

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 660 Department of Human Resources
Rule No. 660-2-2-23
Rule Title: Cooperation in Obtaining Child Support;
 New X 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 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 action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? no

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 *Amy J. Gresham*

Date 6-1-18

(DATE FILED)
(STAMP)

Department of Human Resources
Family Assistance Division

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: Chapter 660-2-2-.23 Cooperation in Obtaining Child Support

INTENDED ACTION: Proposed permanent amendment

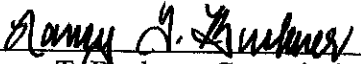
SUBSTANCE OF PROPOSED ACTION: Permanent amendments to remove obsolete wording and correct rule omissions..

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested parties may submit data, views, or arguments respecting the proposed rule by mail, by telephone or in person through the close of business on August 3, 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: August 3, 2018

CONTACT PERSON AT AGENCY:

Ms. Gail Grobe, AP 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

Rules
Of the
Department of Human Resources
Family Assistance Division
Chapter 660-2-2
Family Assistance Program

660-2-2-.23 Cooperation In Obtaining Child Support.

(1) To be eligible for FA, the parent or relative of the child(ren) must cooperate with the Department in identifying and naming the parent(s) of the child who is receiving FA; establishing the paternity of the child who is born out of wedlock and receiving FA; obtaining child support payments for the child who is receiving FA; and obtaining any other payments or property due a child who is receiving FA.

(2) Cooperation shall be defined as: providing reasonably obtainable information relevant to identifying and locating the absent parent; appearing as a witness in court or other hearings or proceedings as necessary; providing information, or attesting to the lack of information under penalty of perjury; paying to the child support agency any child support payments for any month for which FA was paid; providing further information on the absent parent(s) at the request of the eligibility worker or Child Support Enforcement staff; completing and signing affidavits attesting to paternity of the FA children; making court appearances and giving testimony in court at paternity hearings, support actions, etc.

(3) Federal Regulations at 45 C.F.R. 232.40 et seq. provide that the applicant/recipient for FA must cooperate with the agency in child support enforcement unless it is determined that cooperation in such activities is not in the child's best interest. Upon application for an exception to the cooperation requirement, the agency will not undertake to establish paternity or secure child support pending a determination that such activities can be safely conducted with or without the cooperation of the applicant/recipient; however, any child support payments which are already being made will continue to be received. The determination of good cause is made on the basis of either documentary evidence alone or credibility investigation alone. The decision as to whether good cause exists is made by the "County Good Cause Review Team." ~~(See Appendix A Attachment 660-2-2-.23.)~~

(4) The eligibility worker must fully explain to the parent/relative the stipulation of the Child Support Enforcement laws as they apply to his/her particular situation, in order to ensure the cooperation of the parent/relative. The parent/relative must understand that the State of Alabama, under the law, must take action to locate the absent parent(s), establish paternity, and secure all child support or other benefits due the child. Further, the law requires the parent/relative to assist in this process in

any way possible.

(5) Failure or refusal to cooperate by individuals who are applicants results in denial of the application and loss of benefits for that application period i.e., the month of application through the month of disposition of the application.

(6) Failure of recipients to cooperate in obtaining support will result in the following penalties:

(a) For the first three months of noncooperation (consecutive or not), the grant amount will be reduced by 50% of the payment standard for the assistance unit size followed by activities in (b) below.

(b) For months of noncooperation in excess of three months (consecutive or not), the assistance unit will be disqualified for a one-month period for the first disqualification; ~~subsequent disqualifications will be for a six-month period.~~

(c) For a month of non-cooperation after the first disqualification, the case will be disqualified for six months.

(d) For each subsequent month of non-cooperation after the second or later disqualification, the assistance unit will be disqualified for a twelve-month period.

(7) Removal of sanction amount or regaining eligibility following penalties in (6) above:

(a) If the penalty period ends during a month for which a 50% payment reduction must be served, the sanction amount will be removed from the payment calculation with the month following the month of the penalty ended provided the required sanction has been served.

(b) If the penalty period ends during a month for which a disqualification must be served, the assistance unit may be eligible upon reapplication beginning with the month following the last month in the disqualification period.

(8) Penalties for noncooperation/noncompliance with Child Support and JOBS may run concurrently and during a 50% reduction month will be cumulative.

Author: Melody Armstrong

Statutory Authority: Social Security Act, Title IV-A; P.L. 104-193; 45 C.F.R. 232.12, 232.40 et seq.; State Plan for Title IV-A; Code of Ala. 1975, Title 38.

History: Effective June 28, 1983. Permanent amendment effective July 11, 1984. Emergency amendment effective October 1, 1989. Succeedent permanent amendment effective December 11, 1989.

Amended: Filed January 3, 1997; effective February 7, 1997.

Amended: Filed September 4, 1997; effective October 9, 1997.

Amended: Filed May 5, 2006; effective June 9, 2006. **Amended:** Filed June 21, 2018.