

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.

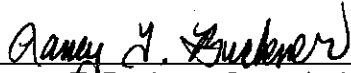
SUBSTANCE OF PROPOSED ACTION: The rule has been proposed to comply with Alabama law in regards to the enforcement of support orders by implementation of an administrative lien/levy and to comply with Departmental procedures or changes to lien/levy.

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

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.