APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control No.: 660

Department or Agency: Alabama Department of Human Resources Social Services Division

Rule No.: 660-5-30-.02

Rule Title: Legal Base

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

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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: *Felicia M. Brooks*

Felicia M. Brooks

Date: Friday, October 16, 2026

REC'D & FILED
OCT 19, 2026
LEGISLATIVE SVC AGENCY

APA-2

ALABAMA DEPARTMENT OF HUMAN RESOURCES SOCIAL SERVICES DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Human Resources

RULE NO. & TITLE: 660-5-30-.02 Legal Base

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:
To align the Admin. Code with the language contained in the statutory authority of the Alabama Code.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:
All interested parties may submit data, views, or arguments respecting the proposed amendment by mail or in person through the close of business on December 4, 2026. Persons wishing to submit data, views, or arguments orally should contact the Department's Administrative Procedure Secretary between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding State holidays, at (334) 242-9330, or set up an appointment for such oral/in-person presentations.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
Friday, December 4, 2026

CONTACT PERSON AT AGENCY:
Kenneth Elmer, APA Secretary
Department of Human Resources
Legal Division
P.O. Box 304000
Montgomery, AL 36130

Felicia M. Brooks

Felicia M. Brooks

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

660-5-30-.02 Legal Base.

Both federal and state laws, as well as best child welfare practice, require that permanent homes be expeditiously found for children who are unable to safely remain with their biological family. Child welfare staff must be familiar with these laws as they identify specific circumstances and clear timeframes under which TPR must be considered and subsequently pursued.

(1) Legal Bases.

(a) Code of Ala. 1975, §§12-15-319, provides the grounds for termination of parental rights.

(b) §12-15-102 through §12-15-701, Code of Ala. 1975 governs all juvenile court proceedings and provides that the custody of a child may be transferred to the Department of Human Resources by court order.

(c) §38-2-6(10) and (14), Code of Ala. 1975, provides that the Department of Human Resources shall seek out and protect minor children who are in need of its care and protection, and place such children in family homes or other suitable child care facilities.

(d) The Adoption and Safe Families Act of 1997 (ASFA), Public Law 105-89, prompted amendments to the Code of Ala. 1975, including those addressing reasonable efforts (§12-15-312) and permanency hearings (§12-15-315).

~~(e) The guiding principles of the Practice Model impacting termination of parental rights include promoting safety and protection while achieving timely permanency for a child; promoting children having experiences that enhance their sense of love and belongings.~~

Author: ~~Shawanda Harris~~Felicia M. Brooks, Davidra Bowman
Statutory Authority: Code of Ala. 1975, §§12-15-317 through 12-15-319, 38-2-6(10), (14), 12-15-315, 12-15-312; and the Adoption and Safe Families Act of 1997 (ASFA), Public Law 105-89. R.C. v Hornsby, No 88-H-1170-N, Consent Decree (M.D. Ala. Approved December 18, 1991), Terminated January 16, 2007).
History: New Rule: Filed August 12, 2004; effective September 16, 2004. **Amended:** Published September 30, 2020; effective November 14, 2020. **Amended:** Published _____; effective _____.