TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 660 Department or Agency Human Resourc	es	
Rule No. and Title 660-3-12.06 Right To Contest Lien/Levy		
New X Amend Repeal Ad	opt 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	
proteotion of the public:		
**************************************	**********	
Does the proposed rule have an economic impact?	YES	
5000 the proposed tale have all bookening impact:	160	
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.		
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Certification of Authorized Official		
Continuation of Authorized Chical		
I certify that the attached proposed rule has been proposed in full com	nliance with the requirements of	
Chanter 22. Title 41. Code of Alabama 1975, and that it conforms to a	U applicable requirements of the	
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.		
Circulture of audificient officers		
Signature of certifying officer:		
Danie of Marchin		
WINNEY (YE) WINNOW	DATE ELLED	
Date: (* 2-11-16	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 f. Buckner, Commissioner Department of Human Resources

ECONOMIC IMPACT STATEMENT FOR APA RULE

Coi	ntrol No. 660 Department or Agency <u>Department of Human Resources</u>	
Rul	e No. 660-3-12	
Rul	le 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, EFFICIIENT, 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 GERGRAPHICAL 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-.06 Right to Contest Lien/Levy.

- (1) The noncustodial parent has a right to an administrative desk review of the action taken to implement a lien and a levy against his/her assets. The request for review must be in writing within fifteen (15) calendar days of the date appearing on the Notice of Lien. The Obligor Notice of Lien instructs the noncustodial parent to mail the written request to the State IV-D agency.
- (a) Reasons for contesting the lien/levy:
- 1. The amount of past due child support is incorrect. Mistake of fact.
- 2. (S)He does not owe past-due child support is receiving SSI or SSI money is in the financial account(s).
- 3. (S) He does not meet the qualifications for lien/levy.
- 4. (S) He is involved in bankruptcy proceedings.
- (b) The noncustodial parent must provide proof, such as copies of:
- 1. Canceled checks or money orders.
- 2. Child Support orders or modifications to them.
- 3. Pay stubs that show child support withheld.
- 4. Letters from employers who have withheld wages.
- 5. Receipts for child support payments.
- 6. Court records documenting payment of child support.
- 7. Picture ID and Social Security Card to prove mistaken identity.
- 8. Any other applicable documents.
- (c) A desk review will be conducted by the state IV-D agency within 30 days of receiving the request for an administrative desk-review.
- (2) If the issue cannot be resolved in an administrative desk review, the noncustodial parent has the right to request an administrative hearing. The non-custodial parent is advised in the Results of Administrative review document that the state IV-D agency must receive a written request for an administrative hearing within thirty (30) days of the date on the document or the money will distribute as child support.

- (a) An administrative hearing will be conducted by the stateState IV-D agency within 90 days of receiving the written request.
- (3) If the noncustodial parent does not agree with the findings of the administrative hearing, (s)he has the right to request a judicial review by filing a notice of appeal, cost bond, and petition for review as required under the Alabama Administrative Procedure Act. The noncustodial parent is advised in the results of administrative hearing document that the state IV-D agency must receive notice of the court action within thirty (30) days of the date on the document, or the money will distribute as child support.
- (4) A person whose name appears jointly on the account with the noncustodial parent has the same right as the noncustodial parent to contest the action to lien/levy the assets. If the joint account holder claims the funds belong to him/her and not the noncustodial parent, Thethe joint account holder must provide documentation that shows that the noncustodial parent's name is on the account strictly for fiduciary purposes or the funds do not belong to the noncustodial parent. Where there is a joint account and the noncustodial parent is not on the account for fiduciary purposes, 50% of the account funds shall be released to the joint account holder. Where there are more than two individuals listed on the account, the funds shall be released proportionately based on the number of individuals on the account.

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.