

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Human Resources

RULE NO. & TITLE: 660-3-6-.10 Transmitting Offset Refunds to Non-TANF Clients

INTENDED ACTION: Proposed permanent rule to bring rule in line with child support policy and procedure on recoupment.

SUBSTANCE OF PROPOSED ACTION: To bring rule in line with child support policy and procedure on recoupment. The repayment period for improperly paid refunds is being changed from six(6) months to ninety(90) days to be in agreement with child support policy and 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

660-3-6-.10 Transmitting Offset Refunds to Non-TANF Clients.

(1) The Department shall promptly send offset refunds due clients except that in the event an offset is made on a federal joint refund, the amount offset shall be retained by the Department for six months from the date the Department was notified of the offset. This is to avoid the potential filing of an amended return and the resulting refund of monies to the taxpayer.

(2) In the event refund monies are forwarded to a client and it is later determined that the client is not entitled to all or a portion of said amount, the client shall be required to return the amount in dispute to the Department. This could be the result of an erroneous or invalid offset, the filing of an amended return, a hearing decision, etc. The client is to be given an opportunity to repay the money in full or to arrange a payment plan to satisfy the debt within ninety (90) days if unable to pay the full amount. ~~installments over a six (6) month period.~~

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 -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: Emergency adoption effective August 8, 1985. Permanent adoption effective November 8, 1985. Succeedent emergency repealer effective August 30, 1991. Succeedent permanent repealer effective December 10, 1991. Succeedent emergency amendment effective July 20, 1999. (**Ed. Note:** This rule was previously 660-3-6-.07). Succeedent permanent amendment effective August 5, 2011.