



KEN PAXTON
ATTORNEY GENERAL *of* TEXAS



FREQUENTLY ASKED QUESTIONS

About Child Support



*The Office of the
Texas Attorney General
encourages responsible
parenting by promoting
the involvement of
both parents and
ensuring that children
receive the support they
need and deserve.*

FREQUENTLY ASKED QUESTIONS

THE OFFICE OF THE ATTORNEY GENERAL PROMOTES THE INVOLVEMENT OF BOTH PARENTS IN THEIR CHILDREN'S LIVES 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.

Parents can chat with us online at www.texasattorneygeneral.gov/childsupport or call us at **(800) 252-8014**.

SERVICES

WHAT DOES THE CHILD SUPPORT PROGRAM DO?

The Office of the Attorney General – Child Support Division is responsible for providing the following services:

- establishing paternity,
- obtaining court orders for financial, medical and dental support of children,
- enforcing child support orders, and
- promoting the emotional involvement of both parents.

WHO CAN APPLY FOR CHILD SUPPORT SERVICES?

Any parent can apply for child support services. We accept applications from mothers, fathers and any caregiver of a child who might benefit from these services.

The Office of the Attorney General is required by law to provide all appropriate services for the benefit of the children.

HOW DO I OPEN A CHILD SUPPORT CASE?

There are multiple ways to open a child support case. You can apply for child support services and chat with us on our website, Office of the Attorney General Child Support <https://www.texasattorneygeneral.gov/child-support/get-started/how-apply-child-support>. You can call us at **(800) 252-8014** and request we send you an application in the mail. And you can visit your local child support office to obtain an application. While there are several ways you can complete a child support application, applying online is the fastest and easiest way. Visit our website <https://www.texasattorneygeneral.gov/child-support/get-started/how-apply-child-support> for additional information. An applicant who is deaf or hard of hearing can call Relay Texas toll-free by dialing **711** or **(800) RELAY TX (735-2989)**.

Another way a child support case can be created is when a parent receives certain types of public assistance. In these instances, child support cases are automatically opened. Temporary Assistance for Needy Families (TANF) and certain Medicaid recipients automatically receive child support services after they are certified for public assistance.

WHY DOES A CHILD SUPPORT CASE AUTOMATICALLY OPEN WHEN I RECEIVE TANF?

Federal law requires that a child support case be opened automatically when a parent receives TANF and certain types of Medicaid benefits through the Texas Health and Human Services Commission.

These types of benefits may cause your case to be referred to the Office of the Attorney General for paternity establishment and child support services. In order to maintain these benefits, parents must cooperate with the Office of the Attorney General's efforts to establish paternity, settle child support orders, complete child support modifications and enforce child support.

TANF recipients assign their right to child support collections to the state. This means the family will receive the first \$75 collected during any month that a current child support payment is made. The remainder of the child support payment made will be applied toward reimbursing the state and federal governments for the TANF benefits received by the family. When the family no longer receives TANF, all current child support payments made will be sent to the custodial parent.

IS THERE A COST FOR CHILD SUPPORT SERVICES?

Texas law requires a \$35 annual service fee on cases that involve parents who have never received TANF. Custodial parents will pay the \$35 annual service fee for each year that they receive at least \$550 in child support collections. If the custodial parent has more than one case, they will be charged the applicable fee for each case. In addition, the Texas Legislature

authorized a \$3 monthly fee to offset the costs of processing payments to taxpayers.

For example, cases may require the full range of services which includes locating the absent parent, establishing paternity and a support order, and enforcing the order.

WHAT INFORMATION IS NEEDED TO LOCATE A NONCUSTODIAL PARENT?

The most important information an applicant can provide, aside from the noncustodial parent's current address, is the name and address of the noncustodial 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 noncustodial parent should also 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 noncustodial parent belongs; and
- places where the noncustodial parent spends free time.

WHAT IF A PERSON NO LONGER WANTS SERVICES?

If the person who submitted an application for child support services wishes to discontinue these services, they can submit a request online, they can chat with us on our website <https://www.texasattorneygeneral.gov/child-support> or call us at **(800) 252-8014**. There are a few reasons a child support case cannot be closed:

- You or your children are receiving Medicaid or Temporary Assistance for Needy Families (TANF).
- There is a child support balance assigned to the state of Texas for TANF benefits received.
- Another state requested that Texas assist with your case.
- There is a legal action that needs to be resolved.
- The other parent opened the case.
- There are financial issues that need to be resolved.

In most instances, payments on closed cases will continue to be processed until further order of the court.

I HAVE SOME CHILD SUPPORT ISSUES, BUT I AM DEAF. HOW DO I GO ABOUT COMMUNICATING WITH THE OFFICE OF THE ATTORNEY GENERAL'S OFFICE?

You may call Relay Texas toll-free by dialing **711** or **(800) RELAY TX (735-2989)**. 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 website at www.texasattorneygeneral.gov.

PATERNITY

IF AN UNMARRIED FATHER IS ALREADY PROVIDING SUPPORT, IS IT NECESSARY TO ESTABLISH PATERNITY?

Yes. Even though a child's father is providing support, he may change his mind, become disabled or pass away unexpectedly. In most cases, establishing paternity is the best way for unmarried parents to ensure their children can receive certain benefits.

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.

Receiving financial support from both parents can provide economic security that will increase the likelihood of a child having a stable, secure and successful future.

Understanding a child's full medical history is also important. This can help doctors provide better medical treatment.

DOES PATERNITY ESTABLISHMENT AFFECT CUSTODY AND VISITATION?

Yes. Paternity establishment is needed for a parent to have the right to custody or visitation of their child.

HOW IS PATERNITY ESTABLISHED?

Paternity is established by:

- An Acknowledgment of Paternity (AOP) - The mother and the father sign a legal document called an AOP, which becomes a legal finding of paternity when it is filed with Texas Vital Statistics. If the mother or alleged father is not sure about the paternity of the child, neither should sign an AOP.
- Court order – A judge can sign a court order, a legal document that includes:
 - paternity establishment
 - custody
 - visitation
 - child support, and
 - medical support.

WHAT HAPPENS IF THE MOTHER AND FATHER SIGN THE ACKNOWLEDGMENT OF PATERNITY?

Paternity is established. This means the father is the legal father according to Texas law.

WHERE CAN WE COMPLETE THE ACKNOWLEDGMENT OF PATERNITY FORM?

- At the hospital before or after the birth of your child.
- At your local child support office. Parents completing an AOP in a local child support office are not required to open a child support case.
- Through a local certified entity, to find one near you, call **(866) 255-2006** or visit <https://www.texasattorneygeneral.gov/child-support/paternity/acknowledgement-paternity-aop>.

WHAT IF THE FATHER WANTS TO SIGN THE AOP BUT CANNOT COME TO THE HOSPITAL?

The AOP can be signed before or after the birth of the child. Contact a local certified entity at **(866) 255-2006** or visit our website <https://www.texasattorneygeneral.gov/child-support/paternity/acknowledgement-paternity-aop> to:

- Find out if signing an AOP virtually is right for you.
- Complete a pre-birth AOP. The mother can take the pre-birth AOP to the hospital when the child is born to finalize it there.
- Complete the AOP after the child is born.
- Get help completing your AOP if you live out of state.

CAN WE STILL DO AN AOP, IF THE MOTHER IS MARRIED TO SOMEONE ELSE WHEN THE CHILD IS BORN?

If the mother is married to someone other than the biological father at the time of the child's birth or if the baby is born within 300 days of her divorce from a man who is not the biological father, that man is the presumed father.

The mother and father can still establish paternity by completing the AOP and the presumed father must sign the Denial of Paternity on the AOP form. If the Denial of Paternity is not signed, either biological parent can open a case with us or establish paternity through the courts.

WHAT IF THE PREGNANCY WAS UNPLANNED?

Both parents have rights and responsibilities to their child under Texas law, even if the pregnancy was not planned.

WHAT IF THE PARENTS ARE NOT SURE WHO THE FATHER IS?

- Do not complete an AOP.
- We can help you with DNA testing.
- If you choose not to open a child support case with the OAG, you may visit <http://www.texaslawhelp.org>, to take action on your own.

WHAT IF THE FATHER IS UNSURE IF HE IS THE CHILD'S FATHER?

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

WHO PAYS FOR THE PATERNITY TEST?

If a parent opens a child support case with the OAG and DNA testing is ordered, then there is no cost to either parent.

WHAT IF THE PARENTS CHANGE THEIR MIND AFTER THEY HAVE SIGNED THE AOP?

- Both parents may file a Rescission of the Acknowledgment of Paternity form (VS-158) to back out of the AOP during the following timeframe: It must be filed with Texas Vital Statistics within the first 60 days after the AOP has been filed, or before a child support case is filed with the court, whichever comes first.
- Both parents may ask the court to cancel the AOP in court and request paternity testing. Parents must read the AOP carefully before signing it. The AOP is a legal document and there can be consequences for providing false information.

PAYMENTS

HOW LONG BEFORE PAYMENTS BEGIN?

Payment start dates will vary on a case by case basis. This process involves a wide variety of factors, which will affect the time required to secure payments on individual cases. One case may require the full range of services such as locating the absent parent and establishing and enforcing an order. Another case may have a divorce decree with an established order, a Social Security number, and an employer for the noncustodial parent, which will make it easier for the noncustodial parent to begin paying.

HOW CAN CHILD SUPPORT BE CHANGED?

Only the court can modify/change a 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 the monthly payment by either 20 percent or \$100. A parent may contact us to request a review of the ordered child support amounts every three years.

WHAT IF THE NONCUSTODIAL PARENT IS STILL IN SCHOOL AND CAN NOT AFFORD CHILD SUPPORT?

A noncustodial parent is responsible for supporting his or her child even if that parent is still a minor or young adult attending school. 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 noncustodial 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 to the child support payment.

HOW CAN CHILD SUPPORT BE PAID?

- The Office of the Attorney General strives to provide the best customer service by making it as easy as possible to make a child support payment. To learn more about these payment options and current payment features, please visit <https://www.texasattorneygeneral.gov/child-support/paying-and-receiving-child-support/how-pay-child-support>.

ENFORCEMENT

WHAT IF THE NONCUSTODIAL PARENT GETS BEHIND ON THEIR CHILD SUPPORT PAYMENTS?

Children do best when they receive the emotional and financial support of both parents. When children do not receive consistent support, it can affect their quality of life. We have many ways to collect child support including:

- requesting withholding of federal income tax refunds, lottery winnings or other money from state or federal sources;
- filing liens on property or other assets;
- suspending licenses or blocking license renewals;
- possibly pairing the noncustodial parent with a job assistance program in their community; and
- filing with the court for a jail sentence.

WHAT IF THE NONCUSTODIAL PARENT LIVES IN ANOTHER STATE?

- The noncustodial parent must make child support payments even if they live out of state.
- All states work together to collect child support.

LICENSE SUSPENSION

WHAT IS THE CRITERIA FOR SUSPENDING A LICENSE?

The Office of the Attorney General has the authority to deny or suspend a license for nonpayment of child support.

License suspension affects noncustodial parents who:

- hold a state issued license,
- owe more than three months of past-due child support, and
- are not following a court order or voluntary repayment schedule.

WHAT TYPES OF LICENSES ARE SUSPENDED?

The OAG electronically matches its cases with other state agencies that issue licenses, such as:

- driver's,
- hunting,
- fishing,
- barber,
- medical and many more.

HOW DOES A LICENSE GET SUSPENDED?

If the electronic match shows that a noncustodial parent is at risk of a license suspension, we will send a warning letter requesting the noncustodial parent contact us to discuss a solution.

If we are not contacted by the noncustodial parent, we may complete the license suspension by asking the courts or by asking the agency that issued the license to complete the license suspension.

CUSTODY AND VISITATION

CAN A PARENT TAKE CUSTODY OF THE CHILD INSTEAD OF MAKING CHILD SUPPORT PAYMENTS?

Both parents must provide for their child, no matter which parent has primary custody. Child support is normally paid to the custodial parent for the benefit of their 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 noncustodial parent.

DOES THE OFFICE OF THE ATTORNEY GENERAL HANDLE CUSTODY AND VISITATION DISPUTES?

Federal regulations do not allow our office to use child support funding to provide legal services for custody or visitation disputes.

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 at **(866) 292-4636**. The hotline is answered in English and Spanish, Monday–Friday from 1 - 5 p.m. For more information visit our website at www.txaccess.org, where parents can download sample materials and tools for assistance with child access issues.

The Office of the Attorney General maintains an online directory of programs and service providers

across Texas designed to facilitate shared parenting after separation or divorce. You can visit the online directory at <https://csapps.oag.texas.gov/locations/access> and search by zip code, county or service provided.

If parents cannot agree on custody and/or visitation, 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. Sometimes the court will appoint a lawyer for the child.

Here are some local legal aid resources that may be able to help:

Legal Aid of NorthWest Texas, Inc.

North and West Texas

(Dallas, Amarillo, Lubbock, and surrounding areas)

(888) 529-5277

www.lanwt.org

Lone Star Legal Aid, Inc

East Texas

(Houston, Waco, Bryan, and surrounding areas)

(800) 733-8394

www.lonestarlegal.org

Texas RioGrande Legal Aid, Inc.

Central and South Texas (Austin, San Antonio, and the Rio Grande Valley from El Paso to Brownsville)

(888) 988-9996

www.trla.org

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 NONCUSTODIAL PARENT ENTITLED TO VISIT THE CHILD IF HE OR SHE IS NOT PAYING CHILD SUPPORT?

Child support and visitation rights are separate legal issues. The court determines both and will usually order the noncustodial 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 noncustodial 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?

Private child support collection agencies and county domestic relations offices generally handle only cases with existing child support orders.

The Office of the Attorney General provides a full range of child support services, including the establishment of child support orders. Our full range of services means our 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. All Office of the Attorney General - Child Support Division offices and customer service centers across the state utilize

volunteers for everything from preparing packets for court cases to filing judicial pleadings and other clerical tasks.

Students seeking internships to satisfy course requirements are also needed and valued to support our customers.

To obtain information on how to volunteer or become an intern, visit our webpage at <https://www.texasattorneygeneral.gov/child-support/programs-and-initiatives/intern-volunteer-and-outreach-program>.

CONTACT INFORMATION



OFFICE OF THE TEXAS ATTORNEY GENERAL

CHILD SUPPORT DIVISION

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

Phone
(800) 252-8014

Website
www.texasattorneygeneral.gov/child-support

Chat with us on our website:
M-F from 8:00 am – 5:00pm.

Login to your online child support account at:
<https://childsupport.oag.texas.gov/>

FOR THE DEAF AND HARD OF HEARING

Call Relay Texas toll free
by dialing 711 or (800) RELAY TX (735-2989)