

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 permanent 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.


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 September 4, 2014. 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:

September 4, 2014

CONTACT PERSON AT AGENCY:

Ms. Gail Grobe
State Department of Human Resources
Gordon Persons Building
50 Ripley Street
Montgomery, Alabama 36130-1801



(Signature of officer authorized to promulgate
and adopt rules or his or her deputy)

ALABAMA DEPARTMENT OF HUMAN RESOURCES
CHILD SUPPORT ENFORCEMENT DIVISION
ADMINISTRATIVE CODE

CHAPTER 660-3-12 FINANCIAL INSTITUTION DATA MATCH (FIDM)

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660-3-12-.01 Definitions.

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

(a) "Account" - A demand deposit account, checking or negotiable withdrawal order account, savings account, time deposit account, or money-market mutual fund account.

(b) "Arrearage" - Past-due child support which 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 child support.

(c) "Data Match" - An automated process of matching specified information from the financial records of financial institutions with records of the Title IV-D agency.

(d) "Financial Institution" - A depository institution as defined in Section 3(c) of the Federal Deposit Insurance Act, 12 U.S.C. Section 1813(c); an institution-affiliated party, as defined in Section 3(u) of 12.

U.S.C. Section 1813(u); and any federal credit union, as defined in Section 101 of the Federal Credit Union Act, 12 U.S.C. Section 1752, including an institution-affiliated party of a credit union, as defined in Section 206(r) of the Federal Credit Union Act 12 U.S.C. Section 1786(r); and any benefit association, insurance company, safe deposit company, money market mutual fund, or similar entity authorized to do business in the state.

(e) "Financial Record" - As defined in Section 1101 of the Right to Financial Privacy Act of 1978, 12 U.S.C. Section 3401.

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

(g) "Notice of Lien or Levy" - An official notice from the state Title IV-D agency of a judicial or administrative lien or levy against a noncustodial parent and requesting that funds of a noncustodial parent be surrendered or transferred to the state Title IV-D agency.

(h) "Obligor" - A person ordered by a court to make periodic payments for the benefit and support of another person or the parent or alleged parent named in a paternity action.

(i) "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.

(j) "Support or Support Order" -- ~~Support of a minor child and spousal support when the spousal support is collected 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 an order is being enforced pursuant to the requirements of Title IV-D of the Social Security Act, a spouse or former spouse, issued by a court or other entity authorized to issue orders. 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 for 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.

Author: ~~Janice Grubbs~~ 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 5, 2014; effective October 10, 2014.