

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Human Resources

RULE NO. & TITLE: 660-3-3-.01 Eligibility For Services

INTENDED ACTION: Proposed amendment to rules to comply with 45 CFR 302.38.

SUBSTANCE OF PROPOSED ACTION: The changes to the rule have been proposed to comply with 45 CFR 302.38 amendments requiring states to send payments when applicable to a judicially- appointed conservator with a legal and fiduciary duty to the custodial parent and the child, or an alternate nonrelative caretaker who is designated in a record by a parent to take care of the children for a temporary time period.

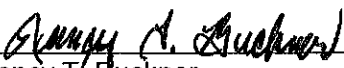
TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested parties may submit data, views or arguments respecting the proposed amendment by mail or in person through close of business on July 5, 2017. Persons wishing to submit data, views or arguments orally should contact the Department's Administrative 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:

July 5, 2017

CONTACT PERSON AT AGENCY:

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



Nancy T. Buckner
Commissioner

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

**CHAPTER 660-3-3
ELIGIBILITY FOR SERVICES**

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660-3-3-.01 Eligibility for Services.

(1) Family Assistance Recipient: As a condition of eligibility for Family Assistance (hereinafter referred to as FA), each recipient of FA shall be deemed, by accepting FA for or on behalf of a dependent or needy child, to have made an assignment to the Department of Human Resources of the right to any child support owed for or to such child up to the amount of FA paid by the Department to the recipient. For FA recipients the Department will take action to obtain child support as may be appropriate including locating the noncustodial parent or alleged parent, establishing paternity where applicable, obtaining court orders for child support (including medical support), enforcing court orders for child and medical support, modifying support orders, and collecting support. Application for services by the FA recipient is not required.

(a) The aforementioned child support services will continue on termination of FA until such time as the client requests termination or is otherwise notified that services are being terminated. On termination of FA, the client shall not be required to submit a separate application for services or pay an application fee.

(2) Non-FA Recipient Requesting Child Support Services:

(a) Provided all conditions of eligibility are met on application for services, the Department will take action to locate the noncustodial parent(s) or alleged parent(s), establish paternity where applicable, obtain court order(s) for child support, (including medical support), enforce court order(s) for child and medical support, modify court orders, and collect support. Services will be provided whether or not there is an assignment to the Department of rights to child support. Applicants may request all of the aforementioned services or location-only services. Services requested must be identified on the application form.

(b) Conditions of Eligibility.

1. The Department will recover costs for the provision of services to non-FA clients through fees assessed against the client. Such fees will be based on periodic computation of such costs.

2. An applicant is not eligible for services to establish paternity and support after a child reaches the age of 19. However, if a support order already exists and all children subject to the order are age 19 or older, an applicant is eligible to receive services to pursue collection of arrearages which accrued during the children's minority.

(i) Services for the establishment of post-minority support for education expenses (Bayliss cases) are no longer available through the Alabama Department of Human Resources.

(ii) If the applicant claims to be the person having responsibility for and exercising control of the child(ren), (s)he must provide birth certificate(s), proof of guardianship or custody, or proof of control and maintenance of the child(ren) for whom services are being sought. Except that in the case of an alleged or noncustodial parent applying for services, the birth certificate, proof of guardianship or custody, or proof of control and maintenance shall not be required if (s)he is not claiming to be the person having responsibility for and exercising control of the child(ren).

3. The applicant must be one of the following:

(i) The parent or alleged parent of a child born out of wedlock or born in wedlock;

(ii) The parent or guardian entitled to, but not receiving a court ordered amount of child support;

(iii) The legal custodian of a child(ren) who has or potentially has a child support obligation owed to them by the parent(s) of said child(ren); or

(iv) The custodial parent of a child(ren) born in wedlock who has or potentially has a child support obligation owed to them by the applicant's spouse or ex-spouse;

(v) A person having day-to-day responsibility for the care, control, and maintenance of a child (example - child reared by grandparents even though they do not have legal custody).

(vi) A representative of an agency holding custody of a child by order of the court.

(vii) A judicially appointed conservator with a legal and fiduciary duty to the custodial parent and the child.

(viii) An alternate caretaker who is a non-relative caretaker designated in a record by the custodial parent to take care of the children for a temporary time period.

4. Applicants for child and/or spousal support services shall be required to pay an application fee based on the following sliding fee schedule:

Yearly Net Income Fee

\$0 - \$9,999 \$5.00

\$10,000 and above \$25.00

The fee is paid at the time of application or, if the case is closed and subsequently reopened, reapplication. The fee shall be paid one time only unless the case is closed and subsequently reopened. It shall be paid whether the applicant requests the full range of services or location-only services. The fee is not refundable. The application fee is separate, distinct, and in addition to the fee for tax offset certification services, administrative offset certification services, and the annual collection service fee in never-assistance cases.

(c) The applicant must complete appropriate forms supplied by the Department including, but not limited to, an application for services, legal notice, and an affidavit of income.

(d) The applicant must agree to cooperate fully with the Department in its efforts to provide services. Furthermore, the applicant must give the Department authorization to explore, pursue, or utilize all sources of information legally available to it or the applicant in support of any investigation it may conduct.

(e) An individual may make a request for an application form by phone, mail, or personal visit. The application process will be completed only through personal visit to an approved office by the applicant.

(f) Application for services will be accepted in the County Department of Human Resources where the applicant resides or in any other County Department. A County Department is located in every county of the state. Information about services may also be obtained by writing to: Department of Human Resources, Child Support Enforcement Division, 50 Ripley Street, Montgomery, Alabama 36130-4000 or by accessing the Department's website at www.dhr.alabama.gov.

(3) Requests for Location Services in Connection with Parental Kidnapping and Child Custody Cases.

(a) Requests for services shall only be accepted from the following officials: District Attorneys and United States Attorneys; Courts or Agents of the Court (Federal and State); Service Staff of the Department of Human Resources; Law Enforcement Officials (Federal and State); Department of Youth Services officials; State Attorney General Requests shall not be accepted directly from parents.

(b) Officials requesting services must attest in writing that information is being requested solely to locate an individual in connection with a parental kidnapping or child custody case.

(c) The fee for use of the services will include (1) a charge to be based on actual costs of providing the service by the State and County Department, (2) a basic charge of ten (\$10.00) dollars for use of the Federal Parent Locator Service, and (3) where applicable, an additional four (\$4.00) dollar charge for finding the Social Security Number of the individual to be located. The fee must be paid at the time of application and may be paid by either the requesting official or parent on whose behalf the request is being made.

(d) The requesting official must cooperate fully with the Department in its efforts to provide the service.

(e) The requesting official must complete appropriate forms supplied by the Department.

(f) Application for services will be accepted in the County Department of Human Resources where the requesting official is located. A County Department is located in every county of the state. Information about services may also be obtained by writing to: Department of Human Resources, Child Support Enforcement Division, 50 Ripley Street, Montgomery, Alabama 36130-4000 or by accessing the Department's website at www.dhr.alabama.gov.

Author: Clifford Smith

Statutory Authority: P.L. 109-171; 42 U.S.C. 653; P.L. 93-647; 42 U.S.C. 651 et seq.; §9 of P.L. 96-611; 42 U.S.C. 663; 45 C.F.R. 205-235, 301-306; §2640 of P.L. 98-369; §171 (a) (3) of P.L. 97-248; §2333 (c) of P.L. 97-35; P.L. 98-378; ALABAMA STATE PLAN – CHILD SUPPORT ENFORCEMENT PROGRAM; Code of Alabama 1975, §§30-4-80 through -98, 38-2-6, 38-2-6 (1), 38-10-1 through -11, 40-18-100 through -109.

History: Effective June 28, 1983. Amendment effective November 8, 1983. Succeedent emergency amendment effective October 19, 1984. Succeedent permanent amendment effective January 9, 1985. Succeedent emergency amendment effective October 1, 1985. Succeedent permanent amendment effective October 9, 1985. Succeedent permanent amendment effective May 28, 1986. Succeedent permanent amendment effective November 19, 1986. **Amended:** May 2, 1996; effective June 6, 1996. **Amended:** Filed March 12, 2008; effective April 16, 2008. **Amended:** Filed February 10, 2010; effective March 17, 2010. **Amended:** Filed July 6, 2017; effective August 10, 2017.