TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 660	Department or	Agency Huma	an Resources
Rule No. and Title New X	000-3-6-,03_St CAmend	ate Offset Program Repeal	Adopt by Def
1404	Amena	Repeal	Adopt by Reference
Would the absence of significantly harm or e health, welfare, or safe	ndanger the publi		N/A
Is there a reasonable state's policed power a public health, safety, o	N/A		
Is there another, less regulation available the protect the public?			N/A
Does the proposed rul directly or indirectly income of any goods or service to what degree?	creasing the costs		NO
Is the increase in cost to the public than the h	narm that it might	N/A	
Are all facets of the ru designed solely for the they have, as their prir protection of the public	e purpose of, and mary effect, the	so	YES
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Does the proposed rule have an economic impact?			NO
If the proposed rule hat is required to be accordance with subse	mpanied by a fisca	al note prepared in	
*********	*********	*******	**************
Certification of Authori	zed Official		
I certify that the attach Chapter 22, Title 41, <u>C</u> Administrative Procedi	Code of Alabama	1975, and that it co	d in full compliance with the requirements of onforms to all applicable requirements of the ace Service.
Signature of certifying officer: Date:			DATE FILED (STAMP)

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Human Resources

RULE NO. & TITLE: 660-3-6-.03 State Offset Program

<u>INTENDED ACTION</u>: Proposed permanent rule to clarify the due process timeframe in relation to the state offset procedure.

<u>SUBSTANCE OF PROPOSED ACTION</u>: To clarify the due process timeframe in relation to the state tax offset procedure.

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 July 5, 2011. 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) 242-1328 to set up an appointment for such oral/in-person presentations.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

July 5, 2011

CONTACT PERSON AT AGENCY:

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

Nancy T Buckner Commissioner

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660-3-6-.03 State Offset Program.

- (1) The State Department of Revenue may freeze any refund of at least \$25 that has been certified by the Child Support Enforcement Division as a debt owed. The amount of the claimed debt will be sent to the Department of Human Resources. At the time of the transfer of the refund, the Department of Revenue will notify the taxpayer that the transfer has been made. The notice to the taxpayer will give the name of the noncustodial parent, the reason for the debt, the amount of the debt, and notification that the refund (up to the amount of debt) has been transferred to DHR. The notice will provide instructions regarding the taxpayer's right to appeal and persons to contact should an appeal be desired.
- (2) If a joint return has been filed and a joint refund is to be made, the notice must give the name of the taxpayer who has no debt claimed against him. The notice will state that such taxpayer is entitled to a refund if it is due regardless of the debt claimed against the spouse. The taxpayer must apply in writing for a hearing within thirty (30) days of the mailing date of the notice.
- (3) Refunds received by the Department of Human Resources will be distributed pursuant to federal and state law, regulations, and/or rules.

Author: Janice Grubbs

Statutory Authority: Code of Alabama 1975, §§30-4-80 through -98, 38-2-6, 38-2-6(1), 38-10-1 through -12, 40-18-100 through -109; P.L. 93-647; P.L. 98-378; §9 of P.L. 96-611; §5011 of P.L. 101-508; 42 U.S.C. 651 et seq.; 42 U.S.C. 663; 42 U.S.C. 664; 45 C.F.R. 205-235; 301-307; ALABAMA STATE PLAN — CHILD SUPPORT ENFORCEMENT PROGRAM;

History: Effective June 28, 1983. Emergency amendment effective August 8, 1985. Permanent amendment effective November 8, 1985. Succedent emergency amendment effective August 30, 1991. Succedent permanent amendment effective December 10, 1991. Succedent emergency amendment effective July 20, 1999. **Amended**: Filed September 3, 1999; effective October 8, 1999. Succedent permanent amendment effective August 5, 2011.