TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control660		rtment or Ager	,	man Resources
Rule No. and Title				
New _	X A	mend	Repeal _	Adopt by Reference
Would the absenc				
significantly harm		the public		61/A
health, welfare, or	safety?			N/A
Is there a reasona				
state's policed pov			ie	
public health, safe	ty, or welfare	€?		N/A
Is there another, le				
regulation availabl		adequately		NI/A
protect the public?				N/A
Does the propose				
directly or indirect				
of any goods or services involved and, if so, to what degree?				NO
to what degree:				
Is the increase in				
to the public than the harm that it might result				N.//0
from the absence	of the propo	sed rule?		N/A
Are all facets of th	e rulemakin	g process		
designed solely fo	r the purpos	e of, and so		
they have, as their primary effect, the				\
protection of the p	oublic?			YES
*********	*******	******	*******	*****************
Does the propose	d rule have	an economic ir	mpact?	NO
If the proposed ru	le has an ec	onomic impac	t the proposed	rule
is required to be a	eccompanied	l by a fiscal no	te prepared in	Tuto
accordance with s	subsection (f) of Section 41	-22-23, Code c	of Alabama 1975.
*****	*****	*****	******	**********
Contification of Ac-	therized Off	oiol		
Certification of Au	itnorized Offi	ciai		
I certify that the a	ittached proj	oosed rule has	s been propose	ed in full compliance with the requirements of
				onforms to all applicable requirements of the
Administrative Pro	ocedure Divi	sion of the Leg	jislative Refere	nce Service.
Signature of certif	fying officer:			
A anna H	Abus bu	y)		
Date: 7/16/2014				DATE FILED
	·- [(STAMP)

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Human Resources

RULE NO. & TITLE: 660-3-12-.01 Definitions

660-3-12-.03 Data Match Criteria

660-3-12-.04 Implementation of Administrative Lien 660-3-12-.05 Implementation of Administrative Levy

660-3-12-.06 Right To Contest Lien/Levy

660-3-12-.07 Release of Lien/Levy

INTENDED ACTION: Proposed permanent amendment to rules to comply with Code of Ala. 1975, as amended, §30-3-197(a)(6) and §30-3-198.

<u>SUBSTANCE OF PROPOSED ACTION</u>: The rule has been proposed to comply with Alabama law in regards to the enforcement of support orders by implementation of an administrative lien/levy.

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 September 4, 2014. 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) 242-9330 to set up an appointment for such oral/in person presentations.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

September 4, 2014

CONTACT PERSON AT AGENCY:

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

(Signature of officer authorized to promulgate and adopt fules or his or her deputy)

660-3-12-.05 Implementation Of Administrative Levy.

- (1) Upon acknowledgment from the Secretary of State that a lien has been filed, the state IV-D agency sends:
- (a) An Obligor Notice of Lien to the noncustodial parent informing him/her that a lien has arisen by operation of law on any personal property belonging to him/her or acquired after the lien arises.
- (b) A Request for Administrative Review form to the noncustodial parent that may be used to request a desk review of the action taken within fifteen (15) days of the date of the notice of lien.
- (c) A Notice of Levy to the appropriate financial institution to place a freeze on the noncustodial parent's account(s) for 21 days and to surrender the amount named in the document after that period of time.
- (2) For a case to qualify for filing a levy with a financial institution, it must meet the following criteria:
- (a) The balance of the noncustodial parent's total child support arrearages from all cases, including interest, is must be at least \$1000.00.
- (b) The noncustodial parent's <u>total</u> arrearages from all cases, including interest, must be equal to at least three months current support obligation due under each case.
- (c) The balance of the noncustodial parent's financial account(s) must be at least \$150500.00.
- (d) The noncustodial parent must not be involved in bankruptcy proceedings.

Author: Janice Grubbs Clifford Smith

Statutory Authority: Code of Ala. 1975, \$\\$30-3-191, 30-3-192, and 30-3-198, P.L. 104-193.

History: Emergency rule effective February 25, 2000. New Rule:

Filed May 5, 2000; effective June 9, 2000.

Amended: Filed September 5, 2014; effective October 10, 2014.