



**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

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

**660-3-12-.05 Implementation Of Administrative Levy.**

(1) Upon acknowledgment from the Secretary of State that a lien has been filed, 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 for Administrative Review form to the noncustodial parent that may be used to request a desk review of the action taken within fifteen (15) days of the date of the notice of lien.

(c) A Notice of Levy to the appropriate financial institution to place a freeze on the noncustodial parent's account(s) for 21 days and to surrender the amount named in the document after that period of time.

(2) For a case to qualify for filing a levy with a financial institution, it must meet the following criteria:

(a) The balance of the noncustodial parent's total child support arrearages from all cases, including interest, is must be at least \$1000.00.

(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.

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

**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.