

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 660 Department or Agency Human Resources

Rule No. 660-1-5-.20

Rule Title: Evidence

New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety: No

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? No

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:

Date: December 16, 2011 Amy J. Buckner

DATE FILED
(STAMP)

Alabama Department of Human Resource
General Administrative Division

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 660-1-5-.20 Evidence

INTENDED ACTION: To amend

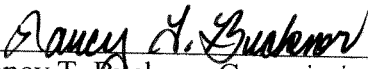
SUBSTANCE OF PROPOSED ACTION: The purpose of this rule amendment is to update the Alabama Code section referenced to the admissibility of out-of-court statements in Administrative Hearings by replacing old Juvenile Code section 12-15-65(g) with new Juvenile Code section 12-15-310.

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 February 3, 2012. 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: February 3, 2012

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

ALABAMA DEPARTMENT OF HUMAN RESOURCES
GENERAL ADMINISTRATION DIVISION
ADMINISTRATIVE CODE

CHAPTER 660-1-5
HEARINGS

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660-1-5-.20 Evidence

1. The rules of evidence as followed by the circuit courts of the State are applicable to the hearing, but strict adherence is not required. Evidence, including hearsay evidence, will be received at the discretion of the hearing officer if it is a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Relevant and material evidence, including hearsay evidence, visual drawings, and testimony about the use of anatomically correct dolls, is admissible at the hearing.

2. All witnesses may testify at the hearing without prior qualification.

3. The hearing officer shall determine the weight and credibility to be given to the testimony of all witnesses.

4. Videotaped, deposition, or other recorded testimony of a witness may be allowed.

5. Leading questions may be allowed of a witness.

6. Testimony and evidence admissible under the following statutes are also admissible in hearings: Code of Ala. 1975, §§~~12-15-65(g)~~12-15-310, 15-25-1 through -6, and 15-25-30 through -40.

7. The standard of proof for all Department hearings is preponderance of the evidence, unless otherwise provided by law or Department rule.

Author: James Long

Statutory Authority: Code of Ala. 1975, §§38-4-5, 41-22-1 through -17.

History: Emergency adoption effective August 21, 1991.

Succedent permanent adoption effective November 12, 1991.

Amended: Filed October 5, 1999; effective November 9, 1999.

Emergency amended: effective December 5, 2011. **Succedent**

Permanent amended: effective March 9, 2012.