

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 660 Department or Agency Human Resources

Rule No. 660-2-2-.30

Rule Title: Income

New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety: yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? yes

Is there another, less restrictive method of regulation available that could adequately protect the public? no

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? no

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? no

Are all facets of the rule making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? yes

Does the proposed rule have an economic impact? yes

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of § 41-22-23, ALA.CODE 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, ALA.CODE 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service:

Signature of certifying officer: Randy J. Buckner

Date: 5-13-14

DATE FILED
(STAMP)

Alabama Department of Human Resource
Family Assistance Division

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 660-2-2-.30 Applicant Job Search

INTENDED ACTION: Permanent rule to replace emergency rule


SUBSTANCE OF PROPOSED ACTION: Permanent rule to require consideration of the income of the alleged father of a child applying for or receiving Family Assistance benefits under certain conditions as required by State Law.

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 the close of business on July 7, 2014. Persons wishing to submit data, views, or arguments orally should contact the Department's Administrative Procedure Secretary between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding State holidays, at (334) 242-9330, or set up an appointment for such oral/in person presentations.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: July 7, 2014.

CONTACT PERSON AT AGENCY:

Ms. Gail M. Grobe, APA Secretary
State Department of Human Resources
Gordon Persons Building
50 Ripley Street, Room 2122
Montgomery, Alabama 36130-4000



Nancy T. Buckner, Commissioner,
Department of Human Resources

**ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))**

Control No. 660 Department or Agency Human Resources

Rule No: 660-2-2-.30

Rule Title: Income

New Amend Repeal Adopt by Reference

This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

Compliance with State Law so as to assure that those applying and receiving benefits are eligible and the Department is in compliance with all program rules-State and Federal.

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

By taking into consideration the income of the alleged father of an otherwise eligible child program costs are reduced. The enforcement of this requirement could likely lead to the establishment of paternity for the child which has a broad range of overall benefits for the child.

3. EFFECT OF THIS RULE ON COMPETITION:

None

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

None

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

None

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

Temporary Assistance for Needy Families Block Grant

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

The short term impact on clients could be a reduction in benefits or ineligibility for benefits. Failure to provide requested information in this regard could result in denial or termination of the case. The long term benefits are that clients will cooperate with program requirements by providing information as well as the potential for paternity establishment.

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

None

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

None.

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

None

****Additional pages may be used if needed.**

RULES
of the
DEPARTMENT OF HUMAN RESOURCES
FAMILY ASSISTANCE DIVISION

Chapter 660-2-2
FAMILY ASSISTANCE DIVISION

660-2-2-.30 Income

(1) Only currently available gross income is taken into consideration in determining eligibility for and the amount of the assistance payments unless specifically excluded according to State and Federal law or as otherwise provided for in program operating manuals. "Available" income is that which is verified as being received by any member of the assistance unit or received by someone not in the assistance unit but in the home and designated for a member who is not included in the assistance unit but is considered legally responsible for the support of someone in the assistance unit, or income in the home of a person who is required to be a member of the assistance unit under 660-2-2-.36 but whose needs are excluded due to penalty or failure to fulfill an eligibility requirement or income received by an alleged father of a child included in the assistance unit when living in the home with the child and the child's mother. Persons legally responsible for the support of others are: spouse responsible for spouse, and parent and stepparent (by marriage or common-law) and alleged father (living in the home with his child and the child's mother) responsible for child under 18 or under 19 if a full-time student in secondary school or in the equivalent level of vocational or technical training. Income of a sponsor, after certain deductions, is considered available to an alien.

(2) Of total proceeds received from self-employment, 40% will be subtracted as operating expenses. Disregards/deductions from earnings are as follows:

(a) disregard all earnings from new employment that is timely and accurately reported in the first twelve months in which wages are received, then deduct the following work expenses thereafter:

(b) the first 20% of gross earnings; and

(c) the cost (on an as paid basis) of child care or care for an incapacitated adult living in the same home and receiving FA.

(3) All earned income of a dependent child who is a full-time student or part-time student not full-time employed is disregarded for purposes of the payment computation.

(4) Applicants will receive the disregards in (2) (a) if they are eligible with only deductions in (2) (b) (c) above.

(5) Certain client activities related to earnings will result in loss of all earned disregards and work expense deductions for at least one month unless good cause for the activity is established. The earnings disregard, the 20% deduction and dependent care costs are not deducted if an individual voluntarily terminated his employment or reduced his earnings without good cause or failed without good cause to make a timely and accurate report (within 10 days) of earnings or a change in earnings.

Author: Melody Armstrong

Statutory Authority: Social Security Act, Title IV-A; 45 C.F.R. 233.20, 233.37; P.L. 98-369, effective October 1, 1984; State Plan for Title IV-A; Code of Ala. 1975, Title 38 and SSA-AT-86-1.

History: Effective June 28, 1983. Emergency amendment effective October 1, 1984. Succeedent emergency amendment effective November 5, 1984. Permanent initial amendment effective December 10, 1984. Permanent succeedent amendment effective February 11, 1985. Emergency repealer of first succeedent amendment effective January 24, 1985. Second succeedent emergency amendment effective February 1, 1985. Permanent repealer of first succeedent amendment effective April 11, 1985. Succeedent permanent amendment effective July 9, 1985. Succeedent emergency amendment effective May 23, 1986. Succeedent permanent amendment effective August 12, 1986. Succeedent emergency amendment effective January 1, 1987. Succeedent permanent amendment effective April 29, 1987. Succeedent emergency amendment effective October 1, 1989. Succeedent permanent amendment effective December 11, 1989. Succeedent emergency amendment effective September 27, 1991. Succeedent permanent amendment effective January 9, 1992. **Amended:** Filed January 3, 1997; effective February 7, 1997. **Amended:** Filed September 4, 1997; effective October 9, 1997. **Amended:** Filed November 18, 1998; effective December 23, 1998. **Amended:** Filed May 5, 2006; effective June 9, 2006. **Amended:** Filed October 6, 2009; effective November 10, 2009. Succeedent emergency amendment effective April 30, 2014. **Amended:** Filed May 20, 2014; effective August 12, 2014.