# TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

	ent or Agend		an Resources	
Rule No. and Title 660-3-1200				-
New X Am	ena	Repeal	Adopt by Reference	
Would the absence of the proposing significantly harm or endanger the				
health, welfare, or safety?	o pasio		N/A	
,				
Is there a reasonable relationship				
state's policed power and the pro	tection of the		N//A	
public health, safety, or welfare?			N/A	
Is there another, less restrictive r	nethod of			
regulation available that could ad				
protect the public?	- 40.0.00		N/A	
•				
Does the proposed rule have the				
directly or indirectly increasing th				
of any goods or services involved	i and, it so,		NO	
to what degree?			NO	-
Is the increase in cost, if any, mo	re harmful			
to the public than the harm that it				
from the absence of the propose			N/A	
, ,				
Are all facets of the rulemaking p				
designed solely for the purpose of				
they have, as their primary effect protection of the public?	, tne		YES	
protection of the public?			159	•
*********	******	*******	***********	****
Does the proposed rule have an	economic imp	pact?	<u>NO</u>	
If the proposed rule has an econ	amia impaat	the proposed rul	ula	
is required to be accompanied by			iie	
accordance with subsection (f) o			Alabama 1975.	
(,,				
*************	*******	*********	**************************************	****
Contification of Authorities of Officia				
Certification of Authorized Officia	II.			
I certify that the attached propos	ed rule has h	neen proposed i	in full compliance with the requirements of	ŧ
			forms to all applicable requirements of the	
Administrative Procedure Divisio				
	•			
Signature of cortifuing officer				
Signature of certifying officer:	`			
Owners J. Thursday	<b>√</b>			
Date:	<del></del>		DATE FILED	
	<del></del>		(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-.06 Right to Contest Lien/Levy.

- (1) The noncustodial parent has a right to an administrative desk review of the action taken to implement a lien and a levy against his/her assets. The request for review must be in writing within fifteen (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 IV-D agency.
- (a) Reasons for contesting the lien/levy:
- 1. The amount of past-due child support is incorrect.
- 2. (S) He does not owe past-due child support.
  - 3. (S) He does not meet the qualifications for lien/levy.
  - 4. (S) He is involved in bankruptcy proceedings.
  - (b) The noncustodial parent must provide proof, such as copies of:
  - 1. Canceled checks or money orders.
  - 2. Child Support orders or modifications to them.
  - 3. Pay stubs that show child support withheld.
  - 4. Letters from employers who have withheld wages.
  - 5. Receipts for child support payments.
  - 6. Court records documenting payment of child support.
- 7. Picture ID and Social Security Card to prove mistaken | identity.
- 8. Any other applicable documents.
  - (c) A desk review will be conducted by the state IV-D agency within 30 days of receiving the request for an administrative desk review.

- If the issue cannot be resolved in an administrative desk review, the noncustodial parent has the right to request an administrative hearing. The non-custodial parent is advised in the Results of Administrative review document that the state IV-D agency must receive a written request for an administrative hearing within thirty (30) days of the date on the document or the money will distribute as child support.
- An administrative hearing will be conducted by the state IV-D agency within 90 days of receiving the written request.
- (3) 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 IV-D agency must receive notice of the court action within thirty (30) days of the date on the document, or the money will distribute as child support.
- (4) A person whose name appears jointly on the account with the noncustodial parent has the same right as the noncustodial parent to contest the action to lien/levy the assets. The joint account holder must provide documentation that shows that the noncustodial parent's name is on the account strictly for fiduciary purposes or the funds do not belong to the noncustodial parent.

| 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.