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Hello, I'm Stacey Dixon. Welcome to a Texas Legal Facebook Live session. I am an attorney that focuses primarily on family law matters.

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In general, in Texas, the presumption is that both parents have the ability to parent the children. And so in general, the presumption is that the two parents will be joint managing conservators. There is a status, a single managing conservator that can be ordered by the judge. But in general, that's when one parent has got some very, very serious problems that impede their ability to parent. Joint managing conservator.

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And what that consists of is that at all times, both parents have the right to certain types of information about their child. They have the right to know about their schooling and how things are going at school. They have the right to know about what doctors are saying. They have various rights about, at all times they have the right to be involved in their child's life in certain ways.

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There's also a group of rights that you have when you have possession of the child, when the child is in your custody. So you have the right if Little Johnny falls and breaks his leg. You have the right to take them to the doctor. You have the right to take them to church. You have certain rights that you're able to exercise when you have a child in your possession.

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And then there's another group of rights that the one joint managing conservator has. I'm going to call it the primary. In family lawyer terms, we call it beds, meds, and eds. That's where the one parent, and it can be with consultation with the other parent, or it can be just the one parent make the decision. That's something that is ironed out in the process of finalizing the divorce. That parent makes the decision of where the child will live the majority of the time, what invasive medical procedures or psychological doctor visits that child will have, and then, eds, education, what school that child will go to. There's a tendency to have it. People might want, oh well, he and I will agree, or she and I always agree that the child should do so and so. And that's actually difficult because if and when things turn bad, you want one person with the superior right to make a decision so that things can move forward. So that is the joint managing conservator piece. And all of this is wrapped up under the idea that all these custody issues, all these child care issues, all that anyone is concerned about, particularly the judge, is the best interest of the child. Any decision a judge makes is going to be mindful of what's best for the child. Maybe it's best for the parents that Susie stays one night at my house and one night at his house, and then the next night at my house, and the next night at his house. But studies show that's not best for the child. That's the focus of the judges, is what's best for the child.

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Let's move on to child support. In Texas, the parent that has the child the majority of the time is entitled to child support payments from the other. Texas has what they call a standard possession order. It lays out pages and pages of when each parent will have the child. If you follow the standard possession order where the non-possessory parent has the child first, third, fifth, weekend, Thursday, Thursday night for a visit, 30 days in the summer, just the typical possession schedule that you hear of, the person that has first, third, Third, Fifth, has the child around 40, 45% of the time. So if they exercise all their possession time. And so the courts, the legislature in Texas have deemed that that party, the first, third, fifth party, I'll call them that, should give money to support the child to the other parent. And so they have a chart. It's actually a chart. And what you do is you look at the net resources of the first, third, fifth party, and you multiply it by a %. If there's one child in front of the court, there's no other children, the payment amount is 20% of the net resources per month of that individual. Net resources are revenue, less certain taxes and certain payments, and can include, including Health Insurance.

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One of the things that Texas mandates is that one of the parents be required to carry health and dental insurance on the children. Texas has a strong state interest in having all of its children covered included by health and dental insurance. That is a process for that. I will say that the Office of Attorney General, their website has quite a bit of information, quite a few resources in helping with that. The state of Texas has a very strong desire that the children that live in the state are properly cared for, have sufficient resources paid for by their parents, and the job of enforcing the payment of child support is through the Office of Attorney General.

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They are the ones that make sure that people are paying their child support on time, doing what they're supposed to be doing. If someone's not paying their child support, the chances are greater that that child will have to use public assistance like food stamps or other types of public assistance, which is actually not in the best interests of Texas to have giant roles of people needing that. So they go very hard on your child support obligations. I will point out one thing on child support. It is a percentage, but there is a cap. So if the other party or the party that's going to be paying the child support makes tons and tons of money, there is a cap. I think for an individual child, it's around \$2,000. They just raised it a couple of years ago by \$20 or \$30. If you have a very wealthy family that is now breaking up, and it was wealthy because one wage earner was very high on the wage earning scale, you're not going to get 20% of her big bucks. You're only going to get the state-mandated percentage, which is capped. There are times where a judge can order more money in certain circumstances. It may be that somebody is an Olympic contending athlete, so that in that case, they might make the non-custodial parent pay more. But in general, the judges have this lane that they're in, the things that they're you're supposed to do, and you have to convince them, you have to work hard to convince them. It's in the best interests of the child to get out of that lane.

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It is possible. You sometimes hear people that talk about, Oh, yeah, Mary and I have 50/50. We have 50/50 custody. A lot of judges are hesitant to order that because that is not the standard possession order. If it works and it works well, it's a very good thing for the child. If you have not been doing this and don't have a proven track record that this works well, you're not as likely to get a judge to order that. If the reason you want to have that ordered is so that you don't have to pay child support, that's not going to look good. It needs to be what's best for the child.

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I find that it's best to be cooperative with the other person. Now, I know you're saying, but Stacey, you have no idea. He's crazy. She's a nut. Particularly when you have children, you have to bite your tongue and you have to do what's best for the children. In fact, divorce decrees say you cannot say disparaging things about the other parent or the other parent's family. You can't do these things. When you do it, when you go, Oh, your daddy is an idiot, you've actually violated the divorce decree. Now, they're going to have to prove it and have to call you into court for a contempt, which may not be worth it, but just know that you're doing something you shouldn't be doing. Not with saying the fact that it's bad for the child. Obviously, the children are going through a breakup of a family, and that's not going to help them. That's actually going to make it worse.

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Just a few words about Texas Legal. Texas Legal was set up in order to help the citizens of Texas get the legal support, the legal help that they need. It is an insurance program. So what happens is you pay into the system, you pay your premiums, and then when you have a legal need, you contact them, and they get you in touch with an attorney that they have already fully vetted, they have already looked through, they've made sure the attorney is in good standing, has the proper paperwork and all in order. They are able to help you get in touch with the attorney quickly.