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**FACT SHEET 2013**

**H.B. 191**

## **Support Texas Children by Modifying Support Orders of Incarcerated Parents**

*Enable Parents who are Incarcerated to Reenter Society  
With the Hope of Providing for their Children*

### **INCARCERATED PARENTS ARE UNABLE TO PAY CHILD SUPPORT**

The U.S. Department of Health and Human Services estimates that approximately 250,000 Texas children have an incarcerated parent.<sup>1</sup> The future welfare of these children largely depends on the ability of their parents to pay child support when they are released from prison. Currently, however, the state of Texas does not automatically modify child support orders while parents are incarcerated.<sup>2</sup> This means that debt piles up, placing enormous and immediate burdens on non-custodial parents upon their release. Officials at the Texas Attorney General's Office estimate that the average debt owed by an incarcerated non-custodial parent at the time of release is \$36,000.<sup>3</sup>

Parents who are released from prison with child-support debt must pay that debt or risk various penalties, including fines, being found in contempt of court, or re-incarceration. However, previously incarcerated individuals generally face hurdles finding employment due to low education levels, long gaps in work history, and the undeniable stigma of incarceration. As a result, many may turn to crime or to the underground economy to find ways to pay their child support,<sup>4</sup> risking arrest and incarceration, and making it even less likely the parent will be able to support his or her family.

Another consequence of this accrued debt is the disruption to families. Parents with crushing child support debt are less likely to become involved in their children's lives.<sup>5</sup> Children will not only miss out on the financial support they so desperately need; they will become deprived of a nurturing maternal or paternal relationship.

### **KEY FINDINGS**

- Penalties for non-payment of child support fees may include garnished wages, withholding of tax refunds, liens against property, forfeiture of driver's license, and incarceration.<sup>6</sup>
- Large debt in the form of child support, and the tension it creates within families already struggling with the incarceration of a parent, make it less likely that a parent will provide either monetary or material support for a child.<sup>7</sup>

### **COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT H.B. 191 BY REPRESENTATIVE DUTTON**

- H.B. 191 will exempt a parent who has been incarcerated for at least 90 days from accumulating child support debt. This will allow an individual who is leaving prison to reenter society without the fear of immediate penalization, and it will encourage that parent to pursue legal employment opportunities. This will contribute to lower recidivism and help create stronger families and safer communities.
- H.B. 191 mandates that an incarcerated parent who has the means to pay child support must continue to pay it, ensuring that children will continue to be financially supported by parents capable of doing so.

*Citations on reverse.*

## Citations

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<sup>1</sup> Project to Avoid Increasing Delinquencies: Office of Child Support Enforcement, “Realistic Child Support Orders for Incarcerated Parents,” June 2012, Administration for Children & Families, U.S. Department of Health and Human Service, [http://www.acf.hhs.gov/sites/default/files/ocse/realistic\\_child\\_support\\_orders\\_for\\_incarcerated\\_parents.pdf](http://www.acf.hhs.gov/sites/default/files/ocse/realistic_child_support_orders_for_incarcerated_parents.pdf).

<sup>2</sup> TEX..FAMILY. CODE, 53.021 TITLE 5, SUBTITLE D, CHAPTER 231, SUBCHAPTER A.

<sup>3</sup> Information provided by Oscar Esquivel, NCP Program Specialist for the Texas Office of the Attorney General.

<sup>4</sup> Kirsten D. Levingston and Vicki Turetsky, (2007), “Debtors’ Prison: Prisoner’s Accumulation of Debt as a Barrier to Reentry,” *Journal of Poverty Law and Policy*, Volume 41, (3-4), <http://www.clasp.org/admin/site/publications/files/0394.pdf>.

<sup>5</sup> Project to Avoid Increasing, “Realistic Child Support.”

<sup>6</sup> “Pay your child support to avoid penalties.” Greg Abbot, Texas Attorney General, <https://www.oag.state.tx.us/agency/weeklyag/2006/0406csd.pdf>.

<sup>7</sup> Project to Avoid Increasing, “Realistic Child Support.”