DEPARTMENT OF HUMAN RESOURCES CHILD SUPPORT ENFORCEMENT DIVISION ADMINISTRATIVE CODE

CHAPTER 660-3-17
LIENS

660-3-17-.04 Implementation Of An Administrative Lien.

The State Title IV-D agency is authorized to file a notice of lien against the real and personal property of any noncustodial parent who resides or owns property in the state and owes past-due child support. Upon the filing a Notice of Lien, a lien arises by operation of law.

(1) For personal property not subject to a certificate of title, a Notice of Lien shall be sent by the State Title IV-D agency through electronic transmission to the office of the Secretary of State.

(a) A digital signature on the Notice of Lien shall authorize the filing of the lien.

(b) The lien shall be perpetual in nature.

(c) A lien is created on all personal property not subject to a certificate of title that the noncustodial parent holds and/or may obtain in the future.

(2) For personal property subject to a certificate of title, a lien must be filed in the office of the Department of Revenue using forms required by that agency.

(a) The Motor Vehicle Division of the Department of Revenue processes liens against property of this type.

(b) An application for Certificate of Title to Record a Lien must be completed and submitted along with the surrendered title to the vehicle.

(3) For real property, a Notice of Lien is filed in the office of the judge of probate where the real property is located.

(a) A blanket lien is created on real property the noncustodial parent holds and/or may obtain in the future in that county.

(b) The state Title IV-D agency shall not be required to obtain a judgment for an amount certain prior to filing for the enforcement of a lien.

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Statutory Authority: P.L. 104-193; Code of Ala. 1975, §30-3-198.
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