

## Enforcing Your Child Support Orders On Your Own

Texas Legal Services Center (<https://texaslawhelp.org/directory/legal-resource/texas-legal-services-center>) [1]

This article answers frequently asked questions about enforcing your child support orders yourself.



### Can I enforce child support on my own, without going through the Office of Attorney General (OAG)?

Yes, you can enforce child support on your own. You are not required to go through the **Office of the Attorney General (OAG)** (<https://www.texasattorneygeneral.gov/>) [2] to file a child support enforcement case.

### What are the advantages of filing an enforcement case on my own?

It is almost always best to enforce a child support order through the **OAG** (<https://www.texasattorneygeneral.gov/child-support>) [3]. However, because the OAG's child support division handles an extremely large caseload, there can be long wait times. The longer a case takes, the more difficult it can be to collect back child support. If you bring a private enforcement action, it's possible that you'll be able to resolve the case more quickly.

Additionally, the OAG can only assist with child support enforcement. This means that the OAG cannot help you enforce other provisions of a court order (such as visitation, property division, etc.). So, if the non-paying parent is violating other portions of the court order, it may be beneficial to pursue a private action so that you can address every violation.

Remember that **the OAG does not represent either parent in an enforcement action**. The OAG represents the interests of the State of Texas, which include securing child support from non-paying parents. This means that the OAG does not offer the same kind of support that a private attorney can offer.

### What relief can I get if I file an enforcement petition on my own?

The court can take a variety of actions to enforce a child support order. For example, the court can order that child support payments be withheld from the

non-paying parent's paychecks. The court can also issue an order suspending the non-paying parent's driver's license or other professional licenses and certificates.

Additionally, if the court issues an order confirming the money owed by the non-paying parent, you may be able to file levies against their financial assets or liens against any property that they own (except for their home).



Most seriously, the non-paying parent can be held in **contempt** (<https://texaslawhelp.org/article/how-enforce-visitation-order#toc-10>) [4] for failing to obey a court order, which can lead to jailtime. In lieu of contempt, the court can place the non-paying parent on community supervision (also called probation) for up to 10 years. The terms of community supervision will vary depending on the case, but the court can require the non-paying parent to:

- pay back child support and attorney's fees,
- attend financial counseling classes,
- obtain substance abuse treatment,
- seek employment services, etc.

The non-paying parent can shorten their community supervision by staying current with child support payments and fully complying with any other court requirements.

### **What if the non-paying parent fails to comply with the terms of their community supervision?**

If the non-paying parent is sentenced to community supervision and fails to comply with its terms, you can file a motion to revoke community supervision (see **Texas Family Code chapter 157.214** (<http://statutes.capitol.texas.gov/Docs/FA/htm/FA.157.htm#157.214>) [5]). If the non-paying parent's community supervision is revoked, the court may issue a warrant for their arrest.

**Can the non-paying parent go to jail if they lose an enforcement action?**

Possibly. A person who fails to follow a court order can be held in contempt, which can lead to jailtime. Likewise, violating the terms of community supervision can lead to jailtime.

**Will the non-paying parent have a court-appointed attorney at the enforcement hearing?**

Possibly. Whether the non-paying parent is eligible for a court-appointed attorney depends on whether

1. whether the judge finds that they are low-income, or indigent, and
2. incarceration is a possible result of the enforcement action.

**Do I need to hire an attorney to file a child support enforcement action for me?**

No, you do not have to hire an attorney to file a private enforcement action. However, it is always best to at least consult with an attorney if possible.

**If I hire an attorney, will the court order the non-paying parent to pay my attorney's fees?**

Normally, if the court finds that the respondent failed to make child support payments, it must order them to pay the petitioner's reasonable attorney's fees and court costs (see **chapter 157.167 (<https://statutes.capitol.texas.gov/Docs/FA/htm/FA.157.htm#157.167>) [6]** of the (<http://statutes.capitol.texas.gov/Docs/FA/htm/FA.157.htm#157.167>) [7]**Texas Family Code (<http://statutes.capitol.texas.gov/Docs/FA/htm/FA.157.htm#157.167>) [7]**).

However, in certain situations, the court can waive this requirement. If you plan on hiring an attorney, you should always talk to them about fee arrangements and the possibility of recovering legal costs from the opposing party.

**What can the OAG do that a private attorney (or pro se litigant) cannot?**

The OAG has certain enforcement tools that aren't available to people representing themselves, or a private attorney. For example, the OAG can:

- Intercept the non-paying parent's tax refund or state benefits
- Suspend the non-paying parent's passport
- Seize lottery winnings
- Report the back child support to credit reporting agencies, negatively impacting the non-paying parent's credit score.



### **Can I prevent the non-paying parent from seeing the child while the enforcement action is pending?**

No, you cannot prevent the non-paying parent from exercising their visitation rights even if they are not paying child support. You must continue to abide by the court order. Failing to do so could weaken your case or provide the non-paying parent with the opportunity to counter your suit with their own enforcement action. Any parent who fails to comply with court-ordered visitation also runs the risk of violating **Texas Penal Code chapter 25.03** (<https://statutes.capitol.texas.gov/Docs/PE/htm/PE.25.htm#25.03>) [8] and could face civil liability for **interference with possessory interest in a child** (<https://statutes.capitol.texas.gov/Docs/FA/htm/FA.42.htm>) [9].

### **What if my child support order is from another state?**

A child support order from another state can often be enforced in Texas. However, these cases can be complicated so it is best to work with the OAG or to hire an attorney.

### **Can I collect unpaid medical and dental support in a child enforcement action?**

Yes, medical and dental support, including uninsured expenses, are types of child support and are enforceable just like monthly child support payments.

### **How should I prepare if I want to pursue my own enforcement action?**

Study **Chapter 157 (<https://statutes.capitol.texas.gov/Docs/FA/htm/FA.157.htm>) [10] of the Texas Family Code (<http://statutes.capitol.texas.gov/Docs/FA/htm/FA.157.htm>) [11]**. This is the section that governs enforcement actions. Consider meeting with a family law lawyer or attending a free legal clinic. You can see a list of upcoming legal clinics **here (<https://texaslawhelp.org/legal-clinic-calendar>) [12]**. Additionally, law libraries offer a variety of resources for pro se litigants. You can see a list of law libraries in Texas **here (<https://www.sll.texas.gov/self-help/where-to-go-for-help/law-libraries-of-texas/>) [13]**.



Note: TexasLawHelp does not provide forms for pursuing a child support enforcement action.

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### Links

[1] <https://texaslawhelp.org/directory/legal-resource/texas-legal-services-center>

[2] <https://www.texasattorneygeneral.gov/>

[3] <https://www.texasattorneygeneral.gov/child-support>

[4] <https://texaslawhelp.org/article/how-enforce-visitation-order#toc-10>

[5] <http://statutes.capitol.texas.gov/Docs/FA/htm/FA.157.htm#157.214>

[6] <https://statutes.capitol.texas.gov/Docs/FA/htm/FA.157.htm#157.167>

[7] <http://statutes.capitol.texas.gov/Docs/FA/htm/FA.157.htm#157.167>

[8] <https://statutes.capitol.texas.gov/Docs/PE/htm/PE.25.htm#25.03>

[9] <https://statutes.capitol.texas.gov/Docs/FA/htm/FA.42.htm>

[10] <https://statutes.capitol.texas.gov/Docs/FA/htm/FA.157.htm>

[11] <http://statutes.capitol.texas.gov/Docs/FA/htm/FA.157.htm>

[12] <https://texaslawhelp.org/legal-clinic-calendar>

[13] <https://www.sll.texas.gov/self-help/where-to-go-for-help/law-libraries-of-texas/>