TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 660	Department or A		an Resources	
Rule No. and Title		employment Comp		
NewX_	_ Amend	Repeal	Adopt	by Reference
Would the absence of t significantly harm or en health, welfare, or safet	danger the public			N/A
Is there a reasonable re state's policed power a public health, safety, or	nd the protection			N/A
Is there another, less restrictive method of regulation available that could adequately protect the public?				N/A
Does the proposed rule directly or indirectly income of any goods or service to what degree?	reasing the costs			NO
Is the increase in cost, to the public than the h from the absence of the	arm that it might r			N/A
Are all facets of the rule designed solely for the they have, as their prin protection of the public	purpose of, and s mary effect, the	60		YES
*******	********	******	*****	**********
Does the proposed rule have an economic impact?				NO
If the proposed rule ha is required to be accomaccordance with subse	mpanied by a fisca	al note prepared in		97 <u>5</u> .
******	*******	*****	******	*********
Certification of Authoria	zed Official			
	Code of Alabama	1975, and that it	conforms to a	pliance with the requirements of the lapplicable requirements of the
Signature of certifying officer: Date: Date:				DATE FILED (STAMP)

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Human Resources

RULE NO. & TITLE: 660-3-6-.04 <u>Unemployment Compensation Intercept Program</u>

INTENDED ACTION: Proposed permanent rule to bring the rule in line with Alabama statutory law which includes unemployment compensation as income and child support policy and procedures.

<u>SUBSTANCE OF PROPOSED ACTION</u>: To bring the rule in line with Alabama statutory law which include unemployment compensation as income and child support policy and procedures.

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. Buckey

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Commissioner

660-3-6-.04 <u>Unemployment Compensation Intercept Program.</u>

- (1) Through the <u>income withholding intercept</u> process, a portion of the unemployment compensation benefits of a noncustodial parent may be <u>withheld intercepted</u> and applied to the current support obligation and arrearages.
- (2) The Department of Human Resources sends an income withholding order to the Department of Industrial Relations.
- (23) The Department of Human Resources sends the noncustodial parent a copy of the income withholding order and a notice of the right to an administrative review. The intercept begins two weeks after the Department of Industrial Relations (DIR) receives paperwork. DIR sends the noncustodial parent notice that: The noncustodial parent has 15 days from the date that appears on the notice to request an administrative review.
- (a) The Department of Human Resources is intercepting unemployment compensation to satisfy a child support obligation.
- (b)a The noncustodial parent has 15 days from the date that appears on_the_Notice_of the Right to request_an_Aadministrative review.__DIR mails the notice to appeal the intercept. The only basis for the appeal is:
 - 1. DIR does not have authority to make deductions; or
 - 2. The deduction is inaccurate.
- (34) Once the intercept begins, the payments continue until the Child Support Enforcement Division instructs DIR to terminate the intercept, or the noncustodial parent no longer receives unemployment compensation.

Author: Janice Grubbs

Statutory Authority: Code of Alabama 1975, §§30-3-60 through 30-3-71 and §30-3-197(a)(5), §§30-4-80 through -98, 38-2-6; 38-2-6(1), 38-10-1 through -11, 40-18-100 through -109; P.L. 93-647; P.L. 98-378; §9 of P.L. 96-611; 42 U.S.C. 651 et seq.; 42 U.S.C. 663; 45 C.F.R. 205-235; 301-306; ALABAMA STATE PLAN — CHILD SUPPORT ENFORCEMENT PROGRAM.

History: Succedent emergency amendment effective July 20, 1999.
 New Rule: Filed September 3, 1999; effective October 8, 1999.
 Succedent permanent amendment effective August 5, 2011.