

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 660 Department or Agency Human Resources
Rule No. and Title 660-3-12.07 Release of Lien/Levy
 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:

 Nancy J. Zuehlke
Date: 12-17-16

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.

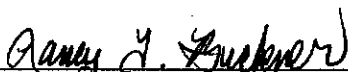
TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested parties may submit data, views or arguments respecting the proposed amendment by mail or in person through close of business on April 4, 2016. Persons wishing to submit data, views or arguments orally should contact the Department's Administrative 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

660-3-12-.07 Release of Lien/Levy.

A Notice of Release of Lien shall be sent by the State IV-D agency to the Office of Secretary of State when:

- (a) The child support debt is paid in full;
- (b) The Notice of Lien was filed in error;
- (c) The noncustodial parent has filed bankruptcy;
- (d) Documents indicate that the noncustodial parent's name is on the account strictly for fiduciary purposes, for example the management of the funds of an elderly parent or minor child.
- (e) The noncustodial parent is a SSI recipient.
- (f) The financial account contains SSI money received by another joint account holder or individual who is a SSI recipient.
- (g) The noncustodial parent or another joint account holder or individual is a former SSI recipient and SSI funds were deposited into the financial account.
- (h) The financial account is classified as a business 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.