

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control Department of Human Resources
Rule No. 660-3-15.02
Rule Title: Hearings Requests
 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 A. Buchner

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INTENDED ACTION: Proposed amendment to rules to update outdated terminology and to clarify procedure relating to tax offset hearing requests.

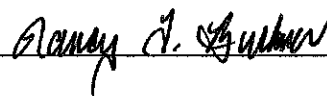
SUBSTANCE OF PROPOSED ACTION: The rule has been amended to clarify the procedures for filing a request for a hearing on a pre-tax offset.

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

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

(a) —his case to a higher authority will be accepted as a formal request for a hearing, provided it is determined by the State Department that the request is within the 30-day time limitation for acceptance of appeals, and the determination is made that the claimant has a valid basis for appeal.

(b) The request must provide specific information about the basis for and the date of the dissatisfaction. If the appeal is filed by someone other than the claimant, i.e., his legal guardian or legal representative; in ~~ADC~~ a TANF case the grantee relative; or a lawyer of his choice, there must be a definite statement by the person making the appeal that it is being made upon authorization of the applicant/recipient.

(c) If the appeal is filed by someone other than the claimant, i.e., his legal guardian or legal representative; in ~~ADC~~ a TANF case the grantee relative; or a lawyer of his choice, there must be a definite statement by the person making the appeal that it is being made upon authorization of the applicant/recipient.

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-.03 Procedures To Be Followed By State And County Departments After Receipt Of Request For Hearing.

Author:

Statutory Authority: 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; ALABAMA STATE PLAN - CHILD SUPPORT ENFORCEMENT PROGRAM; Code of Ala. 1975, §§ 30-4-80 through -98, 38-2-6, 38-2-6(1), 38-10-1 through -11, 40-18-100 through -109, 41-22-1 through -27.

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

660-3-15-.04 Organization of Hearing.

Author:

Statutory Authority: 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; ALABAMA STATE PLAN - CHILD SUPPORT ENFORCEMENT PROGRAM; Code of Ala. 1975, §§ 30-4-80 through -98, 38-2-6, 38-2-6(1), 38-10-1 through -11, 40-18-100 through -109, 41-22-1 through -27.