

Child Support

Paying Child Support

You want your children to receive support and care. However, now that you are facing incarceration, you may not be able to pay. The Texas Attorney General's Office can deduct money directly from your commissary account. More likely, though, is that the money you owe – plus interest – will continue to accrue, and you will face a huge debt when you leave, unless you self-motivate and take action to obtain an adjustment of your obligation.

How can you adjust child support payments?

Legally, adjustments to child support obligations require approval from the judge. If your current circumstances make you unable to pay child support, you could ask your attorney to file a motion to have those obligations deferred until 30 days after release from prison. If you do not have an attorney (or the ability to pay one) here are four steps you should take:

- A. Fill out the attached Inquiry form for Incarcerated Parents.
- B. Send the form to the Attorney General's office at the following address:
**Office of the Attorney General
Child Support Division
Mail Code 038 / P. O. Box 12017
Austin, TX 78711-2017**
- C. Wait for a response. It may take 60-90 days. You will receive word if you qualify for a "review and adjustment" of your order. The Attorney General's Office will probably send additional paperwork for you to fill out, called the Incarcerated Noncustodial Parent Affidavit of Income/Assets form. You will need to fill it out and have it notarized and return it to the address they give you. Your information will then go before a judge and (hopefully) your child support payments will be lowered and/or deferred, based on your income and assets.
- D. When released, contact a child support office as soon as possible. Generally, those obligations renew 30 days after release.

Owed Child Support

What if I am owed child support and I want the support to go to someone else?

If you were receiving child support prior to incarceration, you will want those funds to go to the person who is currently caring for your child. You need to authorize that person to receive those payments by filling out the Authorization for Release of Information or Payment form.

Send the form to the above address (see B above). Additionally, the person caring for your children can contact the Attorney General's Office and request a transfer of payments.

Learn from each other: Lilla's story

Prior to incarceration, Lilla was paying \$250/month in child support. Then she was sent to prison for 22 years. Obviously, Lilla couldn't pay child support, because she had no income. But the Texas Attorney General's office didn't know she had no income, and she kept being charged child support. For 22 years, Lilla has been owing that money, and the debt has piled up, plus interest! Now, as she prepares to leave prison, she is facing over \$60,000 in child support. If she had known, she could have filed with the Texas Attorney General's office for a review, and she likely would have had her child support payments lowered or stopped. But she didn't know, and now she faces what seems like an insurmountable debt.