

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 950
Department or Agency: Alabama Department of Youth Services Administrative Division
Rule No.: 950-1-4-.07
Rule Title: Hearings
Intended Action: Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

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? No

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

Dudley Perry
Dudley Perry

REC'D & FILED

Date

Tuesday, October 15, 2024 OCT 15, 2024

LEGISLATIVE SVC AGENCY

APA-2

ALABAMA DEPARTMENT OF YOUTH SERVICES ADMINISTRATIVE DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Youth Services

RULE NO. & TITLE: 950-1-4-.07 Hearings

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Alabama Department of Youth Services proposes to amend Rule 950-1-4.07 of the administrative code to enhance due process requirements.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing during regular business hours to the ADYS Legal Division, P.O. Box 66, Mt. Meigs, AL 36057, or orally at the ADYS Legal office after December 5, 2024, and before January 29, 2025, located at 1000 Industrial School Rd., Mt. Meigs, AL 36057.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Wednesday, January 29, 2025

CONTACT PERSON AT AGENCY:

T. Dudley Perry, Jr. (334)  
215-3803

*Dudley Perry*

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Dudley Perry

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

**950-1-4-.07            Hearings.**

**(1) Procedure for Appeal and Review**

(a) In the event an application is denied~~or~~, a license or a six-month license/permit is revoked, a license is suspended, accountability measures are initiated, or in the event an application for such a license or renewal of a license is not acted upon with reasonable promptness, the aggrieved party may appeal to the Department for a fair Hearing on the application.

1. Notice of appeal. The notice of appeal shall be received by the Department within 14 days of the decision appealed from, shall state the reason(s) the hearing is requested, and shall state with particularity the relief sought. Notice shall be sent in writing to the attention of the Executive Director either by hand delivery, certified mail, or another similar service whereby proof of delivery is obtained.
2. The hearing officer shall be appointed by the Executive Director and may be a staff member of the Department. Licensee may request the issuance of subpoenas to witnesses, may be represented by counsel, and may cross examine witnesses called by the Department. The Department may be represented by counsel, may call witnesses and cross examine witnesses called by the appellant.

(b) The decision or action of the Department on any fair Hearing shall be final and binding.

(c) Any aggrieved party is entitled to a review of such final decision or action by filing a Petition for a review with the Circuit Court in the county in the Circuit Court of Montgomery County, Alabama, within thirty days from the date of the final decision or action.

~~(d)~~

**Author:** ~~Notice and opportunity~~Alabama Department of Youth Services, Office of Licensing and Standards

**Statutory Authority:** ~~for a fair Hearing and notice~~Code of Ala. 1975 ~~of the Right to Counsel shall be given the appellant by the Department, along with a copy of~~§§44-1-27(a), (b); 44-1-24(4), (6); 38-13-4; 41-22-20.

~~Regulations and Procedures~~**History: New Rule:** ~~for~~Filed December 17, 2004; effective January 21, 2005. ~~Hearings~~**Amended:** Filed November 6, 2018; effective December 12, 2018.

**Author:** Alabama Department of Youth Services, Office of Licensing and Standards

**Statutory Authority:** Code of Ala. 1975, §§44-1-27(a) (b); 44-1-24(4) (6); 38-13-4; 41-22-20.

**History:** **New Rule:** Filed December 17, 2004; effective January 21, 2005. **Amended:** Filed November 6, 2018; effective December 21, 2018. **Amended:** Published ; effective .