

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.

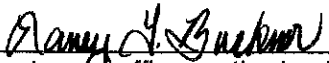
TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested parties may submit data, views or arguments respecting the proposed amendment by mail or in person through close of business on September 4, 2014. Persons wishing to submit data, views or arguments orally should contact the Department's Administrative 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)

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) 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) Bank documents indicate that the noncustodial parent's name on the account is strictly for fiduciary purposes.~~

(56) For a case to qualify for filing a lien with the Secretary of State, it must meet the following criteria:

(a) The balance of the noncustodial parent's child support total arrearages from all cases, including interest, is 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 ~~\$150~~500.00.

(67) 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: ~~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 July 6, 2001; effective August 10, 2001.

Amended: Filed September 5, 2014; effective October 10, 2014.