



**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.


**SUBSTANCE OF PROPOSED ACTION:** 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

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

**660-3-12-.06 Right to Contest Lien/Levy.**

(1) The noncustodial parent has a right to an administrative desk review of the action taken to implement a lien and a levy against his/her assets. The request for review must be in writing within fifteen (15) calendar days of the date appearing on the Notice of Lien. The Obligor Notice of Lien instructs the noncustodial parent to mail the written request to the state IV-D agency.

(a) Reasons for contesting the lien/levy:

1. The amount of past-due child support is incorrect.
2. (S)He does not owe past-due child support.
3. (S)He does not meet the qualifications for lien/levy.
4. (S)He is involved in bankruptcy proceedings.

(b) The noncustodial parent must provide proof, such as copies of:

1. Canceled checks or money orders.
2. Child Support orders or modifications to them.
3. Pay stubs that show child support withheld.
4. Letters from employers who have withheld wages.
5. Receipts for child support payments.
6. Court records documenting payment of child support.
7. Picture ID and Social Security Card to prove mistaken identity.
8. Any other applicable documents.

(c) A desk review will be conducted by the state IV-D agency within 30 days of receiving the request for an administrative desk review.

(2) If the issue cannot be resolved in an administrative desk review, the noncustodial parent has the right to request an administrative hearing. The non-custodial parent is advised in the Results of Administrative review document that the state IV-D agency must receive a written request for an administrative hearing within thirty (30) days of the date on the document or the money will distribute as child support.

(a) An administrative hearing will be conducted by the state IV-D agency within 90 days of receiving the written request.

(3) If the noncustodial parent does not agree with the findings of the administrative hearing, (s)he has the right to request a judicial review by filing a notice of appeal, cost bond, and petition for review as required under the Alabama Administrative Procedure Act. The noncustodial parent is advised in the results of administrative hearing document that the state IV-D agency must receive notice of the court action within thirty (30) days of the date on the document, or the money will distribute as child support.

(4) A person whose name appears jointly on the account with the noncustodial parent has the same right as the noncustodial parent to contest the action to lien/levy the assets. The joint account holder must provide documentation that shows that the noncustodial parent's name is on the account strictly for fiduciary purposes or the funds do not belong to the noncustodial parent.

**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.