

How to Stop Child Support Withholding

This article contains information, instructions, and forms for having child support withholding stopped.

When is someone eligible to have child support withholding stopped?

Someone is eligible to have child support withholding stopped when:

- The child support obligation has ended, or
- The parties reach an agreement for child support to stop **and** the parties have filed a modification case.

Note: Get a copy of your court order to learn when the child support obligation ends in your case. You can also read some common reasons child support may have ended listed in the **Order to Employer to Terminate Withholding for Support (https://texaslawhelp.org/form/order-employer-terminate-withholding-support-without-agreement) [1]** form.

What do I need to do to stop child support withholding?

Step 1: Fill out these forms.

Note: These forms should **only** be used if your child support obligation has ended. If your child support obligation has not ended, you may need to file a modification case. For more information about filing a modification case, read this short article: **Changing a Custody, Visitation or Child Support Order (https://texaslawhelp.org/article/changing-custody-visitation-or-child-support-order) [2]**. You may also use the instructions and forms available in the toolkit: **I need to change a custody, visitation or child support order. (https://texaslawhelp.org/family-divorce-children/toolkit/modification-i-need-change-custody-visitation-or-support-order) [3]**

If you want to stop child support from being withheld from your paycheck by an employer because the child support obligation has ended you can:

Use these forms if you want to **file the court papers yourself** and then give the other party legal notice of the case:

- **Petition to Terminate Withholding for Child Support (https://texaslawhelp.org/form/petition-terminate-withholding-child-support) [4]**



- Fill this out completely in blue or black ink.
- **[Waiver of Service \(https://texaslawhelp.org/form/waiver-service-terminate-withholding-child-support\)](https://texaslawhelp.org/form/waiver-service-terminate-withholding-child-support) [5] OR [Answer to Petition to Terminate Withholding for Child Support \(https://texaslawhelp.org/form/answer-petition-terminate-withholding-child-support\)](https://texaslawhelp.org/form/answer-petition-terminate-withholding-child-support) [6]**
 - Give the other party (the respondent who receives the support) both of these forms and ask the respondent to sign **either** form and give it back to you.

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 - **Note:** If the other party will not fill out and sign the **[Waiver of Service \(https://texaslawhelp.org/form/waiver-service-terminate-withholding-child-support\)](https://texaslawhelp.org/form/waiver-service-terminate-withholding-child-support) [5]** or **[Answer to Petition to Terminate Withholding for Child Support \(https://texaslawhelp.org/form/answer-petition-terminate-withholding-child-support\)](https://texaslawhelp.org/form/answer-petition-terminate-withholding-child-support) [6]** form, you must have the respondent served by a constable, sheriff or private process server. Use these instructions: **[How to Serve the Initial Court Papers. \(https://texaslawhelp.org/article/how-serve-initial-court-papers-family-law\)](https://texaslawhelp.org/article/how-serve-initial-court-papers-family-law) [7]**
 - The **[Waiver of Service \(https://texaslawhelp.org/form/waiver-service-terminate-withholding-child-support\)](https://texaslawhelp.org/form/waiver-service-terminate-withholding-child-support) [5]** form must be signed in front of a notary. If the respondent plans to sign the Waiver of Service form, tell the respondent to sign it in front of a notary at least one day **after** you filed the Petition. Otherwise, the respondent will have to redo it.
 - The **[Answer to Petition to Terminate Withholding for Child Support \(https://texaslawhelp.org/form/answer-petition-terminate-withholding-child-support\)](https://texaslawhelp.org/form/answer-petition-terminate-withholding-child-support) [6]** form does not have to be signed in front of a notary.
- **[Order to Employer to Terminate Withholding for Support \(https://texaslawhelp.org/form/order-employer-terminate-withholding-support-without-agreement\)](https://texaslawhelp.org/form/order-employer-terminate-withholding-support-without-agreement) [1]**
 - Fill this out completely in blue or black ink. Ask the respondent to sign it. You should also sign it.
 - The **[Order to Employer to Terminate Withholding for Support \(https://texaslawhelp.org/form/order-employer-terminate-withholding-support-without-agreement\)](https://texaslawhelp.org/form/order-employer-terminate-withholding-support-without-agreement) [1]** form must be completely filled out when the respondent signs it. You CANNOT make

changes to the order form after it has been signed by the respondent, unless the respondent initials each change.

Online Guided Forms - Interactive

<u>PETITION TO TERMINATE CHILD SUPPORT WITHHOLDING - GUIDED FORM</u>	
[8]	<input checked="" type="checkbox"/>
<u>RESPONDENT'S ANSWER OR WAIVER TO THE PETITION TO TERMINATE C</u>	
[9]	

Step 2: Turn in your petition.

Turn in your completed **Petition to Terminate Withholding for Child Support** (<https://texaslawhelp.org/form/petition-terminate-withholding-child-support>) **[4]** form at the district clerk's office in the county where your current order was made. Get a copy for both you and the other party. The clerk will "file-stamp" your forms with the date and time and return the copies to you.

Step 3: Send a file-stamped copy of the Petition to the other party.

Send a file-stamped copy of the **Petition to Terminate Withholding for Child Support** (<https://texaslawhelp.org/form/petition-terminate-withholding-child-support>) **[4]** to the other party. Send it by certified mail, return receipt requested.

Note: If the other party will not fill out and sign the **Waiver of Service** (<https://texaslawhelp.org/form/waiver-service-terminate-withholding-child-support>) **[5]** or **Answer to Petition to Terminate Withholding for Child Support** (<https://texaslawhelp.org/form/answer-petition-terminate-withholding-child-support>) **[6]** form, you must have the respondent served by a constable, sheriff or private process server. Use these instructions: **How to Serve the Initial Court Papers**. (<https://texaslawhelp.org/article/how-serve-initial-court-papers-family-law>) **[7]**

Step 4: Schedule a hearing.

If the other party signed the Order or Waiver of Service, call the clerk's office to

learn when and where the court hears uncontested cases.

If the respondent was served and did not file an answer, determine if your case can be finished by default:

- A Return of Service form (stating when and where the respondent was served) has been on file with the clerk's office for at least 10 days (not counting the day it was filed or the day you go to court).
- The 20-day waiting period for the respondent to file an answer has passed.
- If the respondent filed an answer and will not sign your completed Order to Terminate Child Support Withholding, your case is contested. To finish a contested case, you must set a contested final hearing. Read this article to learn more: **[How to Set a Contested Final Hearing \(https://texaslawhelp.org/article/how-set-contested-final-hearing-family-law\)](https://texaslawhelp.org/article/how-set-contested-final-hearing-family-law)** [10]. It's always best to have a lawyer if your case is contested.



Read the article **[Tips for the Courtroom \(https://texaslawhelp.org/article/tips-courtroom\)](https://texaslawhelp.org/article/tips-courtroom)** [11] for more information about going to court.

Step 5: Go to the hearing

Be ready to explain to the judge why you are eligible to have the child support withholding stopped

Bring the following with you to court:

- Proof that you sent the **[Petition to Terminate Withholding for Child Support \(https://texaslawhelp.org/form/petition-terminate-withholding-child-support\)](https://texaslawhelp.org/form/petition-terminate-withholding-child-support)** [4] to the other party.
- The **[Order to Employer to Terminate Withholding for Support \(https://texaslawhelp.org/form/order-employer-terminate-withholding-support-without-agreement\)](https://texaslawhelp.org/form/order-employer-terminate-withholding-support-without-agreement)** [1] for the judge to sign.

If the judge agrees to stop the withholding of child support, the judge will sign that **[order \(https://texaslawhelp.org/form/order-employer-terminate-withholding-support-without-agreement\)](https://texaslawhelp.org/form/order-employer-terminate-withholding-support-without-agreement)** [1].

After the judge signs the order, take the signed order back to the clerk's office. Ask the clerk to send a certified copy to the employer that is withholding support from your paycheck. Get a copy of the signed order for your records.

Does it cost anything to file a Petition to Terminate Withholding for Child Support?

Yes. Call the district clerk's office in the county where the current order was made to learn the fee. If you cannot afford the fee, learn about **Court Fees & Fee Waivers** (<https://texaslawhelp.org/article/court-fees-fee-waivers>) [12].



If you cannot afford the court fees for your case, you can ask the judge to waive the fees by filing a **Statement of Inability to Afford Payment of Court Costs**. (https://texaslawhelp.org/sites/default/files/tx-pr-pay-112_scot_statement_of_inability_to_pay_court_costs.pdf) [13]

Will the Court automatically approve my Petition?

No. The Court will *not* approve your Petition if:

- You do not meet the requirements, or
- You owe arrears for child support.

Should I talk with a lawyer to find out if I can ask for my child support withholding to stop?

Yes! If possible, talk with a lawyer. You can hire a lawyer just to:

- give you advice and review your forms, or
- represent you at your hearing.

You may also be able to talk with a lawyer for free at a legal clinic.

If you need help finding a lawyer, you can:

- Contact your **local lawyer referral service** (<https://texaslawhelp.org/node/85>) [14], or
- Use our **Legal Help Finder** (<https://texaslawhelp.org/legal-help/legal-help-finder>) [15]r tool, or
- Check our **Legal Clinic Calendar**. (<https://texaslawhelp.org/legal-clinic-calendar>) [16]

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Links

- [1] <https://texaslawhelp.org/form/order-employer-terminate-withholding-support-without-agreement>
- [2] <https://texaslawhelp.org/article/changing-custody-visitation-or-child-support-order>
- [3] <https://texaslawhelp.org/family-divorce-children/toolkit/modification-i-need-change-custody-visitation-or-support-order>
- [4] <https://texaslawhelp.org/form/petition-terminate-withholding-child-support>
- [5] <https://texaslawhelp.org/form/waiver-service-terminate-withholding-child-support>
- [6] <https://texaslawhelp.org/form/answer-petition-terminate-withholding-child-support>
- [7] <https://texaslawhelp.org/article/how-serve-initial-court-papers-family-law>
- [8] <https://texaslawhelp.org/guided-form/interactive-petition-terminate-withholding-child-support>
- [9] <https://texaslawhelp.org/guided-form/interactive-respondents-answer-or-waiver-petition-terminate-withholding-child-support>
- [10] <https://texaslawhelp.org/article/how-set-contested-final-hearing-family-law>
- [11] <https://texaslawhelp.org/article/tips-courtroom>
- [12] <https://texaslawhelp.org/article/court-fees-fee-waivers>
- [13] https://texaslawhelp.org/sites/default/files/tx-pr-pay-112_scot_statement_of_inability_to_pay_court_costs.pdf
- [14] <https://texaslawhelp.org/node/85>
- [15] <https://texaslawhelp.org/legal-help/legal-help-finder>
- [16] <https://texaslawhelp.org/legal-clinic-calendar>