

Military Reservists and Child Support



By **Greg Abbott**
Attorney General of Texas

Due to the crisis in Iraq, thousands of mothers and fathers in the military reserves and National Guard are leaving civilian careers for active duty on our shores and abroad. First and foremost, my employees and I join those who thank you for your sacrifice in service to our country.

Many reservists called to active duty may be parents who receive child support services through the Child Support Division of my office. We wish to assist those parents during their transition to full-time military service by ensuring that their children's court-ordered child support payments are not disrupted. We also want parents to understand our policies pertaining to military service, particularly in the areas of review and adjustment of child support orders, medical support, and passport requests.

If you are a custodial or non-custodial parent who has been called to active duty, please report your change of address and/or employment status to your local child support office. This notification is especially important for non-cus-

todial parents whose child support payments are withheld from their paycheck, so that we know to issue a new withholding order to the military employer.

Employers of military reservists who pay child support through an income withholding order can also report their employee's changed status. Contact us at (800) 252-8014 to report your employee's date of activation to full-time military service. My office will issue a new income withholding order to the appropriate military service branch to avoid lapses in child support payments.

Review and Adjustment

For some parents, military activation will mean a reduction in total monthly income. We do not want parents to fall behind on child support because they are unable to make payments that are based on a higher salary. Non-custodial parents experiencing a change in monthly income due to military deployment may contact their child support office to request a review and adjustment of the child support order. My staff will give these requests the highest priority. Being called to active duty is considered a material and substantial change in circumstances and constitutes legal grounds for requesting a review of the child support amount. If the court order is eligible for modification, it will be based on the parent's new income.

Medical Support

Court orders to support children financially also include the requirement to provide medical support. Parents who are called to active duty may enroll their children in the military health care coverage TRICARE by contacting their military base. If the parent ordered to provide medical support is in the military and does not enroll the child(ren) in TRICARE, the custodial parent can initiate enrollment by bringing the child(ren) and the court order to any military base in the world.

Passport Requests

Men and women in military service may be required to obtain passports before their deployment depending on their job duties and assignments. The State Department will not issue passports to parents who owe \$5,000 or more in past-due child support until arrangements are made to satisfy the arrearage. Parents whose passport applications are denied should contact their child support office to work out an agreement for paying the amount that is owed.

POINTS TO REMEMBER MILITARY RESERVISTS

If you are a military reservist with a child support case who is called to active duty:

- Report your change of address and/or employment status to your local child support office
- Ask your employer to contact the Attorney General's Office at (800) 252-8014 to report your date of activation to full-time military service, if you are a non-custodial parent who pays child support through income withholding
- Contact your local child support office to request a review and adjustment of your child support order, if you are a non-custodial parent who experiences a change in income due to your military activation
- Consider enrolling your children in the military health care coverage TRICARE
- Catch up on your child support payments if you are behind by \$5,000 or more and are required to obtain a passport for your military deployment



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

Information on this and other topics is available on the Attorney General's Web site at www.oag.state.tx.us.