



SURVIVING AN ECONOMIC DOWNTURN: HOW THE CHILD SUPPORT DIVISION HELPS FAMILIES

by Texas Attorney General Greg Abbott

VIRTUALLY EVERYONE IS AFFECTED IN SOME way by the nation's economic slump. Each day brings new reports of industry downsizing, factory closures and job losses. Although Texas' unemployment rate is below the national average, many families are having a tough time making ends meet.

The Office of the Attorney General's Child Support Division can help improve the financial picture for parents who need or pay child support. Single parents who have custody of their children may suddenly need the extra help that child support provides, and our office will assist them by establishing a child support order or enforcing an existing order.

Parents who pay child support may be struggling because the amount of their court-ordered payment no longer matches their income. The CSD can help those parents modify, or change, the amount of their court-ordered child support payment.

In Texas, judges follow guidelines in the law when setting the amount of the child support payment. In most cases, noncustodial parents pay a percent of their net income each month, ranging from 20 percent for one child to not less than 40 percent for six or more children. Special rules apply for parents

with a net monthly income greater than \$7,500, and in cases of joint placement or multiple children in different households. Each child support order also includes the obligation to provide medical support.

Child support orders can be modified if a material and substantial change in circumstances has occurred since the last child support order. Many times, this means a parent's income has either decreased or increased. Orders also can be modified if three or more years have passed since the order was established or last modified and the monthly amount of the current payment differs by either 20 percent or \$100 from the amount that would be awarded according to the guidelines.

To obtain information about changing the amount of a child support order, parents are encouraged to visit the child support section of the OAG's Web site www.texasattorneygeneral.gov, where they will find answers to frequently asked questions on the subject. Parents who believe they are due a modification can use the child support calculator to compute the monthly payment amount, based on information they enter about their current earnings and family situation.

Parents whose orders may qualify for a

modification can complete an online form to request a review of their case. A review can also be requested by contacting their local child support office.

The local child support office will review each parent's request and, for those who qualify, schedule a modification court hearing or office appointment that includes the other parent.

If a parent is unemployed and has no source of income, the modified child support payment is generally calculated based on past employment, ability to work and earn an income, and the federal minimum wage. Up to 50 percent of a parent's unemployment benefits are withheld through wage withholding and applied to the child support obligation.

Noncustodial parents who lose their jobs should immediately notify the child support office handling their case. If requesting a modification, it is important to show evidence of seeking work. Notify the office as soon as you get another job so that a wage withholding order or writ can be sent to the new employer.

Remember that only a court can change the amount a parent is ordered to pay. Completing a request for a review does not guarantee that the order will be changed.

After submitting a written request for a review, parents should:

- Continue to make regular child support payments because changes to the court-ordered amount are not retroactive.
- Provide all the information requested for the review. Missing information will slow down the process.
- Show up to any appointments or court hearings that are scheduled. If a parent fails to appear, the court or our office may not be able to complete the modification request.
- Keep in touch with the local child support office until a final decision has been made.

Parents understand the importance of providing for their children through good and bad economic times. The amount of court ordered payments should be within reach, according to a parent's earnings. Our office is committed to helping parents caught up in the financial downturn by helping them align their child support orders to their current circumstances. Parents who do not have cases with our office can apply for services online from the child support section of the Attorney General Web site, or by calling (800) 252-8014 to request an application.