

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ECONOMIC SECURITY CHILD SUPPORT ENFORCEMENT

Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per the Governor's Regulatory Review Plan memorandum, January 22, 2009. (See a copy of the memorandum in this issue on page 603.) The Governor's Office authorized the notice to proceed through the rulemaking process on March 6, 2009.

[R09-34]

- 1. Title and its heading:** 6, Economic Security
Chapter and its heading: 7, Department of Economic Security – Child Support Enforcement
Articles and their headings: 1, General Provisions; 6, Title IV-D Distribution; 7, Title IV-D Disbursement
Section numbers: R6-7-101, R6-7-601, R6-7-610, R6-7-611, R6-7-701, R6-7-703, R6-7-705, R6-7-713 (Sections will be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rules:

The Department obtained an exemption from the Governor's Regulatory Review Plan [15 A.A.R. 241, January 23, 2009] for this rulemaking on March 6, 2009.

The rules explain how all child support monies received by the Title IV-D Agency in Title IV-D child support cases are distributed and disbursed under the federally mandated child support distribution laws. The distribution and disbursement process conforms to federal distribution and disbursement law requirements. The rules do not apply to non-Title IV-D child support cases.

On February 8, 2006, the Deficit Reduction Act of 2005, P.L. 109-171, was signed into law by the President. This federal legislation made changes that modify the distribution and disbursement of child support in child support cases governed by Title IV-D of the Social Security Act.

The Deficit Reduction Act requires all states to impose an annual fee of \$25 on recipients who have never received Temporary Assistance for Needy Families (TANF) in child support cases with collections of at least \$500. A.R.S. § 25-528 was passed in 2007 to support this federal requirement. In addition, the Deficit Reduction Act mandates that, effective October 1, 2009, the state's assignment of support rights is now limited to support that accrues during the period when families receive TANF assistance.

The 2008 Arizona legislative session resulted in two legislative changes that affect the distribution and disbursement of child support in child support cases governed by Title IV-D of the Social Security Act. A.R.S. § 25-510 was amended to eliminate interest from accruing on judgments for past support ordered September 26, 2008 and after. In addition, A.R.S. § 25-320 was amended to require that the courts establish a monthly cash medical support order to be paid when medical insurance for the child is not accessible or available at a reasonable cost.

3. A citation to all published notices relating to the proceeding:

None

4. Name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Beth Broeker
Address: Department of Economic Security
1789 W. Jefferson St., Site Code 837A
Phoenix, AZ 85007
or
P.O. Box 6123, Site Code 837A
Phoenix, AZ 85005
Telephone: (602) 542-6555
Fax: (602) 542-6000
E-mail: bbroeker@azdes.gov

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5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments will be accepted during business hours by the person named in item 4, until further notice is provided. The Department has not scheduled oral proceedings at this time.

6. A timetable for agency decisions or action on the proceedings, if known:

The Department anticipates filing a Notice of Proposed Rulemaking on March 27, 2009.