

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 660 Department or Agency Human Resources
Rule No. and Title 660-3-12.01 Definitions
 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? N/A

Is there a reasonable relationship between the state's policed power and the protection of the public health, safety, or welfare? N/A

Is there another, less restrictive method of regulation available that could adequately protect the public? N/A

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that it might result from the absence of the proposed rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? YES

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer:

Amy H. Buckner
Date: 2-17-16

DATE FILED
(STAMP)

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Human Resources

RULE NO. & TITLE:

660-3-12-.01	Definitions
660-3-12-.03	Data Match Criteria
660-3-12-.04	Implementation of Administrative Lien
660-3-12-.05	Implementation of Administrative Levy
660-3-12-.06	Right To Contest Lien/Levy
660-3-12-.07	Release of Lien/Levy

INTENDED ACTION: Proposed amendment to rules to comply with Code of Ala. 1975, as amended, § 30-3-197(a)(6) and § 30-3-198.

SUBSTANCE OF PROPOSED ACTION: The rule has been proposed to comply with Alabama law in regards to the enforcement of support orders by implementation of an administrative lien/levy and to comply with Departmental procedures or changes to lien/levy.

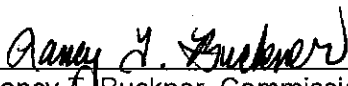
TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested parties may submit data, views or arguments respecting the proposed amendment by mail or in person through close of business on April 4, 2016. Persons wishing to submit data, views or arguments orally should contact the Department's Administrative Procedures Secretary between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding State holidays, at (334) 242-9330 to set up an appointment for such oral/in person presentations.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

April 4, 2016

CONTACT PERSON AT AGENCY:

Ms. Gail Grobe
State Department of Human Resources
Gordon Persons Building
50 Ripley Street
Montgomery, Alabama 36130-1801



Nancy T. Buckner, Commissioner
Department of Human Resources

**ECONOMIC IMPACT STATEMENT
FOR APA RULE**

Control No. 660 Department or Agency Department of Human Resources

Rule No. 660-3-12

Rule Title: Financial Institution Data Match

 New X Amend Repeal Adopt by Reference

 This rule has no economic impact.

 X This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

The noncustodial parent will benefit from the amended rule in that the financial account must have a balance of at least \$5000 as of the date of the financial institution data match in order to do a lien/levy.

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

The rule will require the noncustodial parent's financial account balance to be at least \$5000 as of the date of the financial institution data match, which is an increase over the existing required amount.

3. EFFECT OF THIS RULE ON COMPETITION:

N/A

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

N/A

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

N/A

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

N/A

ALABAMA DEPARTMENT OF HUMAN RESOURCES
CHILD SUPPORT ENFORCEMENT DIVISION
ADMINISTRATIVE CODE

CHAPTER 660-3-12
FINANCIAL INSTITUTION DATA MATCH (FIDM)

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660-3-12-.01 Definitions.

(1) As used in this Chapter, the following terms shall have the following meaning:

(a) "Account" - A demand deposit account, checking or negotiable withdrawal order account, savings account, time deposit account, or money-market mutual fund account.

(b) "Arrearage" - Past-due child support which accrues under an order for support. The child support debt owed by the noncustodial parent to the custodial parent or to the state; a delinquency. Statutory interest that accrues on the debt is included in past-due child support.

(c) "Data Match" - An automated process of matching specified information from the financial records of financial institutions with records of the Title IV-D agency.

(d) "Financial Institution" - A depository institution as defined in Section 3(c) of the Federal Deposit Insurance Act, 12 U.S.C. Section 1813(c); an institution-affiliated party, as defined in Section 3(u) of 12.

U.S.C. Section 1813(u); and any federal credit union, as defined in Section 101 of the Federal Credit Union Act, 12 U.S.C. Section 1752, including an institution-affiliated party of a credit union, as defined in Section 206(r) of the Federal Credit Union Act 12 U.S.C. Section 1786(r); and any benefit association, insurance company, safe deposit company, money market mutual fund, or similar entity authorized to do business in the state.

(e) "Financial Record" - As defined in Section 1101 of the Right to Financial Privacy Act of 1978, 12 U.S.C. Section 3401.

(f) "Noncustodial Parent" - A parent who does not have the child in his or her care and is responsible for paying support. The term includes an obligor.

(g) "Notice of Lien or Levy" - An official notice from the state Title IV-D agency of a judicial or administrative lien or levy against a noncustodial parent and requesting that funds of a noncustodial parent be surrendered or transferred to the state Title IV-D agency.

(h) "Obligor" - A person ordered by a court to make periodic payments for the benefit and support of another person or the parent or alleged parent named in a paternity action.

(i) "State Title IV-D Agency" - The state agency designated to administer the statewide child support program authorized under Title IV-D of the Social Security Act.

(j) "Support or Support Order" - Any order, decree or judgment for support of a child, or in the case of an order being enforced pursuant to the requirements of Title IV-D of the Social Security Act, a spouse or former spouse, issued by a court of this state or a court or agency of another state or jurisdiction, whether interlocutory or final, including orders issued for any of the following purposes:

1. Current support of a minor child.
2. Current medical support, which includes the cost of medical insurance of unreimbursed medical expenses.
3. Arrearage that has accrued due to unpaid child or medical support during the child's minority, including enforcement, post-majority of arrearages accrued during minority and interest that has accrued or continues to accrue on that arrearage.
4. Spousal Support when such spousal support is collected by the Department of Human Resources or the department's designee pursuant to the requirements of Title IV-D of the Social Security Act.

Author: Clifford Smith

Statutory Authority: Code of Ala. 1975, §§30-3-191, 30-3-192, and 30-3-198, P.L. 104-193.

History: Emergency rule effective February 25, 2000. **New Rule:** Filed May 5, 2000; effective June 9, 2000.

Amended: Filed September 11, 2014; effective October 16, 2014.

Amended: Filed February 18, 2016; effective May 10, 2016.