

## NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

### NOTICE OF PROPOSED RULEMAKING

#### TITLE 6. ECONOMIC SECURITY

#### CHAPTER 7. DEPARTMENT OF ECONOMIC SECURITY CHILD SUPPORT ENFORCEMENT

#### PREAMBLE

- 1. Sections Affected**

Article 8 R6-7-801	<b><u>Rulemaking Action</u></b> New Article New Section
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- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statutes: A.R.S. §§ 41-1954(A)(3) and 41-1954(A)(1)(c)  
Implementing statutes: A.R.S. §§ 25-522 and 46-408
- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**

Notice of Rulemaking Docket Opening: 9 A.A.R. 388, February 7, 2003
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Beth Broeker
Address:	1789 W. Jefferson Site Code 837A Phoenix, AZ 85007
Telephone:	(602) 542-6555
Fax:	(602) 542-6000
E-mail:	bbroeker@mail.de.state.az.us
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**

Laws 2002, Ch. 227, Second Regular Session, amended language containing the procedures for an obligee to request an administrative review from the Title IV-D agency to contest the distribution or disbursement of support. This rule further explains to obligees the requirements for filing an administrative review, the information an obligee must provide, and the process and time-frame for an obligee to appeal the determination of the Title IV-D agency. Due to location of some of the appeals statutes in different sections of law, the Title IV-D agency believes this rule will clarify the appeals procedure and make it easier for obligees to locate the procedures. Determinations by the Title IV-D agency regarding the distribution or disbursement of support must be appealed by an obligee within 30 business days from the date of the written determination. Appeals must be made to the Department of Economic Security's Office of Appeals. An obligee who wishes to appeal the determination of the Office of Appeals must appeal to the Department's Appeals Board. Further appeals must be made to the Court of Appeals pursuant to statute.
- 6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

The agency did not review any studies relating to this rule.

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**7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**8. The preliminary summary of the economic, small business, and consumer impact:**

This rule impacts only obligees in Title IV-D child support cases opened through the Arizona Title IV-D agency who decide to file an administrative review to contest the distribution or disbursement of support. This rule will not impose additional costs or requirements on small businesses or these obligees due to the rulemaking process. The intent of this rule is to state the information an obligee needs to provide in order to request an administrative review, to state how and where a request must be filed, and to detail the appeals process.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Beth Broeker  
Address: 1789 W. Jefferson  
Site Code 837A  
Phoenix, AZ 85007  
Telephone: (602) 542-6555  
Fax: (602) 542-6000  
E-mail: bbroeker@mail.de.state.az.us

**10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

The Department will conduct an oral proceeding on the proposed rule if a written request is submitted to the person named in item #4 within 30 days after the date this notice is published. The Department will accept written comments on the proposed rule for at least 30 days following publication of this notice.

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable

**12. Incorporations by reference and their location in the rules:**

None

**13. The full text of the rules follows:**

TITLE 6. ECONOMIC SECURITY

CHAPTER 7. DEPARTMENT OF ECONOMIC SECURITY  
CHILD SUPPORT ENFORCEMENT

**ARTICLE 8. ADMINISTRATIVE REVIEW**

Section

R6-7-801. Obligee Request for Administrative Review of Distribution or Disbursement

**ARTICLE 8. ADMINISTRATIVE REVIEW**

**R6-7-801. Obligee Request for Administrative Review of Distribution or Disbursement**

**A. An obligee requesting an administrative review shall submit a written request with the information listed in subsections (1) and (2) to the address specified in the notice of collections:**

- 1. The residential and mailing address of the obligee; and**
- 2. The reasons why the obligee disputes the distribution or disbursement.**

**B. With the request for administrative review, an obligee shall include any relevant information to assist in the review of the questioned distribution or disbursement. This may include such documents as:**

- 1. Any support orders issued;**
- 2. Any notices sent by the Title IV-D agency;**
- 3. Any proof of payments made;**
- 4. A copy of an obligee's notice of collections sent by the Title IV-D agency; and**
- 5. Any other information an obligee believes to be relevant.**

**C. An obligee may submit a written request by first class mail, facsimile, or in person.**

- D.** The Title IV-D agency shall send a written request for additional information within 10 business days after receipt of the request for review to the obligee if the agency requires the information to make its determination. The obligee shall provide the information requested within 30 business days of the date of the request.
- E.** An obligee may appeal a determination of the Title IV-D agency regarding the distribution or disbursement of support under A.R.S. § 25-522. An obligee shall have 30 business days from the date of the written determination to file a written request for an appeal with the Department's Office of Appeals pursuant to Title 41, Chapter 14, Article 3, of the Arizona Revised Statutes. An appeal from the Office of Appeals' written determination is to the Appeals Board pursuant to A.R.S. § 41-1992. An appeal from the Appeals Board is to the Court of Appeals pursuant to A.R.S. § 41-1993.