

Criminal Nonsupport Inquiries Procedures

- 1. Are there currently child support orders in place between complaining witness and suspect?**

Charges will be considered if

- The suspect has a legal obligation to support
- The suspect has made no payments or payments made were insufficient for support
- The suspect has the ability to pay (i.e. has been gainfully employed in the past)
- Complainant has a good work or home address for the suspect
- The child for whom support is requested is under the age of 18.

If NO, complaining witness must seek civil remedy

- Private attorney
Houston Referral Service (713.237.9429)
- Legal organization
Gulf Coast (713.652.0077)
Houston Volunteer Lawyers (713.228.0732)
University of Houston Legal Aid Clinic (713.743.2094)
- Domestic Relation's Office (713.755.6757 – tell DRO we referred her/him)
- Attorney General's Office (713.974.4876)

If YES, go to #2 below.

- 2. Has complainant filed an enforcement action or a motion for contempt against the suspect? (Through a private attorney, the Domestic Relations Office, or the Attorney General's Office)**

If NO, CNS will only be filed as a last resort.

- Complainant must attempt to exhaust all civil remedies first.
- TFC § 159.802(Interstate Rendition) states the governor may require that the interstate action was brought at least 60 days prior to making the demand for surrender of defendant under felony non-support statute.

If YES, go to #3 below.

- 3. Gather Information**

- Certified copy of the child's birth certificate
- Certified copy of original custody orders:
Divorce decree/paternity decree/child support orders
- Certified payment history from Harris County Child Support Division or the SDU
- Certified copy of civil remedies:
Enforcement order/contempt order

- E. Respondent's stipulation to arrearages (if any)
- F. Verification of employment (VOE) or information about Suspect's employment
- G. Other helpful information:
Suspect's drivers license; date of birth; social security number; home & work address & phone number; photo; name, address and phone of close relative and friend of the suspect

4. Interview time

- A. Give the complainant all the information necessary for the interview.
- B. Have complainant complete an Information Sheet on filing CNS charges.
- C. Review Information Sheet with complainant.
- D. Complete an affidavit with complainant's statement and have it notarized.
- E. Tell complainant that we, the interns, are NOT taking charges.
Our Chief will review the file and determine if we can proceed with charges.
- F. If charges are taken, complainant will be contacted by our office.

5. File Preparation

- A. If you believe we may have a good case and have received all the required information, prepare a file.
- B. The file will include:
CNS Information Sheet completed by complainant
Complainant's Affidavit
Signed Voluntariness to Testify
All information complainant asked to gather