

Practice in the IV-D Court

What actions are/are not heard in the IV-D Court?

What is a IV-D case? Either the approval of an application for or the receipt of financial assistance as provided by Chapter 31, Human Resources Code, or an application for child support services is an assignment of support rights to or enables to Title IV-D agency to establish and enforce child support and medical support obligations. TFC 201.104(a) and (b)

Who is Title IV-D agency? The Office of the Attorney General is the designated IV-D agency in the State of Texas. TFC 231.001

How are cases referred to IV-D Associate Judge? All Title IV-D cases shall be referred to the associate judge by a general order for each county for which the associate judge is appointed and not by individual assignment or case by case. TFC 201.101

In what types of actions may IV-D agency be involved? Per TFC 231.101(a) the Title IV-D agency may provide services for:

- (1) parent locator,
- (2) paternity determination-(Chapter 159 Uniform Interstate Family Support Act, and Chapter 160 Uniform Parentage Act, (TRC 160.636(c) surname of child)
- (3) child support and medical support establishment-(Current support TFC 154.001, retroactive support TFC 154.009, medical support TFC 154.181, 182),
- (4) review and adjustment of child support orders-(Chapter 156 Modification)
- (5) enforcement of child support and medical support orders-(Chapter 157 Judgment and Contempt, Chapter 158 Wage-Withholding, Chapter 159 Uniform Interstate Family Support Act, Chapter 232 License Suspension)
- (6) collection and distribution of child support payments.

Suits to establish support are generally part of a Suit Affecting the Parent Child Relationship pursuant to TFC Chapter 153 and therefore the IV-D court does hear and render orders for support contemporaneously with conservatorship, possession, and access, including temporary orders for conservatorship and support where the Title IV-D agency has intervened in a Suit Affecting the Parent Child Relationship that is coupled with a Suit for Dissolution of the Marriage.

What types of actions does the IV-D Court not hear?

- (1) only the referring court may hear and render an order on a motion for post judgment relief, including a motion for a new trial or to vacate, correct or reform a judgment, TFC 201.104(d),
- (2) Suit for Dissolution of Marriage,
- (3) Termination or Adoption,
- (4) Child Protection Cases.

Procedures

~~Mandatory Transfer TFC 155.201~~ on the filing of a motion showing that a suit for dissolution of the marriage of the child's parents has been filed in another court and requesting a transfer to that court, the court having continuing, exclusive jurisdiction of a suit affecting the parent-child relationship shall, within the time required by Section 155.201, transfer the proceedings to the court in which the dissolution of the marriage is pending.

~~Service of Citation TFC 102.009(d)~~ if the petition requests the establishment, modification, or enforcement of a support right assigned to the Title IV-D agency under Chapter 231 or the rescission of a voluntary acknowledgment of paternity under Chapter 160, notice shall be given to the Title IV-D agency in a manner provided by Rule 21a, Texas Rules of Civil Procedure.

~~Notice/Service of Parties TFC 231.109(d)~~ an attorney employed to provide Title IV-D services represents the interest of the state and not the interest of any other party. So you must notice/serve both the AG and their recipient of services or their counsel.

Child Support Review Process

Non-Agreed Orders—

- (1) TFC 233.022 a court shall consider any responsive pleading that is intended as an objection to confirmation of a child support review order not agreed to by the parties, including a general denial, as a request for a court hearing.
- (2) TFC 233.023 a party may file a request for a court hearing not later than the 20th day after the date the petition for confirmation of a non-agreed child support review order is delivered to the party.
- (3) TFC 233.018(b) if a negotiation conference results in an agreement on some but not all issues in the case, the parties may sign a waiver of service along with an agreement to appear in court at a specified date and time for a determination by the court of all unresolved issues. Notice of the hearing is not required.
- (4) TFC 233.025(b) at hearing on confirmation, any issues in dispute shall be heard in a trial de novo, (c) the petition for confirmation and the child support review order constitute a sufficient pleading... (d) the request for hearing may limit the scope of the de novo hearing by specifying the issues that are in dispute.
- (5) TFC 233.027 if the party who requested the hearing fails to appear at the hearing, the court shall sign a confirmation order.

Agreed Orders—

TFC 233.024(a) on the filing of an agreed child support review order signed by all parties, together with waiver of service, the court shall sign the order not later than the third day after the filing of the order.

of any conflict between this subchapter and Subchapter A, this Subchapter (i.e. Subchapter B. Associate Judge for Title IV-D Cases) prevails.

IV-D Associate Judges' Orders

TFC 201.1041

- (a) If an appeal to the referring court is not filed or the right to appeal is waived, a recommendation of the associate judge, other than a recommendation of enforcement by contempt or a recommendation of the immediate incarceration of a party, shall become an order of the referring court by operation of law without ratification by the referring court.
- (b) An associate judge's report that recommends enforcement by contempt or the immediate incarceration of a party becomes an order of the referring court only if (1) the referring court signs an order adopting the associate judge's recommendations; and (2) the order meets the requirements of Section 157.166.
- (c) Except as provided by Subsection (b), the decisions and recommendations of the associate judge have full force and effect and are enforceable as an order of the referring court during an appeal of the associated judge's report to the referring court.