

ALABAMA DEPARTMENT OF HUMAN RESOURCES CHILD SUPPORT DIVISION
ADMINISTRATIVE CODECHAPTER 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 Family Assistance will be handled under the hearing procedures applicable to the Family 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, 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 December 10, 2018; effective January 24, 2019.

660-3-15-.02 Hearing Requests.

(1) Basis for Request

(a) A request for a hearing may be made by the applicant/recipient, or non-custodial parent, putative parent, or any other 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-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 for a request for a hearing in State and Federal tax offset cases. 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 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 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 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.

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Amended: Filed December 10, 2018; effective January 24, 2019.

660-3-15-.03

Procedures To Be Followed By State And County Departments After Receipt Of Request For Hearing (Repealed).

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 (Repealed).

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-.05

Preparation For Hearing (Repealed).

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-.06 Exhibits (Repealed).**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-.07 Abandoned Appeals (Repealed).**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-.08 Conduct Of Hearings (Repealed).**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-.09 Decisions On Appeals (Repealed).**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.