

Enforcement Actions in IV-D Court

This article explains what to expect if you are ordered to appear in a IV-D Court (also known as child support court). This article should not be considered legal advice, and doesn't replace legal advice. It won't explain every legal action that can happen in IV-D Court—just the most common ones. Every case is different, so each experience is different. Hopefully this article can give you an idea of what might happen and what to expect.

If, after reading this article, you decide you don't want to go to before a IV-D judge alone, there are resources available to help you find a lawyer. The **State Bar of Texas website** (<http://www.texasbar.com/>) [1] has a "**Find a Lawyer** (https://www.texasbar.com/AM/Template.cfm?Section=Find_A_Lawyer&Template=/CustomSource/MemberDirectory/Search_Form_Client_Main.cfm) [2]" section, plus a **Lawyer Referral and Information Service** (https://www.texasbar.com/AM/Template.cfm?Section=Lawyer_Referral_Service_LRIS) [3]. Your county might have a lawyer referral service. You can find that information on the internet or in a phone book.

Should I ask for a lawyer at an enforcement hearing?

Yes. If you have been served with a citation (see **Texas Rule of Civil Procedure 99** (<https://www.txcourts.gov/media/1055394/trcp-20150901.pdf>) [4]) to appear in IV-D Court for an enforcement hearing, and you are the parent who did not pay the child support payments you were ordered to pay in a support order, you may be in **contempt of court** (<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.21.htm#21.002>) [5]. Contempt can be punishable by jail.

The judge will inform you of your right to an attorney when you appear in court for the hearing. The judge may not let you testify until you have spoken to an attorney. This is a serious matter. For more information, read **Texas Family Code section 157.163** (<http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.157.htm#157.163>) [6].

If you are facing contempt, a lawyer may be appointed for you if you are: 1) the non-paying respondent of child support (or obligor), 2) the court finds that you may end up in jail as the final result of the hearing, and 3) you are found to be low-income, or indigent, by the IV-D judge.

However, if you are the parent who is owed back child support (obligee), you are not entitled to an attorney. One will not be appointed for you. You may want to talk to a lawyer before appearing in court.

Remember, the AG and the DRO don't represent either parent. If you hire a lawyer, talk to a lawyer familiar with child support enforcement cases.



If I am put on probation as a result of the enforcement hearing, how long will I be on probation?

You can be on probation for up to 10 years. You can shorten your probation by paying off the back child support you owe in full before 10 years. While on probation, you will have to report to a probation officer monthly and pay current and back child support and medical support payments faithfully. For more information, read **Texas Family Code section 157.211**

(<http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.157.htm#157.211>) [7] and **section 157.212 (<http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.157.htm#157.212>) [8]**.

What if I don't have a job? How can the IV-D Court order child support if I don't have money?

The judge will assume that you make, or can make, minimum wage. All child support will be based on minimum wage unless there is evidence that you have a job or you have underemployed yourself (taken a job that pays less to avoid paying a larger child support). The OAG and the DRO will usually have evidence of your current income available to them if you are working for someone else. If your income has recently changed, you must show evidence of that change.

To understand how much child support you should pay, talk to a lawyer. Read **Texas Family Code section 154.068 (<http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.154.htm#154.068>) [9]**, **section 154.122 (<http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.154.htm#154.122>) [10]** and **section 154.125 (<http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.154.htm#154.125>) [11]** for more information.

The person who has custody of my child won't let me see the child

because I haven't paid child support. Do I tell the IV-D judge?

Yes. Don't be afraid to speak to the judge.

The payment of child support and visitation with the child are two separate issues. One has nothing to do with the other. Please read **Texas Family Code section 153.001** (<http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.153.htm#153.001>) [12] and **section 153.002** (<http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.153.htm#153.002>) [13] for more information.

A visitation schedule may be included in the child support order. You may have court-ordered visitation established, depending on the testimony and evidence presented in court by you and the other parent, or by agreement of the parties. Read **Texas Family Code section 153.003** (<http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.153.htm#153.003>) [14], **153.004** (<http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.153.htm#153.004>) [15], **153.005** (<http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.153.htm#153.005>) [16], **153.006** (<http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.153.htm#153.006>) [17], and **153.007** (<http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.153.htm#153.007>) [18] for more information.

Will I be responsible for attorneys' fees or court costs if I've been found to owe back child support in an enforcement hearing?

Yes, most likely. The saying "nothing is free" is absolutely correct. You, as the obligor, will most likely be responsible for attorney's fees (for the work of the Office of the Attorney General, the Domestic Relations Office, and for the lawyer appointed to represent you if applicable), and for court costs (filing fees, etc.). You will usually be billed by the court for costs and attorneys' fees later.

Should I bring evidence of payments I made to the other parent before there was a child support order?

Yes. Bring this evidence with you. It is important for you to show this to the OAG and to the DRO. You may be given credit for these payments—if you have evidence of them.



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Links

- [1] <http://www.texasbar.com/>
- [2] https://www.texasbar.com/AM/Template.cfm?Section=Find_A_Lawyer&Template=/CustomSource/MemberDirectory/Search_Form_Client_Main.cfm
- [3] https://www.texasbar.com/AM/Template.cfm?Section=Lawyer_Referral_Service_LRIS_
- [4] <https://www.txcourts.gov/media/1055394/trcp-20150901.pdf>
- [5] <http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.21.htm#21.002>
- [6] <http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.157.htm#157.163>
- [7] <http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.157.htm#157.211>
- [8] <http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.157.htm#157.212>
- [9] <http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.154.htm#154.068>
- [10] <http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.154.htm#154.122>
- [11] <http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.154.htm#154.125>
- [12] <http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.153.htm#153.001>
- [13] <http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.153.htm#153.002>
- [14] <http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.153.htm#153.003>
- [15] <http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.153.htm#153.004>
- [16] <http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.153.htm#153.005>
- [17] <http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.153.htm#153.006>
- [18] <http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.153.htm#153.007>

