



APA-1  
11/96

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 660 Department or Agency Human Resources  
Rule No. and Title 660-3-17.03 Criteria for filing a Lien Administratively  
         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 police 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 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:

          
Date          2-17-16

DATE FILED  
(STAMP)

APA-1  
11/96

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 660 Department or Agency Human Resources  
Rule No. and Title 660-3-17.04 Implementation of Administrative Lien  
         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 police 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 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:  
        Randy A. Gueker          
Date         2-17-16        

DATE FILED  
(STAMP)

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11/96

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 660 Department or Agency Human Resources  
Rule No. and Title 660-3-17.05 Execution of a Lien  
         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 police 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 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:  
        Dorothy J. Guehner          
Date         2-17-16        

DATE FILED  
(STAMP)

APA-1  
11/96

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 660 Department or Agency Human Resources  
Rule No. and Title 660-3-17.06 Releasing a Lien  
         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 police 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 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:  
        *Randy J. Guekner*          
Date         2-17-16        

DATE FILED  
(STAMP)

APA-1  
11/96

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 660 Department or Agency Human Resources  
Rule No. and Title 660-3-17.07 Right to Contest an Administrative Lien  
         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 police 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 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:  
         *Thomas A. Burkner*  
Date          *2-17-16*

DATE FILED  
(STAMP)

**NOTICE OF INTENDED ACTION**

**AGENCY NAME:** Department of Human Resources

**RULE NO. & TITLE:**

660-3-17.01	Definitions
660-3-17.03	Criteria for Filing a Lien Administratively
660-3-17.04	Implementation of Administrative Lien
660-3-17.05	Execution of a Lien
660-3-17.06	Releasing a Lien
660-3-17.07	Right to Contest an Administrative Lien

**INTENDED ACTION:** To amend Chapter 660-3-17 Liens to comply with FIDM policy procedures as amended in Chapter 660-3-12.

**SUBSTANCE OF PROPOSED ACTION:** The changes made to Chapter 660-3-17 are to bring this chapter in line with changes made to Chapter 660-3-12.

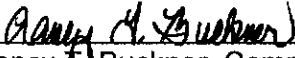
**TIME, PLACE, MANNER OF PRESENTING VIEWS:** All interested parties may submit data, views or arguments respecting the proposed new chapter by mail or in person through close of business on April 4, 2016. Persons wishing to submit data, views or arguments orally should contact the Department's Administrative 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. 660-3-17

Rule Title: Liens

         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 personal property, such as a financial account, must have a balance of at least \$5000 as of the date of the financial institution data match in order to qualify for and to execute an administrative lien.

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 assets to be valued at least \$5000 in order to be levied, 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 660-3-17  
LIENS

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660-3-17-.01	Definitions
660-3-17-.02	Types of Liens
660-3-17-.03	Criteria for Filing a Lien Administratively
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660-3-17-.05	Execution of a Lien
660-3-17-.06	Releasing a Lien
660-3-17-.07	Right to Contest an Administrative Lien

660-3-17-.01 Definitions.

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

(a) "Arrearage" - Past-due support that 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 support.

(ab) "Court" - Any juvenile or family court division of the circuit or district court in the county where the mother of the child resides or is found, in the county where the father resides or is found, or in the county where the child resides or is found and, in the case of a petition seeking a divorce, or legal separation, a petition seeking a modification of support previously ordered under a divorce decree or a petition seeking a contempt citation for failure to pay support previously ordered under a divorce decree, the circuit court or the domestic relations division of the circuit court. In cases involving the enforcement of another state's order of support within this state, court may mean the courts of the county where the employer is located or is found, and may also mean the court or agency of another state or jurisdiction outside the State of Alabama whose functions include the issuance and enforcement of support order.

(c) "Department" - The Department of Human Resources of the State of Alabama, including the County Department of Human Resources.

(bd) "Lien" - A legal claim on property which is a security for the payment of a debt, obligation, or duty.

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

(ef) "Notice of Lien" - An official notice from the State Title IV-D agency of a judicial or administrative lien against a noncustodial parent.

~~(e) "Department" - The Department of Human Resources of the State of Alabama, including the County Department of Human Resources.~~

~~(fg) "Support or Support Order" - Support of a minor child and 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. Support order shall mean 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. 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 of 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.

(gh) "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.

Author: ~~Janice Crubbs~~ Clifford Smith

Statutory Authority: P.L. 104-193; Code of Alabama 1975, §30-3-191.

History: New Rule: Filed May 3, 2002; effective June 7, 2002.

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

660-3-17-.02 Types of Liens.

(1) Real Property Liens include liens on land, buildings, homes, and generally whatever is erected, growing upon, or affixed to land.

(2) Personal Property Liens include liens on any licensed property such as cars, boats, motorcycles, and all unlicensed movable property such as stocks, bonds, bank accounts, livestock, jewelry, cash, unemployment compensation settlements, worker's compensation settlements, and lottery winnings.

Author: Janice Grubbs

Statutory Authority: P.L. 104-193; Code of Alabama 1975, §30-3-198.

History: New Rule: Filed May 3, 2002; effective June 7, 2002.

660-3-17-.03 Criteria for Filing a Lien Administratively.

For a case to qualify for filing a lien administratively, it must meet the following criteria:

(1) The balance of the noncustodial parent's total child support arrearage from all cases, including interest, is at least \$1,000.00.

(2) The noncustodial parent's total arrearage from all cases, including interest, must be equal to at least three months current support obligation due under each case.

(3) In the case of a lien against personal property such as a financial account, the balance of the noncustodial parent's financial account(s) must be at least ~~\$150.00.~~ \$5,000.00 as of the date of the financial institution data match.

(4) The ~~NCP~~noncustodial parent has or is likely to acquire property that can be attached.

(5) The ~~NCP~~noncustodial parent is not in bankruptcy.

(6) The noncustodial parent is not a SSI recipient.

Author: ~~Janice Grubbs~~ Clifford Smith

Statutory Authority: P.L. 104-193; Code of Alabama 1975, §30-3-198.

History: New Rule: Filed May 3, 2002; effective June 7, 2002.

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

**660-3-17-.04 Implementation of an Administrative Lien.**

The State Title 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. Upon the filing of a Notice of Lien, a lien arises by operation of law.

(1) For personal property not subject to a certificate of title, a Notice of Lien shall be sent by the State Title IV-D agency through electronic transmission to the office of Secretary of State.

(a) A digital signature on the Notice of Lien shall authorize the filing of the lien.

(b) The lien shall be perpetual in nature.

(c) A lien is created on all personal property not subject to a certificate of title that the NCPnoncustodial parent holds and/or may obtain in the future.

(2) For personal property subject to a certificate of title, a lien must be filed in the office of the Department of Revenue using forms required by that agency.

(a) The Motor Vehicle Division of the Department of Revenue processes liens against property of this type.

(b) An application for Certificate of Title to Record a Lien must be completed and submitted along with the surrendered title to the vehicle.

(3) For real property, a Notice of Lien is filed in the office of the Judge of Probate where the real property is located.

(a) A blanket lien is created on real property the NCPnoncustodial parent holds and/or may obtain in the future in that county.

(b) The State Title IV-D agency shall not be required to obtain a judgment for an amount certain prior to filing for the enforcement of a lien.

Author: ~~Janice Grubbs~~ Clifford Smith

Statutory Authority: P.L. 104-193; Code of Alabama 1975, §30-3-198.

History: New Rule: Filed May 3, 2002; effective June 7, 2002.

Amended: Filed July 6, 2001; effective August 10, 2001.

Amended: Filed September 10, 2014; effective October 15, 2014.

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

660-3-17-.05 Execution of a Lien.

When the State Title IV-D agency seeks to enforce a lien or a judicial order, notice shall not be required. The state shall accord full faith and credit to liens arising from another state's judicial or administrative action.

(1) Upon acknowledgment from the Secretary of State that a lien has been filed administratively on personal property, the State IV-D agency sends:

(a) An Obligor Notice of Lien to the noncustodial parent informing him/her that a lien has arisen by operation of law on any personal property belonging to him/her or acquired after the lien arises.

(b) A ~~request~~Request for Administrative Review form to the noncustodial parent that may be used to request a desk review of the action taken within 15 days of the date of the notice of lien.

(c) A Notice of Attachment to the holder of the assets requesting a freeze be placed on the noncustodial parent's assets for 21 days and to surrender the amount named in the document after that period of time.

(2) For a case to qualify for issuing an attachment, it must meet the following criteria:

(a) The balance of the noncustodial parent's total ~~child support~~ arrearage arrearages from all cases, including interest, must be at least \$1,000.00.

(b) The noncustodial parent's total arrearage arrearages from all cases, including interest, must be equal to at least three months current support obligation due under each case.

(c) The value of the noncustodial parent's assets to be levied must be at least ~~\$150.00~~\$5,000.00.

(d) The noncustodial parent must not be involved in bankruptcy proceedings.

(e) The noncustodial parent is not a SSI recipient.

Author: ~~Janice Grubbs~~Clifford Smith

Statutory Authority: P.L. 104-193; Code of Alabama 1975, §§30-3-197(a)(6), 30-3-198(a)(c).

History: New Rule: Filed May 3, 2002; effective June 7, 2002.

Amended: Filed February 4, 2005; effective March 11, 2005.

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

660-3-17-.06 Releasing a Lien.

A lien must be released by filing a release executed by the State Title IV-D agency in the appropriate agency where the lien has been filed.

(1) Reasons for releasing a lien are:

(a) The child support debt is paid in full.

(b) The NCP has filed bankruptcy. Notice of Attachment was filed in error.

(c) The NCP has an order for retroactive support and has paid according to the order since the initial adjudication. The noncustodial parent has filed bankruptcy.

(d) Bank documents indicate the NCP's noncustodial parent's name on the account being seized is 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: ~~Janice Grubbs~~ Clifford Smith

Statutory Authority: P.L. 104-193; Code of Alabama 1975, §30-3-198.

History: New Rule: Filed May 3, 2002; effective June 7, 2002.

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

660-3-17-.07 Right to Contest an Administrative Lien.

The noncustodial parent has a right to an administrative ~~desk~~ review of the action taken to implement a lien against his/her assets. The request for review must be in writing within 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 Title IV-D agency.

(1) Reasons for contesting the lien:

(a) ~~The amount of past due child support is incorrect.~~ Mistake of fact.

(b) ~~(S)He does not owe past due child support.~~ (S)he is receiving SSI or there is SSI money in the financial account.

(c) (S)he does not meet the qualifications for the lien.

(ed) ~~The NCP has filed bankruptcy.~~ (S)he is involved in bankruptcy proceedings.

(2) The noncustodial parent must provide proof, such as copies of:

(a) Canceled checks or money orders.

(b) Child Support orders or modifications to them.

(c) Pay stubs that show child support withheld.

(d) Letters from employers who have withheld wages.

(e) Receipts for child support payments.

(f) Court records documenting payment of child support, ~~or filing of bankruptcy.~~

(g) Picture ID and Social Security Card to prove mistaken identity.

(h) Any other applicable documents.

(3) A desk review will be conducted by the State IV-D agency within 30 days of receiving the request for an administrative ~~desk~~-review.

(4) If the issue cannot be resolved in an administrative desk review, the noncustodial parent has the right to request an administrative hearing. The noncustodial parent is advised in the Results of Administrative ~~review~~Review document that the State Title IV-D agency must receive a written request for an administrative hearing within 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 State Title IV-D agency within 90 days of receiving the written request.

(b) 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 Title IV-D agency must receive notice of the court action within 30 days of the date on the document, or the money will distribute as child support.

**Author:** ~~Janice Grubbs~~Clifford Smith

**Statutory Authority:** P.L. 104-193; Code of Alabama 1975, §30-3-198.

**History:** **New Rule:** Filed May 3, 2002; effective June 7, 2002.

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