

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 660 Department or Agency Human Resources
Rule No. 660-3-19-.02
Rule Title: Requirements for Review and Adjustment
 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? N/A

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

Is there another, less restrictive method of regulation available that could adequately protect the public? N/A

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? N/A

Are all facets of the rulemaking 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 Section 41-22-23, Code of Alabama 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, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer Denny A. Buchner

Date 2-14-18

(DATE FILED)
(STAMP)

(Department of Human Resources)
(Child Support Enforcement Division)

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Human Resources

RULE NO. & TITLE 660-3-19-.02 Requirements for Review and Adjustment

INTENDED ACTION: Proposed permanent rule to comply with 45 CFR 303.8.

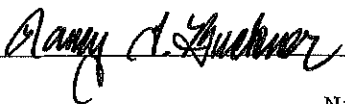
SUBSTANCE OF PROPOSED ACTION: The changes to the rule have been proposed to comply with 45 CFR 303.8 amendments requiring state IV-D agencies to review a child support order after learning that a noncustodial parent will be incarcerated for more than 180 calendar days.

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 April 4, 2018. 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: April 4, 2018

CONTACT PERSON AT AGENCY:

Gail Grobe, AP Secretary
State Department of Human Resources
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Montgomery, Alabama 36130-4000
(334) 242-9334



Nancy T. Buckner
Commissioner

**RULE OF THE
ALABAMA DEPARTMENT OF HUMAN RESOURCES
CHILD SUPPORT ENFORCEMENT DIVISION**

**CHAPTER 660-3-19
REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS**

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660-3-19-.02 **Requirements for Review and Adjustment.**

(1) The review may be requested by either parent, the person or agency granted custody of the child(ren), or the child support agency of another state.

(2) The Title IV-D child support agency must review the child support order every three years upon the request of either parent in non-IV-A cases or in all IV-A Family Assistance cases, and in cases where the Title IV-D Agency learns that a noncustodial parent will be incarcerated for more than 180 calendar days, and if appropriate adjust the order in accordance with the State guidelines.

(3) A review is appropriate when:

(a) The order was entered, last reviewed, or modified at least three years ago, unless the child support agency determines that special circumstances warrant an earlier review.

(b) An active IV-D child support case exists or the requestor completes or returns an application for IV-D service.

(c) IV-A Family Assistance has not determined that good cause for non-cooperation exists on a Family Assistance case chosen for review.

(d) A court order does not contain a medical support provision.

(e) The Title IV-D Agency learns that a noncustodial parent will be incarcerated for more than 180 calendar days.

(4) No proof of change in circumstances is required in the three-year cycle of review. The IV-D child support agency may review a case earlier than three years if a substantial change in circumstances occurs.

(5) The IV-D child support agency must provide notice not less than once every three years to the parents subject to the order informing the parents of their right to request the agency to review and, if appropriate, adjust the order consistent with the State guidelines. The notice must specify the place and manner in which the request should be made.

(6) Within 180 calendar days of receiving a request for a review or locating the non-requesting parent, whichever occurs later, a review of the order must be conducted and either the order must be adjusted or a determination must be made that the order should not be adjusted.

(7) After applying the guidelines to determine the presumed child support amount an adjustment of the child support order must be pursued:

(a) If the review indicates that there is at least a 10% difference between the existing support amount and the presumed support amount, unless the difference is because the existing support amount resulted from a rebuttal of the circumstances causing the rebuttal still exist.

(b) If health insurance care coverage is available at reasonable cost.

Author: ~~Janice Grubbs~~ Clifford Smith

Statutory Authority: 42 U.S.C 666(a)10; 45 C.F.R. 303.8; ALABAMA STATE PLAN - CHILD SUPPORT ENFORCEMENT DIVISION.

History: New Rule: Filed December 16, 2009; effective January 20, 2010. **Amended:** Emergency amendment effective January 05, 2018. **Amended Rule:** Filed February 21, 2018.