

ALABAMA DEPARTMENT OF HUMAN RESOURCES CHILD SUPPORT DIVISION
ADMINISTRATIVE CODECHAPTER 660-3-5
COLLECTION AND DISTRIBUTION OF CHILD SUPPORT PAYMENTS

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660-3-5-.01	<u>Collection And Distribution Of Support Collected For TANF Recipients.</u>

Support is to be collected by the local collection agent or State disbursement unit, as appropriate, and distributed by the automated child support system. Collection and distribution of support payments for TANF recipients will be done in accordance with 45 Code of Federal Regulations, Chapter III, Part 302; provided that payments made pursuant to the Alabama Uniform Interstate Family Support Act, when collected on behalf of a foreign jurisdiction, shall be forwarded to the appropriate collection agent in the foreign jurisdiction. Tax offset collections shall be distributed in accordance with federal and state laws and regulations.

Author: Clifford Smith

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, 301-307; §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 Ala. 1975, §§38-2-6, 38-2-6(1), 38-10-1 through -12, 40-18-100 through -109, 30-3A-101 through -906.

History: Effective June 28, 1983. Emergency amendment effective October 19, 1984. Permanent amendment effective January 9, 1985.

Amended: Filed February 5, 1996; effective March 11, 1996.

Amended: Filed May 5, 2004; effective June 9, 2004.

660-3-5-.02 Collection And Distribution Of Support Collected For Non-TANF Recipients.

Support is to be collected by the local collection agent or State disbursement unit, as appropriate, and distributed by the automated child support system. On termination of TANF or when collecting support pursuant to an application for services, collections on the current month's support obligation will be sent to the family prior to payment on arrears. Collections in addition to the current month's support obligation will be applied in accordance with federal and state laws and regulations. Payments made pursuant to the Alabama Uniform Interstate Family Support Act, when collected on behalf of a foreign jurisdiction, shall be forwarded to the appropriate collection agent in the foreign jurisdiction. Tax offset collections shall be distributed in accordance with federal and state laws and regulations.

Author: Clifford Smith

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, 301-307; §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 Ala. 1975, §§38-2-6, 38-2-6(1), 38-10-1 through -12, 40-18-100 through -109, 30-3A-101 through -906.

History: Emergency adoption effective October 19, 1984. Permanent adoption effective January 9, 1985. Emergency amendment effective October 1, 1985. Permanent amendment effective December 10, 1985.

Amended: Filed February 5, 1996; effective March 11, 1996.

Amended: Filed May 5, 2004; effective June 9, 2004.

660-3-5-.03 Receipt Of Payment Directly By TANF Or Non-TANF Recipients.

Support payments must be collected by the local collection agent or State disbursement unit, as appropriate, and distributed by the automated child support system. Payments received directly by a TANF recipient or a recipient of Non-TANF support services shall be turned over to the county IV-D collection agent or State disbursement unit for proper processing. Those who do not turn such direct child support payments over to the IV-D agency may be considered non-cooperative. Non-cooperation may result in sanctions or termination of services in accordance with federal regulations. For Non-TANF service recipients subject to termination of services, the Department of Human Resources shall provide a 60-day written notice to the service recipient of the intent to terminate. If the service recipient fails to contact the Department within 60 days and/or if the collections(s) are not turned in and distributed by the Department, services may be terminated and the IV-D case may be closed. If the recipient turns

over the payment(s) to the IV-D collection agent in response to the written notice, all IV-D services will continue.

Author: Clifford Smith

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, 301-307; §2640 of P.L. 98-369; §171(a)(3) of P.L. 97-248; §2333(c) of P.L. 97-35; P.L. 100-485; P.L. 103-66; P.L. 98-378; ALABAMA STATE PLAN - CHILD SUPPORT ENFORCEMENT PROGRAM; Code of Ala. 1975, §§38-2-6, 38-2-6(1), 38-10-1 through -12, 40-18-100 through -109, 30-3A-101 through -906.

History: New Rule: Filed February 5, 1996; effective March 11, 1996. **Amended:** Filed May 5, 2004; effective June 9, 2004.

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

660-3-5-.04 Action On Erroneous Payments.

An erroneous payment may be the result of department error. The department has the responsibility to collect all erroneous payments that are a result of department error. Collection methods which may be utilized to recover the payments are through voluntary repayment plans, income tax offset, recoupment from future support payments, referral to a collection agency and/or through legal action. Repayment may be accepted in a lump sum or in negotiated payments. These may be in the form of cash, personal check, income tax intercepts or money orders. The use of tax intercept for cases involving department error will be done as permitted under the Code of Alabama for collection of debts owed to the department.

Author: Clifford Smith

Statutory Authority: P.L. 93-647; 42 U.S.C. 651 et seq.; Section 9 of P.L. 96-611; 42 U.S.C. 663; 45 C.F.R. 205-235, 301-307; Section 2640 of P.L. 98-369; Section 171 (a)(3) of P.L. 97-248; Section 2333(c) of P.L. 97-35; P.L. 100-485; P.L. 103-66; P.L. 98-378; ALABAMA STATE PLAN - CHILD SUPPORT ENFORCEMENT PROGRAM; Code of Ala. 1975, §§38-2-6, 38-2-6(1), 38-10-1 through -12, 40-18-100 through -109, 30-3A-101 through -906.

History: New Rule: Filed May 6, 1996; effective June 10, 1996.

Amended: Filed May 5, 2004; effective June 9, 2004. **Amended:** Filed December 10, 2018; effective January 24, 2019.

660-3-5-.05 Date Of Collection Of Support Payments.

The date of collection for support is the date of receipt by the State disbursement unit/collection site.

Author: Clifford Smith

Statutory Authority: Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); 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 Ala. 1975, §§38-2-6, 38-2-6(1), 38-10-1 through-12, 40-18-100 through -109, 30-3A-101 through -906.

History: New Rule: Filed January 4, 2001; effective February 8, 2001. **Amended:** Filed May 5, 2004; effective June 9, 2004.

660-3-5-.06**Mandatory Fee For Support Collected For Recipients That Have Never Received IV-A Assistance.**

In the case of an individual who has never received assistance under a State program funded under part A of the Social Security Act and for whom the State has collected at least \$550 of support, the State shall impose an annual fee of \$35 for each case in which services are furnished. The fee shall be retained by the State from support collected on behalf of the individual (but not from the 1st \$550 so collected), paid by the individual applying for services, recovered from the noncustodial parent, or paid by the State out of its own funds.

Author: Clifford Smith

Statutory Authority: Deficit Reduction Act of 2005; P.L. 109-171; 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 Ala. 1975, §§38-2-6, 38-2-6(1), 38-10-1 through-12, 40-18-100 through -109, 30-3A-101 through -906.

History: New Rule: Filed March 7, 2007; effective April 11, 2007. **Amended:** Filed December 10, 2018; effective January 24, 2019.

660-3-5-.07**Action On Unpaid Mandatory Fees.**

The Department has the responsibility to collect all unpaid mandatory annual fees. Collection methods that may be utilized to recover unpaid annual fees are through income tax offset, recoupment from future support payments, referral to a collection agency and/or through legal action. Payment may be accepted in a lump sum or negotiated payments. The use of tax intercept will be done as permitted under the Code of Alabama for collection of debts owed to the Department.

Author: Clifford Smith

Statutory Authority: Deficit Reduction Act of 2005; P.L. 109-171; 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 Ala. 1975, §§38-2-6, 38-2-6(1), 38-10-1 through-12, 40-18-100 through -109, 30-3A-101 through -906.

History: New Rule: Filed March 7, 2007; effective April 11, 2007.