

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.

Amounts shown are the court can take		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 – this list does not include all possible types of income	Countable as income? Yes or No
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 that is not based on earnings	NO
SSDI – Disability Income that is 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
Money received as an inheritance	Yes – in most instances

Can I just pay the child support payment to the other parent?

Child support withholding is mandatory. All child support payments must go through the Texas Child Support Disbursement Unit unless otherwise ordered by the court. If you make payments directly to the other parent, the court could consider that a gift and not count it toward your child support.

I am disabled and my children receive dependent care benefits from SSA due to my disability – that means I don’t owe any other support correct?

The court will look at all facts and circumstances. If the child receives \$400 a month because of your disability but your child support payment based on income from all sources should be \$1500, the court will deduct the \$400 and then your child support would be reduced by the \$400.

I do not understand my withholding order – what in the world are all of these amounts being withheld?

Generally, an IWO (Income withholding order) will be sent to your employer. The following is an illustration of what can be deducted from your paycheck. Note: In addition to medical support you might also have dental support and spousal support withheld.

You are required by law to deduct these amounts from the employee/obligor's income until further notice.

\$ 500.00	Per Month	current child support	
\$ 100.00	Per Month	past-due child support - Arrears greater than 12 weeks?	<input checked="" type="radio"/> Yes <input type="radio"/> No
\$ 325.00	Per Month	current cash medical support	
\$ 25.00	Per Month	past-due cash medical support	
\$	Per	current spousal support	
\$	Per	past-due spousal support	
\$	Per	other (must specify)	
for a Total Amount to Withhold of \$		950.00	per Month

IV. Amounts to Withhold: (Completed by the Sender)

You do not have to vary your pay cycle to be in compliance with the *Order Information*. If your pay cycle does not match the ordered payment cycle, withhold one of the following amounts:

\$ 219.23	per weekly pay period	\$ 475.00	per semimonthly pay period (twice a month)
\$ 438.23	per biweekly pay period (every two weeks)	\$ 950.00	per monthly pay period

https://www.acf.hhs.gov/sites/default/files/documents/ocse/omb_0970_0154.pdf

If you are self-employed you must remit these payments directly to the Texas State Disbursement Unit PO Box 659400, San Antonio, Texas 78265-9400. Failure to remit payments can subject you to serious consequences, including but limited to loss of drivers license, loss of professional licenses, inability to renew passports, liens on property, bad credit reporting and of course incarceration for contempt.

Parents have a legal duty to support their children

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.