



Quick Answers for Veterans on Child Support Issues



What part of my income can be withheld for child support? It depends on how many dependents you have under the age of 18 or otherwise entitled to child support and what type of income you have. If a child is over 18 but still in high school that child is still entitled to receive child support. If you have a disabled child, child support can continue indefinitely after the child turns 18. Generally, the percentages listed in the chart below are what the court will withhold from income for child support.

		Number of children before the court				
		1	2	3	4	5
Number	0	20%	25.00	30.00	35.00	40.00
of other	1	17.50	22.50	27.38	32.20	37.33
children	2	16.00	20.63	25.20	30.33	35.43
you	3	14.75	19.00	24.00	29.00	34.00
have	4	13.60	18.33	23.14	28.00	32.89
a duty	5	13.33	17.86	22.50	27.22	32.00
to support	6	13.14	17.50	22.00	26.60	31.27
	7	13.00	17.22	21.60	26.09	30.67

If you have 1 child, the court can take 20% of your income. If you have 4 children, the court could take up to 35% of your income. However, if you have some of the children with one partner and others with another partner then you use different numbers. For example, as in the chart above, you will note that if you have 5 children that are involved in your current case but you also have 2 other children that you have a duty to support, then the court could only take up to 35.43 percent for child support for the 5 children involved in the current case.

Is all of my income used to calculate child support?

Common types of income used to calculate child support— <i>this list does not include all possible types of income</i>	Countable as income for child support?
Employment income: wages, overtime, tips, bonuses, commissions, self-employment, perks of the job like automobiles, per diems, cell phones, etc.	Yes
Rental Income	Yes
TANF	NO
SSI – Social Security Supplemental Income – Disability income not based on earnings	NO
SSDI – Disability Income based on earnings	Yes
Retirement benefits, pensions, trust income, annuities, military retirement (Non VA), Service connected disability compensation & TDIU	Yes
Veterans Affairs Pension, Aid & Attendance	NO
SNAP	NO
Portions of GI Bill that cover living expenses	Yes

Other resources for veterans regarding child support:

The Texas Attorney General has an online handbook for non-custodial parents (the parent with whom the child does not live). Please go the following link: <https://www2.texasattorneygeneral.gov/cs/handbook-for-non-custodial-parents>

Additionally, the HEROES program at the Texas Office of the Attorney General helps when military-related injuries have made you unable to follow a court order and they have specialized case review and management for veterans. Contact: (512) 460-6400 or email: HEROES@oag.texas.gov.

“I’d rather just pay the child support directly to the other parent”

Child support withholding is mandatory. All child support payments must go through the Texas Child Support Disbursement Unit. If you make payments directly to the other parent, they may not count as child support and may be considered as a gift. Exceptions to this rule may apply for certain benefits that are not subject to withholding.

“I am disabled and my children receive dependent care benefits due to my disability – does that count toward child support?”

The court will figure out how much child support you have a duty to pay under the child support guidelines, and then subtract the amount of benefits paid to or for the child because of your disability.

“I do not understand my withholding order – what are all of these amounts?”

The court may be withholding money for the mandatory medical and dental support. If you do not provide insurance through your employer and the state provides the insurance you are required to reimburse up to 9% of your income for the state providing this insurance.

Alternatively, if the other parent pays for the insurance you may be ordered to reimburse the other parent for the amount he or she pays for the health insurance for the children. Additionally, you may owe retroactive support, child support arrearages, or spousal maintenance.

Parents have a legal duty to support their children