether you are a new parent and need to establish paternity, or already have a court-ordered child support obligation.

Most people need time to get on their feet after leaving prison. It is important to make contact with a child support office as soon as possible and remain in contact as your circumstances change.

## *THE MOST IMPORTANT TIP TO REMEMBER IS TO* **BE YOUR OWN BEST ADVOCATE!**

*BE PREPARED.* Have the appropriate documentation to back up your claims.

*BE ACTIVELY INVOLVED.* Keep up with your responsibility (child support payments and parenting time/visitation schedule).

*STAY INFORMED.* Ask questions until you fully understand the process.

*BE PRESENT.* Show up whenever necessary at court and office visits.

# FACTS ABOUT CHILD SUPPORT

The OAG represents the state and the state's interests. The OAG does not represent the child, the mother, the father or any other legal guardian who may be a party to the child support case.

The Child Support Division offers the following services. Each case is assessed individually to determine which services are necessary to ensure families get the support that they need:

- Locating the absent parent
- Establishing paternity
- Establishing and enforcing child support orders
- Establishing and enforcing medical support orders
- Reviewing and adjusting child support payments
- Collecting and distributing child support payments

Judges have the discretion to make the final decision on the amount of child support ordered, visitation/parenting time schedules and the consequences for not paying.

Child support obligations do not automatically stop when a noncustodial parent is incarcerated. Unpaid or past-due child support creates a debt referred to as arrears. Arrears remain in place until paid, no matter when they accrued (while in jail or out of jail).

Child support is set based on a percentage of the noncustodial parent's (NCP) net resources. The calculation for one child on one order is 20 percent of the net resources, two children is set at 25 percent, three children at 30 percent. If there is more than one order (more than one custodial parent), the calculations get more complicated. A child support calculator is available at [www.texasattorneygeneral.gov/cs/calculator/](http://www.texasattorneygeneral.gov/cs/calculator/).

# SECURING PATERNAL RIGHTS

Marriage to the mother at the time of the birth of the child is the only way that a father will automatically have legal paternal rights.

## PATERNAL RIGHTS ARE THE FATHER'S RIGHT TO:

- have his name placed on the birth certificate
- receive access to the child's school and medical records
- ask the court for custody, parenting time or child support

Unmarried Parents must first establish paternity before the father has legal rights. This can be done in three (3) ways:

VOLUNTARY PATERNITY ESTABLISHMENT	AGREED PATERNITY ORDER	COURT-ORDERED PATERNITY
<p><b>HOW IT WORKS</b> Parents sign a free legal document called an Acknowledgment of Paternity (AOP). This is the most common way to establish paternity.</p>	<p><b>HOW IT WORKS</b> Parents, and then a judge, sign a legal agreement (court order) stating who the father of a child is. Parents must agree to specific legal rights about custody, visitation, child support and medical support.</p>	<p><b>HOW IT WORKS</b> A court order resolves paternity when parents do not agree on the father's identity.</p>
<p><b>WHAT IT DOES</b> It establishes a legal father for the child.</p>	<p><b>WHAT IT DOES</b> It establishes a legal father for the child plus legal rights regarding custody, visitation, child support and medical support.</p>	<p><b>WHAT IT DOES</b> It establishes a legal father for the child plus legal rights regarding custody, visitation, child support and medical support.</p>
<p><b>STEPS TO TAKE</b></p> <ul style="list-style-type: none"> <li>• Ask hospital staff about the AOP.</li> <li>• Parents can sign an AOP at any time before or after birth by working with an AOP-certified entity.</li> <li>• Parents must show a valid form of ID.</li> <li>• Call the AOP Hotline <b>(866) 255-2006</b> to find the certified entity closest to you.</li> </ul> <p><b>FIND CERTIFIED ENTITIES AT</b></p> <ul style="list-style-type: none"> <li>• Birthing hospitals</li> <li>• Vital statistics offices</li> <li>• The Office of the Attorney General (OAG)</li> </ul>	<p><b>STEPS TO TAKE</b></p> <ul style="list-style-type: none"> <li>• You can submit an agreed paternity order to the court on your own, with the help of a private attorney or by working with the OAG's Child Support Division (CSD).</li> <li>• Apply with the CSD and ask about the Child Support Review Process (CSRP).</li> <li>• Call the OAG Customer Service Center <b>(800) 252-8014</b> to apply for child support services.</li> </ul>	<p><b>STEPS TO TAKE</b></p> <ul style="list-style-type: none"> <li>• You can obtain court-ordered paternity on your own with the help of a private attorney or by working with the CSD.</li> <li>• Apply with CSD online, in person or by fax, or request an application over the phone.</li> <li>• Call the OAG Customer Service Center <b>(800) 252-8014</b> to apply for child support services.</li> </ul>

# FACTS ABOUT ARREARS

Arrears are unpaid or past-due support. They result from failure to pay current support established by an existing child support order, or can be assessed when an order is established to account for time that support should have been paid but was not (known as retroactive support). Arrears cannot be modified and are owed in addition to any current child support payments.

Arrears add up! Support orders do not automatically stop because of incarceration. If your order was not modified while you were incarcerated, your arrears may have greatly increased.

# 6%

**Simple interest  
accrued per year\***

\*Payments made toward  
arrears go to the principal  
balance first.

## TAKE CHARGE OF YOUR CHILD SUPPORT

Arrears remain in place until paid. Not even your child turning 18 or filing bankruptcy will get rid of your unpaid child support balance. The only way to avoid arrears is to pay 100 percent of your child support every month. You can work with your local child support office to schedule a payment plan to pay off your arrears.

## THE STATE HAS THE ABILITY TO COLLECT ARREARS BY:

- bank account or property liens
- intercepting federal income tax returns (when applicable)
- garnishing social security retirement benefits
- intercepting civil settlements, insurance payouts and lottery winnings.

*ALL OF THESE COLLECTION EFFORTS HELP TO REDUCE ARREARS.*

# FACT ABOUT MODIFICATIONS

## HAS YOUR INCOME CHANGED?

Requesting a modification (review and adjustment) of your current child support obligation may lower your monthly support payments if your earnings or ability to earn income has decreased. However, if your income has increased, a modification may increase your child support.

### PRIOR TO INCARCERATION

$$\begin{array}{r} \text{Monthly net income} = \$1,800 \\ \times \\ 1 \text{ child} = 20\% \text{ of net income} \\ = \\ \$360 \text{ child support per month} \end{array}$$


### AFTER REVIEW AND ADJUSTMENT

$$\begin{array}{r} \text{Monthly net income} = \$1,100 \\ \times \\ 1 \text{ child} = 20\% \text{ of net income} \\ = \\ \$220 \text{ child support per month} \end{array}$$

For more information about modifications visit

[www.texasattorneygeneral.gov/cs/surviving-an-economic-downturn1](http://www.texasattorneygeneral.gov/cs/surviving-an-economic-downturn1)

The OAG's Child Support Calculator

[www.texasattorneygeneral.gov/cs/monthly-child-support-calculator](http://www.texasattorneygeneral.gov/cs/monthly-child-support-calculator)

You can request a review and adjustment of your case by submitting the Request for Review form to the Child Support Division available online at [www.texasattorneygeneral.gov/faq/cs](http://www.texasattorneygeneral.gov/faq/cs) or by logging into CS Interactive at <https://childsupport.oag.state.tx.us/>.

Current child support orders can be modified through a court hearing or through the Child Support Review Process (CSRP).\*\* **Only the court can approve the modification of the support amount.** The local child support office will review the case for the following conditions before deciding whether to file the case with the court.

A material and substantial change in circumstances has occurred since the child support order was last set.

The monthly amount of the child support ordered differs by either 20 percent or \$100 from the amount that would be ordered according to child support guidelines.

\*\* The court cannot modify arrears (past-due support).



## ASSISTANCE FROM FAMILY OR FRIENDS

Sometimes family members or friends help cover expenses for their loved one's children while they are incarcerated.

Non-monetary support (i.e. clothing) may be considered a gift by the court.

If you have a family member or friend who has provided monetary support for your child(ren) while you were incarcerated, please be aware that you may not have received credit.

Speak with your loved one about where they paid the support. Did they pay through the State Disbursement Unit or directly to the custodial parent?

If they paid directly to the custodial parent by check, money order or another documented method of payment, an Affidavit of Direct Payment can be completed to request to receive credit for those payments.

The Affidavit of Direct Payment form can be found on the agency website at [www.texasattorneygeneral.gov/cs/cs-forms](http://www.texasattorneygeneral.gov/cs/cs-forms).

## SERVED WHILE INCARCERATED?

The OAG-CSD sends service paperwork to notify parents when there is legal action taking place on their case. When an incarcerated parent receives service paperwork, a CSD case has already been created, and a court order is either being established or modified.

If a parent is served, but does not attend court, decisions can be made in their absence even if the reason for their absence was incarceration. If you were served while incarcerated and do not have a copy of your order:

- Contact a local child support office or the district clerk's office in the county where the order was filed.
- Reach out to the Child Support Division if you have questions about what your order means and how to fulfill the responsibilities in the order.

## ATTENDING OFFICE APPOINTMENTS OR COURT

You may have to travel to attend appointments or court hearings. Your service packet will tell you where your case will be heard. Make sure to let your probation/parole officer know if you have an appointment in another county and will need special permission to attend.

If you cannot attend court in person, you can request an alternate hearing by telephone. Following the guidelines in the service packet, send the request in writing to your local child support office or the court hearing your case.

It is important to always be present at all appointments or court hearings. If you are not present, decisions can be made without you.

# NCP CHOICES PROGRAM

## **DIFFICULTY FINDING EMPLOYMENT?**

The NCP Choices program is a partnership between the OAG and Texas Workforce Commission that assists unemployed or underemployed noncustodial parents gain valuable skills, training and job search assistance to find employment.

Ask a child support officer or assistant attorney general about the NCP Choices program.

## **TO BE ELIGIBLE FOR THE NCP CHOICES PROGRAM,**

### **A NCP MUST:**

- be unemployed or underemployed;
- reside in a county served by a participating Local Workforce Development Board;
- be legally able to work in the United States;
- be physically able to work; and
- have a full-service child support case.

# SPENDING TIME WITH YOUR CHILD

The Texas Access and Visitation Hotline provides noncustodial and custodial parents with free phone access to attorneys who provide legal information and assistance related to child custody, visitation issues, paternity and child support. Hotline attorneys do not represent parents. They provide explanations of legal orders; provide tools and guidance for resolution of child access issues; and answer parents' questions regarding possession and access orders, custody, paternity and child support.

## ATTORNEYS AT THE HOTLINE CAN ADDRESS THE FOLLOWING ISSUES:

- Access, visitation and custody
- Conservatorship and parental rights
- Paternity establishment as part of establishing a parenting (possession) order
- The link between your parenting order and the child and medical support process.

Call the Access and Visitation hotline **1 (866) 292-4636** (toll-free), Monday through Friday, from 1 to 7 p.m. Website: [www.txaccess.org](http://www.txaccess.org).

*THE OAG IS PROHIBITED FROM ENFORCING VISITATION ORDERS.*

# SIX WAYS TO GET STRAIGHT WITH CHILD SUPPORT

## 1. MAKE CONTACT

- **Phone** – Speak with a child support representative by calling toll-free (800) 252-8014. If you are deaf or hard of hearing, call Relay Texas toll-free 7-1-1 or (800) 735-2989.
- **Online** – If you have questions about your case, log into Child Support Interactive at <https://childsupport.oag.state.tx.us/>.
- **In person** – Use the interactive child support office map at <https://childsupport.oag.state.tx.us/> to find an office near you.

## 2. EXPLAIN YOUR CURRENT SITUATION

- Are you in transitional housing? Explain how much is taken from your pay check for transitional housing.
- Are you completing special terms of parole or probation? Explain whether those terms limit the number of hours you can work. For example, are you in a mandatory treatment program or Substance Abuse Felony Punishment Facility (SAFPF) program?
- Are you under geographical restrictions? Are you prohibited from leaving your county of residence?

## 3. UPDATE YOUR INFORMATION

When contacting a child support office, provide your:

- contact information: phone number, email, and mailing and residential address(es)
- financial information: employer name and contact information, amount of wages or benefits you receive

#### 4. ASK FOR AVAILABLE SERVICES

- Ask for a Review and Adjustment Packet if you want to find out whether your child support amount can be changed.
- Ask if your case qualifies for a Child Support Review Process (CSRP), which is one way to get your child support court order changed without going to court.
- Ask about local services like shared parenting (access and visitation), military/veteran assistance (HEROES project), or help for unemployed noncustodial parents who have child support debt (NCP Choices).

#### 5. MAKE CHILD SUPPORT PAYMENTS

- Pay the full amount of child support you owe for the month, or make a good faith effort to pay as much as you can toward supporting your children.
- Pay by mail at Texas SDU, P.O. Box 659791, San Antonio, TX 78265.
- Pay in person using cash:

**Fidelity XPressPay:** Call **(800) 621-8030** for the nearest Fidelity location or visit [www.fidelityexpress.com](http://www.fidelityexpress.com). \$2 fee per child support payment now applies.

**MoneyGram:** Call **(800) 926-9400** for agent locations or visit [www.moneygram.com](http://www.moneygram.com). Use receive code 14681.

- Pay online with credit card or by bank draft:

**SMART e-Pay:** Call **(855) 853-8286** or visit [tx.smartchildsupport.com](http://tx.smartchildsupport.com).

- Make your Child Support Payments at any self-service **TouchPay** kiosk location throughout Texas. All that is needed is the OAG 10-digit Case number and the Non-Custodial Parent's last name.
  - Accepts all U.S. cash bill denominations
  - Accepts Visa and MasterCard credit and debit cards

Visit [www.texasattorneygeneral.gov/cs/payment-options-and-types/](http://www.texasattorneygeneral.gov/cs/payment-options-and-types/) for locations.

- Visit [www.texasattorneygeneral.gov/cs/parents-and-guardians](http://www.texasattorneygeneral.gov/cs/parents-and-guardians) and scroll down to “Other Important Links for Parents” for additional payment methods.

## **6. STAY IN TOUCH**

- Update the child support office as soon as you find employment so that a wage withholding order can go to your employer, and automatic child support payments can be made.
- If you asked for a case review, stay in touch with the office and provide all necessary information.

# ADDITIONAL RESOURCES

## CO-PARENTING CLASSES

Co-parenting classes are offered in select counties (Bexar, Harris, El Paso, and Tarrant). These classes teach parents shared parenting skills and the benefits of co-parenting. The Access and Visitation Directory helps parents find additional co-parenting services across the state of Texas.

[www.texasattorneygeneral.gov/cs/access-and-visitation-help](http://www.texasattorneygeneral.gov/cs/access-and-visitation-help)

## FAMILY VIOLENCE CONCERNS

If domestic or family violence is currently or was an issue in the past, contact your local child support office to discuss ways to get child support safely.

[www.getchildsupportsafely.org](http://www.getchildsupportsafely.org)

## FAMILY INITIATIVES WEBSITE

Learn more about the family-centered programs and resources available through the Office of the Attorney General's Child Support Division.

[www.texasattorneygeneral.gov/cs/family-initiatives](http://www.texasattorneygeneral.gov/cs/family-initiatives)

## CHILD SUPPORT PUBLICATIONS

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

- Paternity, Child Support and You
- Maps for Dads: A Guide to Taking Care of Your New Baby
- Handbook for Noncustodial Parents
- For Our Children: Learning to Work Together Co-Parenting Guide



# CHILD SUPPORT (CS) INTERACTIVE

The Office of the Attorney General maintains an online portal for parents to access and update information on their child support cases. The portal is available online and on mobile devices at

<https://childsupport.oag.state.tx.us/>.

## LOGGING INTO CS INTERACTIVE

Noncustodial parents need the following information:

- Member ID\* (assigned by OAG-CSD)
- PIN

Custodial parents need the following information:

- CIN\* (Customer Identification Number assigned by OAG-CSD)
- PIN

\*Parents who do not know their Member ID or CIN can request their number from the CS Interactive log-in page, or call the Child Support Division to request that the information be mailed to their address on file.

## ONCE LOGGED INTO CS INTERACTIVE

Noncustodial Parents can:

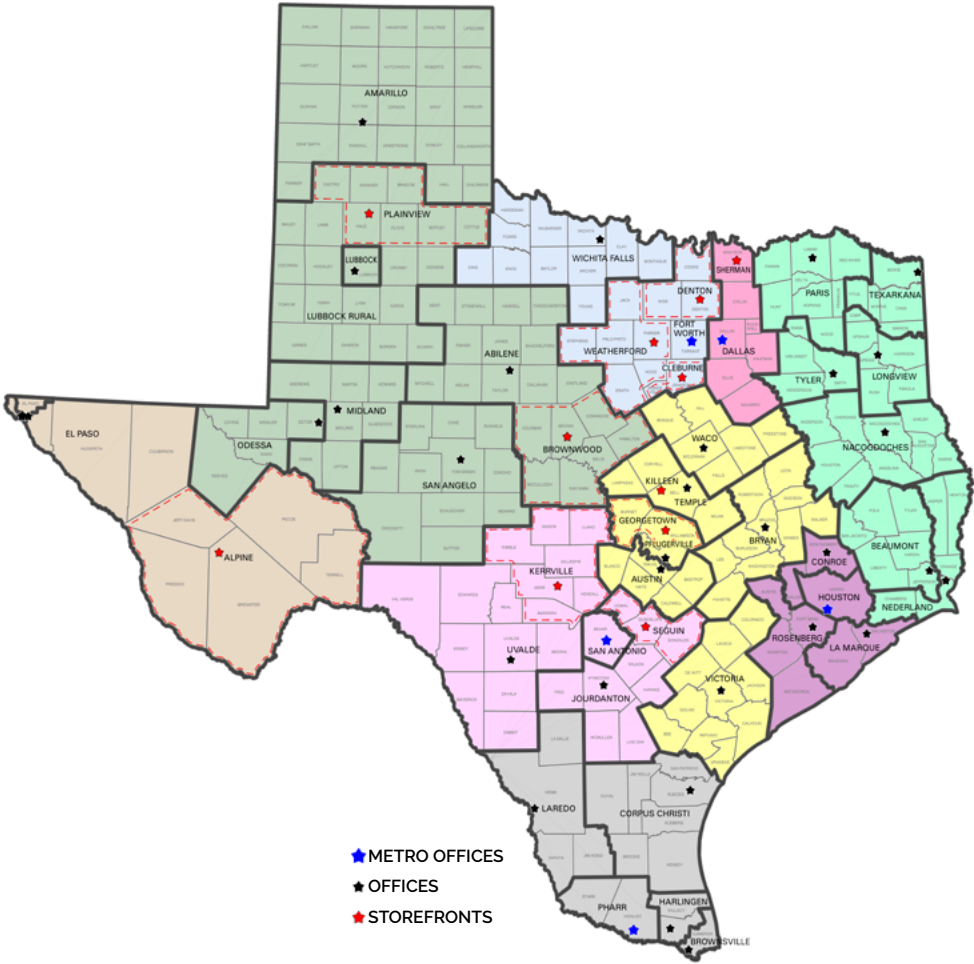
- check payments/case status
- change your address
- request payment history
- make payments on the Internet at:

<https://childsupport.oag.state.tx.us/wps/portal/csi/PayOnline>

Custodial Parents can:

- check payments/case status
- change your address
- request payment history
- request income verification

# CHILD SUPPORT AND STOREFRONT CENTERS



[www.texasattorneygeneral.gov/apps/cs-locations/](http://www.texasattorneygeneral.gov/apps/cs-locations/)

# CHILD SUPPORT DEFINITIONS

**Accrual** – Sum of child support payments that are due or overdue.

**Arrears** – Past due, unpaid child support owed by the noncustodial parent.

**Acknowledgment of Paternity (AOP)** – A document that unmarried parents can voluntarily sign to establish legal paternity for their child without going to court. The form does not establish child support or resolve custody and visitation.

**Case** – A collection of people associated with a particular child support order, court hearing, and/or request for IV-D services. This typically includes: a custodial parent (CP), one or more children, a noncustodial parent (NCP) and/or presumed father (PF). Every child support case has a unique Case ID number.

**Child support modification** – A court-ordered change to a child support order, which can include your child support payment amount being lowered or raised.

**Child support** – Financial support paid by a parent to help support a child or children of whom they do not have custody.

**Child Support Review Process (CSRP)** – In-office administrative process to establish, modify, and enforce child support and medical support obligations; to determine parentage; or to take any other actions authorized under Title IV-D of the Social Security Act.

**Court order** – A legally binding document issued by a court of law. A court order related to child support can dictate how often, how much, and/or

what kind of support a noncustodial parent must pay and how long he or she must pay.

**Custodial parent (CP)** – The person who has primary care, custody and control of the child, also referred to as the obligee.

**Dependent** – A child who is under the care of someone else. Most children are dependents. The child ceases to be a dependent when he or she reaches the age of 18, as determined by state law, but depending on the state's provisions, may remain eligible for child support for a period after he or she turns 18 years of age.

**Default judgment** – A judgment entered when a person fails to respond to a legal action or fails to appear in court even though the person was notified of the legal action and court date.

**Guidelines** – A standard method for setting child support amounts based on the income of the parent(s) and other factors determined by state law.

**Income** – Any periodic form of payment to an individual, regardless of source, including wages, salaries, commissions, bonuses, worker's compensation, disability, pension, or retirement program payments and interest.

**Legal father** – A man who is recognized by law as the male parent of a child.

**Material and substantial change** – A serious and meaningful change; something that makes enough of a difference to the family's situation that it justifies a review of the child support order.

**Monthly support obligation** – The amount of money a noncustodial parent is required to pay per month. It can take the form of financial support for the child, medical support or spousal support.

**Net resources** – Income and earnings minus allowable deductions, such as federal taxes.

**Noncustodial parent (NCP)** – The parent who does not have primary care, custody and control of the child, also referred to as the obligor.

**Review and adjustment packet** – The forms packet needed by the OAG to assess if a case may be eligible for modification. The packet may be automatically sent once every three years while the child support case is open, or may be sent when a parent requests a review of the child support obligation, and includes questions about each parent's financial and family situation.

**Visitation provisions** – Language in a court order that says when a parent has parenting time (visitation) with the child(ren) listed on the court order.

## NOTES

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# CONTACT INFORMATION



## OFFICE OF THE ATTORNEY GENERAL

### CHILD SUPPORT DIVISION

#### TELEPHONE

Customer Service Centers	(800) 252-8014
Paternity Opportunity Program	(866) 255-2006
24-Hr Payment and Case Status Information	(800) 252-8014
For the Deaf and Hard-of-Hearing	1-800-Relay-TX (800) 735-2989

#### ONLINE

Website	<a href="http://www.texasattorneygeneral.gov/cs">www.texasattorneygeneral.gov/cs</a>
CS Interactive	<a href="http://childsupport.oag.state.tx.us/">http://childsupport.oag.state.tx.us/</a>
Send a Compliment or File a Complaint	<a href="http://www.texasattorneygeneral.gov/cs/contact-the-child-support-division">www.texasattorneygeneral.gov/cs/ contact-the-child-support-division</a> (Under "How Are We Doing?")

#### U.S. MAIL

P.O. Box 12017, Austin, TX 78711-2017

