TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 660		tment or Agen		an Resources
Rule No. and Title		mend	Repeal	Adopt by Reference
Would the absend significantly harm health, welfare, or	or endanger			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 propose directly or indirect of any goods or set to what degree?	ly increasing	the costs		NO
Is the increase in to the public than from the absence	the harm tha	t it might resul	t	N/A
Are all facets of the designed solely for they have, as the protection of the p	or the purpose r primary effe	of, and so		YES
******	*******	******	*******	**************************************
Does the propose	d rule have a	in economic in	npact?	NO
If the proposed ruis required to be a accordance with s	accompanied	by a fiscal not	e prepared in	
******	*****	******	*******	**************************************
Certification of Au	thorized Offic	cial		
	41, Code of	Alabama 1975	i, and that it con	in full compliance with the requirements of forms to all applicable requirements of the e Service.
Signature of certing	fying officer:)		
Date: <u>C' 1/</u>	16 2014	<u> </u>		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 permanent 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.

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.
 - $(\underline{56})$ 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 \$150500.00.
- (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.