

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control Department of Human Resources
Rule No. 660-3-15.01
Rule Title: General
 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? N/A

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? NO

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? N/A

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 H. Burkman

Date 10-22-18

(DATE FILED)
(STAMP)

(Department of Human Resources)
(Child Support Enforcement)

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Human Resources

RULE NO. & TITLE: 660-3-15-.01 General
660-3-15-.02 Hearing Requests

INTENDED ACTION: Proposed amendment to rules to update outdated terminology and to clarify procedure relating to tax offset hearing requests.

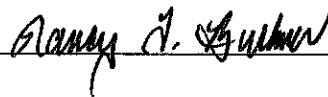
SUBSTANCE OF PROPOSED ACTION: The rule has been amended to clarify the procedures for filing a request for a hearing on a pre-tax offset.

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 December 5, 2018. Persons wishing to submit data, views or arguments orally should contact the Department's Administrative Procedures Secretary between the hours of 8:00a.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: December 5, 2018

CONTACT PERSON AT AGENCY:

Gail Grobe, AP Secretary
State Department of Human Resources
Gordon Persons Building
50 Ripley Street, Suite 2122
Montgomery, Alabama 36130-4000
(334) 242-9334



Nancy T. Buckner
Commissioner

ALABAMA DEPARTMENT OF HUMAN RESOURCES
CHILD SUPPORT DIVISION
ADMINISTRATIVE CODE

CHAPTER 660-3-15
APPEALS AND HEARINGS

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660-3-15-.01 General.

(1) The policies and procedures in this Chapter on Hearings apply only to the Department's administration of Title IV-D of the Social Security Act. Dissatisfactions pertaining to the applicant's or recipient's claim for ~~public-Family assistance~~ Assistance will be handled under the hearing procedures applicable to the ~~PublicFamily~~ Assistance Program. Title IV-D hearing procedures will generally not apply where another program's appeal/hearing procedures may be used. Hearings concerning non-cooperation are to be conducted under Title IV-A policies.

(2) The policies are applicable to individuals who are applicants for or recipients of the Title IV-D services provided by the Department, ~~absent parents, reputed non-custodial parents,~~ putative parents, and any other person directly affected by actions of the agency.

(3) A written statement concerning the right to appeal, and the methods by which these rights may be exercised, is to be given when requested and at other times as may be provided in agency policy.

(4) Procedures for the conduct of hearings including but not limited to the acknowledgement of the hearing request, denial or dismissal of hearing request, withdrawal and settlement of hearing requests, notice of hearing, the hearing officer, issuance of subpoenas, final decision, group hearing, combined hearing, failure to

attend hearing, application for rehearing, judicial review, retroactive and unentitled benefits or services and records shall be as provided in Chapter 660-1-5, Hearings, in the General Administration Division.

Author: Clifford Smith

Statutory Authority: 42 U.S.C. 651-665; 45 C.F.R. 205-232, 301-306; ALABAMA STATE PLAN - CHILD SUPPORT ENFORCEMENT PROGRAM; Code of Ala. 1975, §§ 30-4-80 through -98, 38-2-6, 38-4-5 through -6, 38-10-1 through -11, 40-18-100 through -109, 41-22-1 through -27.

History: Effective June 28, 1983. Emergency amendment effective October 1, 1983. Permanent amendment effective January 9, 1984.

Amended: Filed: October 22, 2018.

660-3-15-.02 Hearing Requests.

(1) Basis for Request

(a) A request for a hearing may be made by the applicant/recipient, or ~~absent parent or~~ reputed non-custodial parent, putative parent, or any other persons ~~person~~ directly affected by actions of the agency, or by someone acting in their behalf. The request may be made when:

1. Application for non-ADC TANF services is denied; or

2. (S)He is dissatisfied with the kind of services being provided, or actions taken, or with any other matter pertaining to those services or actions.

(2) Time Period for Filing Request for Hearing

(a) A request for a hearing must be filed in writing within 30 days following the action (or inaction) with which he is dissatisfied or 30 days following the claimant's learning of said action ~~except that for a request for a hearing in State and Federal tax offset cases, must be postmarked within 30 days following the mailing of the notice of tax offset. (In the case of a State tax offset, the notice shall be sent by the State Department of Revenue. In the case of a Federal tax offset, the notice shall be mailed by the Department of Human Resources.)~~ A request for a hearing on a pre-tax offset must be postmarked within 30 days after the date on the Decision Regarding Administrative Review in order to qualify for a hearing. A request for a hearing on a post-tax offset must be received within 30 days of the mailing date on the notice from the State Department of Revenue or from the Federal Department of Treasury.

(3) Format of Request for a Hearing

(a) Any clear written statement to the State Department or the County Department that the claimant wants an opportunity to present