

Question

The office of the attorney general intervened into the case in June of 2024 purporting to be "Holly Hayes". The signature line in the document is mismatched, and they were not seeking to enforce child support, but requested the following: "EXHIBIT OAG INTERPLEADER June 28, 2024 MYERS 0014563904 INTE TARRANT: NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA NCP Name: CHARLES D MYERS CP Name: MORGAN MYERS OAG Number: 0014563904 LAC: INTE CAUSE NUMBER 322-744263-23 IN THE INTEREST OF § IN THE 322ND DISTRICT COURT MARA MYERS § CAROLINE MYERS § OF CHILDREN § TARRANT COUNTY, TEXAS INTERVENTION 1. The OFFICE OF THE ATTORNEY GENERAL, representing the State of Texas, files this pleading pursuant to Texas Family Code Chapter 231 for which discovery is intended to be conducted under Level 2 of Rule 190, Texas Rules of Civil Procedure. The OFFICE OF THE ATTORNEY GENERAL is assigned the support and enforcement rights in this case. THE ATTORNEY GENERAL'S RIGHT TO INTERVENE 2. The OFFICE OF THE ATTORNEY GENERAL, pursuant to Texas Family Code §§ 102.007 and 102.009 (d), is a necessary party because this is an action to establish, modify, or enforce a support right assigned to the OFFICE OF THE ATTORNEY GENERAL pursuant to Texas Family Code Chapter 231.

JURISDICTION 3. This Court has continuing jurisdiction of the children the subject of this suit because of prior proceedings. CHILDREN 4. The following children are the subject of this suit: Name Sex DOB MARA MYERS CAROLINE MYERS FF 6/20/2016 4/12/2018 No property, other than personal effects, is owned by any child the subject of this suit. PERSONS ENTITLED TO NOTICE 5. The children reside with MORGAN MYERS, the mother of the children. The OFFICE OF THE ATTORNEY GENERAL will serve MORGAN MYERS with this pleading, by and through her attorney of record, pursuant to Rule 21a, Texas Rules of Civil Procedure. 6. CHARLES D MYERS, is the father of the children. The OFFICE OF THE ATTORNEY GENERAL will serve CHARLES D MYERS with this pleading pursuant to Rule 21a, Texas Rules of Civil Procedure. 322-744263-23 FILED TARRANT COUNTY 6/28/2024 12:35 PM THOMAS A. WILDER DISTRICT CLERK Copy from re:SearchTX DETERMINATION OF DISCLOSURE OF ADDRESS 7. The Court should enter appropriate orders concerning the disclosure of the addresses of the parties. PRIOR CHILD SUPPORT ORDER 8. On 3/14/2024 the Court ordered CHARLES D MYERS to pay current child support of \$973.19 monthly, beginning 4/1/2024, and monthly thereafter. The amount and frequency of CHARLES D MYERS's child support obligation remains unchanged. CHILD SUPPORT ARREARAGE 9. CHARLES D MYERS failed to pay court ordered child support as follows: a. Child support accrued since 4/1/2024 \$2,919.57 b. Interest accrued since 4/1/2024 \$0.00 c. Child support paid since 4/1/2024 \$0.00 d. Total child support arrearage as of 6/18/2024 \$2,919.57 EXHIBIT A, which is attached and incorporated by reference, is a true and correct copy of a payment record indicating the occasions Obligor violated the above-referenced order. JUDGMENT ON ARREARS 10. The Court should confirm and enter judgment for all support arrearage and accrued interest as of the court proceeding date. The Court should order payment and income withholding to liquidate the judgment

pursuant to Texas Family Code Chapters 157 and 158. SUPPORT 11. The OFFICE OF THE ATTORNEY GENERAL, representing only the interests of the State of Texas, requests the Court make appropriate orders for current child support, medical support, and dental support for the children, including temporary support pursuant to Texas Family Code § 105.001. In determining the amount of support the Court should consider the duty of parents to support their minor children, and all applicable provisions of the Texas Family Code. WITHHOLDING FROM EARNINGS FOR SUPPORT 12. The Court should order all support withheld from disposable earnings pursuant to Texas Family Code § 158.006. The Court should order all payments of support processed pursuant to Texas Family Code Chapter 231 for distribution according to law. If appropriate, the Court should order CHARLES D MYERS to post a bond or security. REQUEST FOR PRODUCTION OF DOCUMENTS 13. CHARLES D MYERS has in his possession documents that will show the nature and extent of his ability to pay child support. The OFFICE OF THE ATTORNEY GENERAL, pursuant to Rule 196, Texas Rules of Civil Procedure, requests him to produce and permit the OFFICE OF THE ATTORNEY GENERAL to inspect and copy the originals, or true copies, of the following documents in his possession, custody or control: (a) his IRS federal tax returns for the past two years with all schedules included with the returns and all W-2s and 1099s attached to such returns, (b) any and all W-2 statements, all 1099s, and all documents showing income received by Respondent from any source for the two tax years preceding the date of filing of this action, (c) all payroll stubs, vouchers, records of commissions and all other written Copy from re:SearchTX records or evidence of income received by him within the last six months, (d) the most recent Social Security Administration Form SSA-7005, showing his income history, sent to him three months before his last birthday,(e) statements of accounts for all checking or saving accounts in which he has held an interest within the last six months, (f) all evidence (policies, premium schedules, records of premiums paid, etc.) of health and/or dental insurance available at his place of employment that may provide coverage for dependent children, (g) copies of loan applications made within the last six months, (h) current statement of benefits and account balances for all retirement, pension, or profit-sharing plans in which the respondent has accrued or may accrue benefits, regardless if such benefits have vested, including but not limited to employer- or union-sponsored defined benefit or defined contribution plans and individual retirement accounts (IRAs), and (i) summary plan description of all retirement, pension, or profit-sharing plans in which the respondent has accrued or may accrue benefits, regardless if such benefits have vested. The OFFICE OF THE ATTORNEY GENERAL requests production of the specified documents at: The Office of the Attorney General CHILD SUPPORT OFFICE 2001 BEACH ST STE 700 FT WORTH, TX 76103-2300 on or before 3:00 p.m. on the 30th day following the date of service of this request. PRAYER The OFFICE OF THE ATTORNEY GENERAL prays that the Court grant all relief requested herein. The OFFICE OF THE ATTORNEY GENERAL prays for general relief. Respectfully submitted, Ken Paxton Attorney General of Texas Brent Webster First Assistant Attorney General TAMEKA D BOYD - SBN: 24027406 CHOYA BURKLEY - SBN: 24012361 KARLA BYRD - SBN: 24097445 STEPHEN E HAMMEL - SBN: 24043710 MADISON LEDOUX - SBN: 24131449 PAULA CROCKETT - SBN: 00798123 JOHN CASHMAN - SBN: 24038807 HOLLY L

HAYES - SBN : 24110698 ATTORNEY OF RECORD CHILD SUPPORT ENFORCEMENT CHILD SUPPORT OFFICE 2001 BEACH ST STE 700 FT WORTH TX 76103-2300 Email CSD-legal-914@oag.texas.gov Telephone No. (817)926-7197 Toll Free 1(800)252-8014 Fax No. (817)926-0522 Copy from re:SearchTX CERTIFICATE OF SERVICE I certify that a true and correct copy of the foregoing has been served on the below listed parties or their representatives pursuant to Rule 21a, Texas Rules of Civil Procedure, on the

day of , 20 .

CHOYA BURKLEY ATTORNEY OF RECORD Party: Attorney for Party: MORGAN MYERS COOPER L CARTER 2905 LACKLAND RD. FORT WORTH, TX 76116 COOPERCARTER@MAJADMIN.COM CHARLES D MYERS 28th June 24 Copy from re:SearchTX FEDERAL OFFSET (FO) receipts are subject to future adjustments by the Federal Government. CV - FQ1059R2 Attorney General of Texas - Child Support Division Page 1 Financial Activity Report as of 06/19/2024 Date: 06/19/2024 Case ID: 0014563904 Cause Number: 322-744263-23 NCP: MYERS, CHARLES D CP: MYERS, MORGAN Child Support Trans Date Activity Type Transaction Amount Amount Due Amount Applied Balance 04/01/2024 Amount Due 973.19 973.19 973.19 05/01/2024 Amount Due 973.19 973.19 1,946.38 06/01/2024 Amount Due 973.19 973.19 2,919.57 Summary Totals: 2,919.57 0.00 2,919.57 Copy from re:SearchTX Automated Certificate of eService This automated certificate of service was created by the efilng system. The filer served this document via email generated by the efilng system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules. Officer Filer 914 on behalf of Holly Hayes Bar No. 24110698 csd-filer-914@texasattorneygeneral.gov Envelope ID: 89311887 Filing Code Description: (Title IV-D OAG Use Only) Intervention Filing Description: INTE Status as of 6/28/2024 2:16 PM CST Associated Case Party: MORGANMICHELLEMYERS Name Cooper L.Carter BarNumber Email coopercarter@majadmin.com TimestampSubmitted 6/28/2024 12:35:54 PM Status SENT Associated Case Party: CHARLESDUSTINMYERS Name CHARLES MYERS BarNumber Email chuckdustin12@gmail.com TimestampSubmitted 6/28/2024 12:35:54 PM Status SENT Copy from re:SearchTX" The father objected, and the OAG didnt do anything else in the case, but appears at final trial under someone named "CHoy a burkley" who has never made an appearance or filed for any kind of enforcement. They sought to confirm arrears on a facially void order that was rendered by an associate judge without an order of referral, and never adopted by the district judge.

Answer (Texas)

Short response

The Office of the Attorney General (OAG) had statutory authority to intervene and appear in the child support case, and the appearance of different OAG attorneys or signature line mismatches do not invalidate the OAG's participation or pleadings. However, if the underlying child support order was rendered by an associate judge without a valid order of referral or

was never adopted by the district judge as required by statute, that order may be void or unenforceable, and the court cannot confirm arrears based on such an order.

Summary

Texas law grants the OAG broad authority to intervene in and prosecute child support matters, and its attorneys may appear on behalf of the State without individualized notice or formal substitution, so objections based on which OAG attorney appeared or signed are not grounds for invalidating the OAG's actions. However, for a child support order issued by an associate judge to be enforceable and serve as the basis for arrears or enforcement, there must be a valid order of referral from the district court, and—unless the order falls within certain exceptions—the district judge must adopt or sign the associate judge's proposed order for it to become a final, enforceable order.

If the associate judge's order was rendered without a valid referral or was never adopted by the district judge, it is not a valid final order and cannot support a judgment for arrears; any attempt by the OAG to confirm arrears on such a void order would be improper. The OAG's statutory standing and the technicalities of attorney appearance do not cure defects in the underlying order's validity, but procedural irregularities in OAG filings or attorney signatures alone do not deprive the OAG of authority to participate or seek relief in the case.

Background and Relevant Law

OAG Authority to Intervene and Appear

The Texas Family Code grants the OAG, as the State's Title IV-D agency, broad authority to intervene in any case involving the establishment, modification, or enforcement of child support when support rights have been assigned to the State or an application for services has been made. The OAG's standing and authority to participate in such cases is well established and not dependent on the case's origin or the specific procedural posture, as confirmed by both statute and case law ([Tex. Fam. Code § 231.101](#); [Rodrigues v. Alvara, 14-24-00625-CV \(Tex. App. Aug 12, 2025\)](#)).

Attorneys employed by the OAG to provide Title IV-D services represent only the interests of the State, not those of any individual party, and may appear at court proceedings without notice to the parties ([Tex. Fam. Code § 231.109](#)). The statute does not require that the same attorney who signed the initial pleading appear at every hearing, nor does it require a formal substitution of counsel for different OAG attorneys to participate. The courts have repeatedly rejected challenges to OAG participation based on technicalities of attorney appearance or signature, holding that the OAG's statutory authority is not affected by such issues ([Rodrigues v. Alvara, 14-24-00625-CV \(Tex. App. Aug 12, 2025\)](#)).

Associate Judge Orders: Referral, Adoption, and Finality

The Texas Family Code establishes a detailed framework for the use of associate judges (formerly child support masters) in family law and Title IV-D child support cases. Key statutory provisions include:

- **Order of Referral:** Before an associate judge may hear a case, the referring court (district judge) must issue either an individual order of referral or a general order specifying the types of cases to be heard by the associate judge ([Tex. Fam. Code § 201.006](#)). In Title IV-D cases, referral is typically by general order ([Tex. Fam. Code § 201.101](#)).
- **Powers of Associate Judge:** An associate judge may render and sign non-final orders and may recommend final orders to the referring court after a trial on the merits ([Tex. Fam. Code § 201.104](#)). In certain circumstances, such as agreed orders, default orders, or orders based on waiver, the associate judge may render and sign final orders that become final if no timely de novo hearing is requested ([Tex. Fam. Code § 201.007](#)).
- **Adoption by District Judge:** For most final orders (other than those specifically authorized under § 201.007), the associate judge's proposed order becomes the order of the referring court only when the district judge signs it, unless a party timely requests a de novo hearing ([Tex. Fam. Code § 201.013](#); [Tex. Fam. Code § 201.014](#)).
- **Effect of Lack of Referral or Adoption:** If an associate judge acts without a valid order of referral, or if the district judge never adopts or signs the associate judge's proposed order (where required), the resulting order is void and unenforceable ([In re Marriage of D.E.L., NO. 14-17-00216-CV \(Tex. App. Feb 12, 2019\)](#)). This principle is consistently recognized in Texas appellate decisions.
- **Finality of Unappealed Orders:** If no party requests a de novo hearing within the statutory period, and the associate judge's order is of a type that may become final by operation of law (e.g., agreed, default, or waiver-based orders), the order becomes final and enforceable without further action by the district judge ([Tex. Fam. Code § 201.007](#); [In re L.D.C., NUMBER 13-17-00053-CV \(Tex. App. Dec 13, 2018\)](#); [In re G.S.G., 145 S.W.3d 351 \(Tex. App. 2004\)](#)).

OAG's Role in Enforcement and Confirmation of Arrears

The OAG is authorized to seek enforcement of child support orders, including confirmation of arrears, when support rights have been assigned to the State ([Tex. Fam. Code § 231.109](#); [Office of the Attorney Gen. of Tex. v. Moore, NO. 14-18-00607-CV \(Tex. App. Nov 26, 2019\)](#)). The court of continuing, exclusive jurisdiction retains authority to confirm arrears and render cumulative money judgments for past-due support ([In re D.W.G., 391 S.W.3d 154 \(Tex. App. 2012\)](#)). However, the validity of any enforcement action depends on the validity of the underlying support order.

Analysis

1. OAG Intervention and Attorney Appearance

The OAG's intervention in June 2024, regardless of which attorney's name appeared on the signature line or who appeared at trial, was authorized by statute. The OAG, as the Title IV-D agency, has standing to intervene in any case involving the establishment, modification, or enforcement of child support when support rights are assigned to the State or an application for services is made ([Tex. Fam. Code § 231.101; Rodrigues v. Alvara, 14-24-00625-CV \(Tex. App. Aug 12, 2025\)](#)). The OAG's attorneys represent only the State's interests and may appear at any proceeding without notice to the parties ([Tex. Fam. Code § 231.109](#)).

Objections based on the fact that the OAG's pleading was signed by "Holly Hayes" but another attorney ("Choya Burkley") appeared at trial do not affect the OAG's authority to participate. Texas courts have held that the OAG's statutory authority is not undermined by such technicalities, and a Rule 12 motion to show authority is not warranted in these circumstances ([Rodrigues v. Alvara, 14-24-00625-CV \(Tex. App. Aug 12, 2025\)](#)). The OAG's attorneys are not required to file a formal notice of appearance or substitution each time a different assistant attorney general appears in court.

2. Validity of the Underlying Child Support Order

The more significant issue is whether the underlying child support order, which the OAG sought to enforce and confirm arrears upon, was valid and enforceable. The facts suggest that the order was rendered by an associate judge without an order of referral and was never adopted by the district judge.

Under Texas law, an associate judge may only act on a case if there is a valid order of referral from the district judge—either a general order for all such cases or an individual order for the specific case ([Tex. Fam. Code § 201.006; Tex. Fam. Code § 201.101](#)). If no such referral exists, the associate judge lacks authority, and any order rendered is void ([In re Marriage of D.E.L., NO. 14-17-00216-CV \(Tex. App. Feb 12, 2019\)](#)).

Even if there was a valid referral, for most final orders (other than agreed, default, or waiver-based orders under § 201.007), the associate judge's proposed order does not become the order of the court unless and until the district judge signs it ([Tex. Fam. Code § 201.013; Tex. Fam. Code § 201.014](#)). If the district judge never adopted or signed the associate judge's proposed order, it is not a final, enforceable order, and cannot serve as the basis for enforcement or confirmation of arrears ([In re G.S.G., 145 S.W.3d 351 \(Tex. App. 2004\)](#)).

There are exceptions for certain types of orders—such as agreed orders, default orders, or orders based on waiver—where the associate judge's order becomes final if no party requests a de novo hearing within the

statutory period ([Tex. Fam. Code § 201.007](#)). However, if the order at issue does not fall within these exceptions, and was never adopted by the district judge, it is not enforceable.

3. OAG's Attempt to Confirm Arrears on a Void Order

If the OAG sought to confirm arrears based on an order that was rendered by an associate judge without a valid referral or was never adopted by the district judge, the order is void and cannot support a judgment for arrears ([In re Marriage of D.E.L., NO. 14-17-00216-CV \(Tex. App. Feb 12, 2019\)](#)).

The OAG's statutory authority to participate in the case does not cure this defect. The court cannot confirm arrears or enforce a void order, and any such attempt would be improper.

Texas appellate courts have consistently held that orders rendered by associate judges without proper referral or adoption are void and unenforceable ([In re G.S.G., 145 S.W.3d 351 \(Tex. App. 2004\)](#)). The OAG's role is to enforce valid child support orders, not to create enforceable obligations where the underlying order is void.

4. Procedural Irregularities in OAG Filings

Technical issues such as mismatched signature lines, the appearance of different OAG attorneys, or the lack of a formal notice of substitution do not affect the OAG's authority to participate or the validity of its pleadings ([Rodrigues v. Alvara, 14-24-00625-CV \(Tex. App. Aug 12, 2025\)](#)). The OAG's attorneys represent the State, and the statute expressly allows them to appear at any proceeding without notice to the parties ([Tex. Fam. Code § 231.109](#)). Courts have rejected challenges based on such procedural irregularities.

5. Court's Authority to Confirm Arrears

The court of continuing, exclusive jurisdiction retains authority to confirm arrears and render cumulative money judgments for past-due support, provided there is a valid underlying support order ([In re D.W.G., 391 S.W.3d 154 \(Tex. App. 2012\)](#)). If the underlying order is void, the court cannot confirm arrears or enforce the order.

Exceptions and Caveats

There are limited exceptions where an associate judge's order may become final and enforceable without district judge adoption, such as agreed orders, default orders, or orders based on waiver, provided no party requests a de novo hearing within the statutory period ([Tex. Fam. Code § 201.007](#)). If the order at issue falls within one of these exceptions, it may be enforceable even without district judge adoption.

Additionally, if there was a valid general order of referral in place for all Title IV-D cases in the county, the associate judge may have had authority to act even without an individual referral ([Tex. Fam. Code § 201.101](#)). The facts

must be carefully examined to determine whether such a general order existed.

Procedural challenges to the OAG's participation or the appearance of its attorneys are not grounds for invalidating the OAG's actions, but defects in the underlying order's validity cannot be cured by the OAG's participation.

Conclusion

The OAG had statutory authority to intervene and appear in the child support case, and objections based on which OAG attorney appeared or signed the pleadings are not grounds for invalidating the OAG's actions. However, if the underlying child support order was rendered by an associate judge without a valid order of referral or was never adopted by the district judge as required by statute, the order is void and unenforceable, and the court cannot confirm arrears based on such an order. The OAG's authority to participate does not cure defects in the validity of the underlying order, and any attempt to confirm arrears on a void order is improper under Texas law.

Legal Authorities

[In re T.L.K., 90 S.W.3d 833 \(Tex. App. 2002\)](#)

Texas Court of Appeals

Extract

The OAG generally enforces child support under an assignment of the support rights... However, the Family Code clearly provides that an attorney employed to enforce the child support obligation 'represents the interest of the state and not the interest of any other party.'... This court previously has recognized the state's independent justiciable interest... 'Thus, the Attorney General has a broader interest in the uniform enforcement of child support than the individual parties...' When the OAG brings an action to enforce child support, it is performing a government function... Just as laches is not an available defense against the OAG... the limitations defense that otherwise would be available under section 31.006 is not applicable to an action brought by the OAG to enforce child support because the OAG is asserting a right of action of the state." "In 1999, section 157.005(b) was amended to remove the four-year limitation on confirmation and currently provides: (b) The court retains jurisdiction to confirm the total amount of child support arrearages and render judgment for past-due child support until the date all current child support and medical support and child support arrearages, including interest and applicable fees and costs, have been paid.

Summary

The case confirms the OAG represents the State's interests, not a private party, and has an independent justiciable interest in child support

enforcement. It also notes defenses like laches and certain limitations do not apply against the OAG. It further explains that courts retain jurisdiction to confirm arrears until all support and arrears are paid.

[In re Marriage of D.E.L., NO. 14-17-00216-CV \(Tex. App. Feb 12, 2019\)](#)

Texas Court of Appeals

Extract

See Tex. Fam. Code § 201.005(a) (a judge of a court may refer to an associate judge a suit involving the marriage relationship or protection of the family over which the court has jurisdiction, including any matter ancillary to the suit); § 201.006(a) (judge of the referring court shall render an individual order of referral or a general order of referral specifying the class and types of cases to be heard by the associate judge).

Summary

The passage confirms that a referring court must issue an order of referral—either individual or general—authorizing an associate judge to hear the class or type of case. It supports the proposition that, absent a proper referral, an associate judge lacks authority to act, which bears on arguments that an associate judge's order could be void if there was no referral or adoption by the district judge.

[Office of the Attorney Gen. of Tex. v. C.W.H., 531 S.W.3d 178 \(Tex. 2017\)](#)

Texas Supreme Court

Extract

We agree with the court of appeals. This is a Title IV-D case because the OAG is providing services in this case relating to the modification of a child-support obligation. TEX. FAM. CODE § 101.034. The OAG requested in its motion that the court modify the 2010 order to change both the conservatorship provisions and the child-support obligations... Once the OAG filed that motion seeking to modify the child-support obligations, the presiding judge's general order automatically referred the case to the Title IV-D associate judge." ... "We hold that the former version of the Texas Family Code authorized the OAG to seek to modify the conservatorship provisions of the 2010 order because that service related to the establishment, modification, or enforcement of a child-support obligation. Once the OAG filed its motion to modify conservatorship and the child-support obligations, this became a Title IV-D case and the Title IV-D associate judge was authorized to render or recommend 'any' order to 'complete' the case.

Summary

The passages establish that (1) when OAG provides services to modify child support, the case is a Title IV-D case under Tex. Fam. Code § 101.034; (2) upon OAG's filing seeking to modify child support, the case is automatically referred to a Title IV-D associate judge by standing order; (3) OAG is authorized to seek related conservatorship modifications insofar as they relate to support; and (4) the Title IV-D associate judge is authorized to render or recommend any order necessary to complete the case.

[In re D.W.G., 391 S.W.3d 154 \(Tex. App. 2012\)](#)

Texas Court of Appeals

Extract

Section 157.005(b) ... provides: The court retains jurisdiction to confirm the total amount of child support arrearages and render a cumulative money judgment ... if a motion for enforcement requesting a cumulative money judgment is filed not later than the 10th anniversary..." ... "The Texas appellate courts that have been presented with the issue of whether section 157.005(b) applies to child support enforcement remedies other than a cumulative money judgment, such as writs of withholding and child support liens, have concluded it does not." ... "we conclude section 157.005(b) only applies to cumulative money judgments for past-due child support as provided by section 157.263, not to other child support enforcement remedies..." ... "Because Virginia neither sought nor obtained relief under section 157.263, section 157.005(b)'s deadlines... do not apply..." ... "[T]he Legislature amended section 34.001 to state that dormancy did not apply to child support judgments." ... "We adopt the reasoning in Holmes, and hold that section 34.001(c) is not unconstitutionally retroactive..."

Summary

The case clarifies that the 10-year limitation in §157.005(b) applies only when a party seeks a cumulative money judgment under §157.263; it does not bar other enforcement tools (withholding, liens). It also confirms that judgment dormancy does not apply to child support judgments under §34.001(c).

[In re Interest of A.L.M.-E., 593 S.W.3d 271 \(Tex. 2019\)](#)

Texas Supreme Court

Extract

To alleviate pressure on an overburdened court system, the Legislature allows judges in civil proceedings to refer cases to associate judges for

disposition of a variety of case-related matters, including trials on the merits. Referral is not binding on the parties, so if either party timely objects, the referring court 'shall hear the trial on the merits or preside at a jury trial.' Barring an objection, however, the associate judge may determine the merits in either a bench or a jury trial, subject to the parties' post-trial right to request a 'de novo hearing' before the referring court within thirty days." ... "Trial on the merits before an associate judge is not compulsory under our civil referral statutes and may be avoided if a party objects: 'Unless a party files a written objection to the associate judge hearing a trial on the merits, the judge may refer the trial to the associate judge. A trial on the merits is any final adjudication from which an appeal may be taken to a court of appeals.'" ... "Tex. Fam. Code §§ 201.015(a), .2042(b) ... Tex. Fam. Code § 201.015(b) ... Tex. Fam. Code § 201.015(f).

Summary

The passages explain when and how a district court may refer a trial on the merits to an associate judge, the parties' right to object, and the mechanism and timing for a de novo hearing request under Family Code § 201.015. They do not address OAG intervention mechanics, signature mismatches, or enforcement pleading requirements. They are relevant to whether an associate judge could conduct a merits proceeding and what remedies exist (objection or de novo) if a party challenges that process.

[Rodrigues v. Alvara, 14-24-00625-CV \(Tex. App. Aug 12, 2025\)](#)

Texas Court of Appeals

Extract

Our sister court held that the OAG's standing and authority to become involved in child support enforcement is addressed in the Texas Family Code and the agency's standing and authority is well-settled... We agree with our sister court. See Tex. Fam. Code § 231.101(a) (providing that the OAG, as the State of Texas' Title IV-D agency, may provide all services required for enforcement of child support, medical support, and dental support orders). The same is true for the authority of AAGs to appear on behalf of the OAG. See id., § 231.109(a) ('Attorneys employed by the Title IV-D agency may represent this state or another state in an action brought under the authority of federal law or this chapter.'). ... Because the statutory authority of the OAG and its AAGs to become involved in child support actions is well-settled, we hold that the trial court did not abuse its discretion when it denied Rodrigues' Rule 12 motion to show authority." "And... the OAG's statutory standing and authority to become involved in child support cases is not impacted by the fact that the case may have originated as a custody case.

Summary

The opinion reaffirms that the OAG, as the Title IV-D agency, has broad statutory standing to intervene in and litigate child support issues, and its employed attorneys may appear without needing additional sworn assignments in the case file. It also indicates that a case's origin (e.g., custody) doesn't negate OAG authority when support is at issue. This bears on objections to OAG intervention, claims of ultra vires participation, and Rule 12 show-authority challenges like those raised here.

[Office of the Attorney Gen. of Tex. v. Moore, NO. 14-18-00607-CV \(Tex. App. Nov 26, 2019\)](#)

Texas Court of Appeals

Extract

Title IV-D of the Social Security Act requires states to provide services for the enforcement of child support obligations... In Texas, the OAG is designated to provide these Title IV-D services, including collecting and distributing child support payments and enforcing child support orders." "An application for child support services constitutes an assignment of support rights to enable the Title IV-D agency to establish and enforce child support obligations." "We conclude the allegations in the OAG's first amended petition, considered with the relevant Family Code provisions, are sufficient to confer standing on the OAG." "Raphael did not name the OAG as a party to the 2016 proceeding, and the OAG has not cited a statute, rule, or case requiring the OAG be served with process in this context. Under the plain text of Texas Family Code section 102.009, we conclude that service of process on the OAG was not required." "To show its entitlement to notice under section 102.009(d), the OAG had to prove a support right that was the subject of the 2016 proceeding had been assigned to the OAG under Chapter 231 before or during the 2016 proceeding.

Summary

The case confirms OAG's Title IV-D authority and standing when support rights are assigned (e.g., via application or public assistance). It also clarifies that OAG is not automatically entitled to service; entitlement to notice under § 102.009(d) depends on proof that support rights were assigned to OAG before or during the proceeding.

[In re L.D.C., NUMBER 13-17-00053-CV \(Tex. App. Dec 13, 2018\)](#)

Texas Court of Appeals

Extract

But when the OAG intervenes in a case or sues in a county that has a Title IV-D court, such cases are automatically transferred to the Title IV-D court. TEX. FAM. CODE. ANN. § 201.101(d) (West, Westlaw 2017 through 1st C.S.); Office of the Attorney General of Tex. v. C.W.H., 531 S.W.3d 183 (Tex. 2017). An associate judge of a IV-D court may refer a complex case back to a referring court. Id. § 201.104(a) (West, Westlaw 2017through 1st C.S.). An associate judge may not issue a final judgment. Id. § 201.104(b). But if the associate judge's recommended order is not appealed to the referring court, the associate judge's order becomes final at that time." "J.C.C. invokes the statutory procedures in the family code that include a de novo review by the referring court... Associate judges are creatures of statute and are not vested with the authority to render a final order under the Texas Constitution." "Court 7 was the court of continuing, exclusive jurisdiction and had the authority... to render judgment on the child support arrearage and sanctions.

Summary

The case confirms: (1) OAG interventions in counties with IV-D courts trigger automatic transfer to the IV-D court; (2) associate judges cannot render final judgments but their recommended orders become final if not appealed de novo to the referring court; (3) the court of continuing, exclusive jurisdiction retains authority to render arrears judgments; and (4) procedural challenges must be preserved. This bears on claims that an associate judge's order is "facially void" solely because it wasn't adopted by a district judge—if no timely de novo request/appeal was made, the associate judge's recommended order can become final by operation of statute.

[In re G.S.G., 145 S.W.3d 351 \(Tex. App. 2004\)](#)

Texas Court of Appeals

Extract

The trial court dismissed the action after it found sua sponte that the underlying order establishing the parent-child relationship was void and unenforceable because it was in the form of a final order and had been signed by a child support master rather than a district court judge. ... We reverse and remand." ... "In contrast, when no notice of appeal is filed, the recommendation of a child support master becomes the final order of the court by operation of law without ratification by the referring court. Tex. Fam.Code Ann. § 201.1041(a)." ... "The Family Code requires a master to inform the parties of the right but provides that such notice may be given by oral pronouncement or in writing. ... Because the Family Code does not require written notice, we find that a proposed order need not contain a notice of the right to appeal.

Summary

The case holds that a child support master's proposed order can be in the form of an order and need not contain "recommendation" language or written appeal notice; if no appeal is taken, it becomes the court's final order by operation of law without district judge signature under former § 201.1041(a). Thus, a trial court errs by treating such an order as void solely because it was signed by a master and not adopted by the district judge, except for contempt/incarceration scenarios requiring judge signature.

In re A.A.R.

Texas Court of Appeals

Extract

Second, appellant questions the OAG's standing, in a myriad of ways, to initiate a suit to determine parentage, set child support, and collect same from delinquent parents. Texas statute provides it with the requisite standing. See TEX. FAM. CODE ANN. § 231.001...; § 102.007...; § 231.101..." ... "Third, appellant questions the trial court's subject matter jurisdiction... When the OAG sues in a county that has a Title IV-D court... such cases are automatically transferred to the Title IV-D court. TEX. FAM. CODE. ANN. § 201.101(d)... And though the associate judge assigned to the Title IV-D court may not issue a final judgment, id. § 201.104(b), if its recommended order is not appealed to the referring court, it becomes final at that time." ... "Fifth, Webb next complains of the OAG's failure to comply with Federal Rule of Civil Procedure 17(a)(1). Federal rules of court procedure do not regulate proceedings transpiring in Texas state courts.

Summary

The case confirms OAG's statutory authority to initiate/support child-support-related actions, explains the Title IV-D transfer and associate judge framework, and clarifies that associate judge recommendations become final absent a timely appeal to the referring court. It does not address signature mismatches, specific notice defects, or the necessity of a written order of referral in the particular case described.

Charlton v. State , 334 S.W.3d 5 (Tex. App. 2008)

Texas Court of Appeals

Extract

The master did not have the power to render and sign a final order on the merits of the case. ... However, if the master's order was not appealed, and the order did not involve enforcement by contempt or immediate

incarceration, the master's order became the order of the court without ratification by the district judge after the time for appeal to the district court passed. ... Any appeal to the district court was required to be filed within three days of the party receiving notice of the substance of the master's order. ... However, nothing in the statute makes an agreed order signed after the three-day period void. ... Accordingly, the trial court's failure to sign the agreed order within three days of filing with the district clerk did not make the order void. ... In 2003, the Texas Legislature changed the title of a child support master to associate judge. ... Section 233.024 of the family code provided '[i]f the court finds that all parties have appropriately agreed to a child support review order and that there is waiver of service, the court shall sign the order not later than the third day after the filing of the order.'

Summary

The passages explain that while a master (associate judge) could not independently render a final order on the merits, an unappealed master's order (not involving contempt/incarceration) became the court's order without district judge ratification once the short appeal window expired. They also clarify that statutory deadlines (e.g., three-day signing under § 233.024) are not jurisdictional—missing them does not render an order void.

[In re T.A., 02-24-00509-CV \(Tex. App. Jul 17, 2025\)](#)

Texas Court of Appeals

Extract

An associate judge assigned to a Title IV-D court may not render a final judgment, but the judge may 'recommend to the referring court any order after a trial on the merits.' Tex. Fam. Code Ann. § 201.104(b), (c). If the associate judge's recommended order 'is not appealed to the referring court, it becomes final at that time.' In re A.A.R., No. 07-23-00394-CV, 2024 WL 1472799, at *2 (Tex. App.- Amarillo Apr. 4, 2024, no pet.) (mem. op.) (citing In re L.D.C., No. 13-17-00053-CV, 2018 WL 6546378, at *4 (Tex. App.-Corpus Christi-Edinburg Dec. 13, 2018, no pet.) (mem. op.)). ... Although the agreed temporary order became enforceable as a temporary order of the referring court when no party timely filed for a de novo hearing, see Tex. Fam. Code Ann. § 201.1041(c), the temporary order did not become a final judgment in the case. ... Section 201.007(a)(14)(C) provides that an associate judge may, except as limited by a referring judge, render and sign a temporary order.

Summary

The passage clarifies (1) associate judges in Title IV-D cannot render final judgments but can recommend orders; unappealed recommended orders become final; (2) associate judges can render temporary orders that are enforceable without de novo if no timely request; (3) finality depends on whether the order is a recommended final order versus a temporary order. This bears on claims that an associate judge's action is "void" for lack of

adoption—if it's a temporary order, it's enforceable without district judge adoption; if it's a recommended final order not timely appealed de novo, it becomes final. The passage does not address signature mismatches or attorney appearance issues.

[Tex. Fam. Code § 201.006 Tex. Fam. Code § 201.006 Order of Referral](#)

Extract

In referring a case to an associate judge, the judge of the referring court shall render: an individual order of referral; or a general order of referral specifying the class and type of cases to be heard by the associate judge. The order of referral may limit the power or duties of an associate judge.

Summary

The statute requires a referral order—either case-specific or a standing general order—before an associate judge may hear a matter. If no order of referral exists, actions by the associate judge may be vulnerable to challenge for lack of authority. The passage does not address adoption by the district judge or arrears confirmation, but it establishes the referral requirement that underpins the validity of associate judge proceedings.

[Tex. Fam. Code § 201.007 Tex. Fam. Code § 201.007 Powers of Associate Judge](#)

Extract

Except as limited by an order of referral, an associate judge may: ... without prejudice to the right to a de novo hearing before the referring court under Section 201.015 and subject to Subsection (c), render and sign: (A) a final order agreed to in writing as to both form and substance by all parties; (B) a final default order; (C) a temporary order; or (D) a final order in a case in which a party files an unrevoked waiver..."; "A final order described by Subsection (a) becomes final after the expiration of the period described by Section 201.015(a) if a party does not request a de novo hearing... An order described by Subsection (a) or that is rendered and signed by an associate judge constitutes an order of the referring court.

Summary

The statute authorizes associate judges to render and sign certain final orders (including agreed, default, temporary, or waiver-based finals) and provides that such orders become final and constitute orders of the referring court if no timely de novo request is made under § 201.015. It frames the authority "except as limited by an order of referral," indicating that a limiting or absent referral could constrain authority. It does not, by itself, address signature mismatches or OAG attorney appearance formalities, nor

does it require later adoption by the district judge if the order falls within § 201.007(a) and no de novo is sought.

[Tex. Fam. Code § 201.104 Tex. Fam. Code § 201.104 Powers of Associate Judge](#)

Extract

An associate judge may render and sign any order that is not a final order on the merits of the case. An associate judge may recommend to the referring court any order after a trial on the merits. Only the referring court may hear and render an order on a motion for postjudgment relief... Notwithstanding Subsection (d)... an associate judge may hear and render an order on any matter necessary to be decided in connection with a Title IV-D service, including: a suit to modify or clarify an existing child support order; a motion to enforce a child support order... a motion for postjudgment relief... if neither party has requested a de novo hearing before the referring court; a suit affecting the parent-child relationship; and a suit for modification under Chapter 156.

Summary

(1) associate judges may sign non-final orders; (2) after a merits trial, they may only recommend orders to the referring court; and (3) in Title IV-D matters, they may render orders necessary to Title IV-D services, including certain postjudgment matters, unless a de novo hearing is requested. This bears on whether a prior child support order must be adopted by the district (referring) court to be a final, enforceable order, and whether an associate judge could independently confirm arrears or render final relief.

[Tex. Fam. Code § 201.014 Tex. Fam. Code § 201.014 Judicial Action On Associate Judge's Proposed Order Or Judgment](#)

Extract

Except as otherwise provided in this subchapter, unless a party files a written request for a de novo hearing before the referring court, the referring court may: adopt, modify, or reject the associate judge's proposed order or judgment; hear further evidence; or recommit the matter to the associate judge for further proceedings. (b) Regardless of whether a party files a written request for a de novo hearing before the referring court, a proposed order or judgment rendered by an associate judge in a suit filed by the Department of Family and Protective Services that meets the requirements of Section FAMILY CODE 263.401(d) is considered a final order for purposes of Section FAMILY CODE 263.401.

Summary

The statute clarifies how the referring court treats an associate judge's proposed order: the court must take action (adopt/modify/reject, hear more evidence, or recommit) unless a de novo request alters the process. It also establishes a narrow exception where certain DFPS proposed orders are deemed final without adoption for § 263.401 purposes. Outside that DFPS exception, associate judge proposed orders are not self-executing final orders until acted upon by the referring court.

[Tex. Fam. Code § 201.005 Tex. Fam. Code § 201.005 Cases that May Be Referred](#)

Extract

(a) Except as provided by this section, a judge of a court may refer to an associate judge any aspect of a suit or action... (b) Unless a party files a written objection to the associate judge hearing a trial on the merits, the judge may refer the trial to the associate judge. A trial on the merits is any final adjudication from which an appeal may be taken to a court of appeals. (c) A party must file an objection to an associate judge hearing a trial on the merits or presiding at a jury trial not later than the 10th day after the date the party receives notice that the associate judge will hear the trial. If an objection is filed, the referring court shall hear the trial on the merits or preside at a jury trial. (d) The requirements of Subsections (b) and (c) shall apply whenever a judge has authority to refer the trial of a suit or action described by Subsection (a) to an associate judge, master, or other assistant judge regardless of whether the assistant judge is appointed under this subchapter.

Summary

The section establishes that a judge may refer matters, including trials on the merits, to an associate judge; parties have a right to object within 10 days after notice that the associate judge will hear the trial. If a timely objection is filed, the referring court must hear the trial. It does not itself address the need for or form of a written order of referral, nor adoption by the district judge. It informs whether an associate judge could hear a trial absent objection and frames a potential procedural objection if proper notice was given and a timely objection made.

[Tex. Fam. Code § 201.013 Tex. Fam. Code § 201.013 Order of Court](#)

Extract

Pending a de novo hearing before the referring court, a proposed order or judgment of the associate judge is in full force and effect and is enforceable as an order or judgment of the referring court, except for an order providing

for the appointment of a receiver. (b) Except as provided by Section FAMILY CODE 201.007(c), if a request for a de novo hearing before the referring court is not timely filed, the proposed order or judgment of the associate judge becomes the order or judgment of the referring court only on the referring court's signing the proposed order or judgment.

Summary

The statute establishes two key rules: (1) an associate judge's proposed order is enforceable immediately pending any timely de novo request; and (2) if no timely de novo is requested, the proposed order becomes the referring court's order only when the referring court signs it. Thus, absent referring-court signature after the de novo window closes, the proposed order does not become the district court's order. This bears on whether arrears can be "confirmed" on a proposed order that was never signed/adopted by the district judge.

[Tex. Fam. Code § 231.109 Tex. Fam. Code § 231.109 Attorneys Representing State](#)

Extract

(a) Attorneys employed by the Title IV-D agency may represent this state or another state in an action brought under the authority of federal law or this chapter. ... (d) An attorney employed to provide Title IV-D services represents the interest of the state and not the interest of any other party.... (e) An attorney employed by the Title IV-D agency or as otherwise provided by this chapter may not be appointed or act as an amicus attorney or attorney ad litem for a child or another party. (f) An attorney employed to provide Title IV-D services may, without notice to the parties, represent the Title IV-D agency at a court proceeding in an action brought under this title.

Summary

- The statute authorizes OAG Title IV-D attorneys to represent the State in Title IV-D actions (§ 231.109(a)). - It clarifies they represent the State, not private parties, and no attorney-client relationship arises with the CP/NCP (§ 231.109(d)). - It bars them from serving as amicus/ad litem (§ 231.109(e)). - Critically, it permits a Title IV-D attorney to appear and represent the agency at a court proceeding "without notice to the parties" in actions under this title (§ 231.109(f)). This bears on objections to which named OAG lawyer appears or whether a separate appearance/notice was required for a different OAG attorney (e.g., Choya Burkley) to attend and seek arrears confirmation.

[Tex. Fam. Code § 201.101 Tex. Fam. Code § 201.101 Authority of Presiding Judge](#)

Extract

Except as provided under Subsection (e), if an associate judge is appointed for a court under this subchapter, all Title IV-D cases shall be referred to the associate judge by a general order for each county issued by the judge of the court for which the associate judge is appointed, or, in the absence of that order, by a general order issued by the presiding judge who appointed the associate judge. Referral of Title IV-D cases may not be made for individual cases or case by case.

Summary

The statute requires Title IV-D cases to be referred to an associate judge via a standing/general order, not by case-specific referral. If an associate judge rendered orders without a valid general order of referral in place (and without adoption by the district judge as otherwise required in Chapter 201), that may implicate the validity of the associate judge's actions. The provision does not address OAG appearance signatures or pleading mismatches but does speak to the necessary mechanism for an associate judge to exercise authority in Title IV-D matters.

This memo was compiled by Vincent AI based on vLex materials available as of December 13, 2025. [View full answer on vLex](#)