

## Texas Family Code

### Subchapter A. Court-Ordered Child Support

#### §154.001. Support of Child.

(a) The court may order either or both parents to support a child in the manner specified by the order:

(1) until the child is 18 years of age or until graduation from high school, whichever occurs later;

(2) until the child is emancipated through marriage, through removal of the disabilities of minority by court order, or by other operation of law;

(3) until the death of the child; or

(4) if the child is disabled as defined in this chapter, for an indefinite period.

(b) The court may order with or both parents to make periodic payments for the support of a child in a proceeding in which the Department of Protective and Regulatory Services is named temporary managing conservator. In a proceeding in which the Department of Protective and Regulatory Services is named permanent managing conservator of a child whose parents' rights have not been terminated, the court shall order each parent that is financially able to make periodic payments for the support of the child.

(c) In a Title IV-D case, if neither parent has physical possession or conservatorship of the child, the court may render an order providing that a nonparent or agency having physical possession may receive, hold, or disburse child support payments for the benefit of the child.

#### §154.002. Child Support Through High School Graduation

(a) If the child is fully enrolled in an accredited secondary school in a program leading toward a high school diploma or enrolled in courses for joint high school and junior college credit pursuant to Section 130.008, Education Code, the court may render an original support order or modify an existing order providing child support past the 18<sup>th</sup> birthday of the child.

(b) The request for a support order through high school graduation may be filed before or after the child's 18<sup>th</sup> birthday.

(c) the order for periodic support may provide that payments continue through the end of the month in which the child graduates.

#### §154.003. Manner of Payment

The court may order that child support be paid by:

(1) periodic payments;

(2) a lump sum payment;

(3) an annuity purchase;

(4) the setting aside of property to be administered for the support of the child as specified in the order; or

(5) any combination of periodic payments, lump sum payments, annuity purchases, or setting aside of property.

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#### §154.006. Termination of Duty of Support

(a) Unless otherwise agreed in writing or expressly provided in the order or as provided by Subsection (b), the child support order terminates on the marriage of the child, removal of the child's disabilities for general purposes, or death of the child or a parent ordered to pay child support.

(b) Unless a nonparent or agency has been appointed conservator of the child under Chapter 153, the order for current child support, and any provisions relating to conservatorship, possession, or access terminates on the marriage or remarriage of the obligor and obligee to each other.

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#### §154.011. Support Not Conditioned on Possession or Access

A court may not render an order that conditions the payments of child support on whether a managing conservator allows a possessory conservator to have possession of or access to a child.

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#### Subchapter B. Computing Net Resources Available for Payment of Child Support

##### §154.061. Computing Net Monthly Income

(a) Whenever feasible, gross income should be first computed on an annual basis and then should be recalculated to determine average monthly gross income.

(b) The Title IV-D agency shall annually promulgate tax charts to compute net monthly income, subtracting from gross income social security taxes and federal income tax withholding for a single person claiming one personal exemption and the standard deduction.

##### §154.062. Net Resources.

(a) The Court shall calculate net resources for the purpose of determining child support liability as provided by this section.

(b) Resources include:

(1) 100 percent of all wage and salary income and other compensation for personal services (including commissions, overtime pay, tips, and bonuses);

- (2) interest, dividends, and royalty income;
- (3) self-employment income;
- (4) net rental income (defined as rent after deduction operating expenses and mortgage payments, but not including noncash items such as depreciation); and
- (5) all other income actually being received, including severance pay, retirement benefits, pensions, trust income, annuities, capital gains, social security benefits, unemployment benefits, disability and workers' compensation benefits, interest income from notes regardless of the source, gifts and prizes, spousal maintenance, and alimony.

(c) Resource do not include:

- (1) return of principal or capital;
- (2) accounts receivable; or
- (3) benefits paid in accordance with aid for dependant families with dependant children.

(d) The court shall deduct the following items from the resources to determine the net resources available for child support:

- (1) social security taxes;
- (2) federal income tax based on the tax rate for a single person claiming one personal exemption and the standard deduction;
- (3) state income tax;
- (4) union dues; and
- (5) expenses for health insurance coverage for the obligor's child.

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#### §154.068. Wage and Salary Presumption

In the absence of evidence of the wage and salary income of a party, the Court shall presume that the party has wages or salary equal to the federal minimum wage for a 40-hour week .

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#### §154.125. Application of Guidelines to Net Resources of \$6,000 or Less

(a) The guidelines for the support of a child in this section are specifically designed to apply to situations in which the obligor's monthly net resources are \$6,000 or less.

(b) If the obligor's monthly net resources are \$6,000 or less, the court shall presumptively apply the following schedule in rendering the child support order:

**CHILD SUPPORT GUIDELINES**  
**BASED ON THE MONTHLY NET RESOURCES OF THE OBLIGOR**

1 child	20% of Obligor's Net Resources
2 children	25% of Obligor's Net Resources
3 children	30% of Obligor's Net Resources
4 children	35% of Obligor's Net Resources
5 children	40% of Obligor's Net Resources
6+ children	Not less than the amount for 5 children

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§154.129. Alternative Method of Computing Support for Children in More than One Household.

In lieu of performing the computation under the preceding section, the court may determine the child support amount for the children before the court by applying the percentages in the table below to the obligor's net resources:

Multiple Family Adjusted Guidelines  
 % of Net Resources

# of Children before the Court

		1	2	3	4	5	6	7
<i>Number of other children for whom the obligor has a duty of support</i>	0	20.00	25.00	30.00	35.00	40.00	40.00	40.00
	1	17.50	22.50	27.38	32.20	37.33	37.71	38.00
	2	16.00	20.63	25.20	30.33	35.43	36.00	36.44
	3	14.75	19.00	24.00	29.00	34.00	34.67	35.20
	4	13.60	18.33	23.14	28.00	32.89	33.60	34.18
	5	13.33	17.86	22.50	27.22	32.00	32.73	33.33
	6	13.14	17.50	22.00	26.60	31.27	32.00	32.62
	7	13.00	17.22	21.60	26.09	30.67	31.38	32.00

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