# TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 660 Department or Agency	Human Resources				
Rule No. and Title 660-3-12.04 Implementation of Adn					
New X Amend Repe	al 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,	NO				
to what degree?	NO 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	YES				
protection of the public?	165				
**************************************	**************************************				
•					
Does the proposed rule have an economic impact?	YES				
If the proposed rule has an economic impact, the prop					
is required to be accompanied by a fiscal note prepared in					
accordance with subsection (f) of Section 41-22-23, <u>Code of Alabama 1975</u> .					
***********************************	**************************************				
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, <u>Code of Alabama 1975</u> , and that it conforms to all applicable requirements of the Administrative Procedure Division of the Legislative Reference Service.					
					Administrative Procedure Division of the Legislative N
Olamatana af a salifain a aff					
Signature of certifying officer:					
Agana N. Busham)					
Date: U 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 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.

<u>SUBSTANCE OF PROPOSED ACTION</u>: 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

Cor	ntrol No	<u>660</u> [	Department or Age	ncy <u>Departmer</u>	nt of Human Resources	
Rul	e No. <u>66</u>	<u> </u>				
Rui	e Title: <u>Fir</u>	nancial In	stitution Data Matc	h		
	Nev	v <u>X</u>	Amend	Repeal	Adopt by Reference	
		This rule	has no economic ir	mpact.		
	X	This rule	has an economic ir	mpact, as explain	ed below:	
1.	NEED/EX	PECTED	BENEFIT OF RUL	_E; .		
	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.	<ol> <li>COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICE AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE PURPOSE:</li> </ol>					
		of the da	te of the financial i		nancial account balance to be at least atch, which is an increase over the	
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		e e			
5.			RULE ON EMPLO MPLEMENTED:	YMENT IN THE	GERGRAPHICAL AREA WHERE THE	
	N/A					
6.	SOURCE RULE:	OF REV	ENUE TO BE USE	ED FOR IMPLEM	ENTING AND ENFORCING THIS	
	N/A					

### 660-3-12-.04 Implementation Of Administrative Lien.

- (1) The state IV-D agency is authorized to file a notice of lien against the real and personal property of any noncustodial parent who resides or owns property in the state and owes past-due child support. Liens against personal property other than personal property subject to a certificate of title, shall be filed with the office of the Secretary of State. Upon the filing of the notice, a lien arises by operation of law.
- (2) The Notice of Lien shall be sent by the state IVD agency through electronic transmission to the Office of Secretary of State.
- (3) A digital signature on the Notice of Lien shall authorize the filing of the lien.
- (4) The lien shall be perpetual in nature.
- (5) For a case to qualify for filing a lien with the Secretary of State, it must meet the following criteria:
- (a) The noncustodial parent's total arrearages from all cases, including interest, must be at least \$1,000.00.
- (b) The noncustodial parent's total arrearages from all cases, including interest, must be equal to at least three months current support obligation due under each case.
- (c) The balance of the noncustodial parent's financial account(s) must be at least \$500.00 5,000.00 as of the date of the financial institution data match.
- (d) The noncustodial parent must not be involved in bankruptcy proceedings.
- (e) The noncustodial parent is not a SSI recipient.
- (6) The Secretary of State will record the information and issue an acknowledgment to the state IV-D agency that the lien has been filed.

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 July 6, 2001; effective August 10, 2001.

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

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