

10A NCAC 71T .0104 HEARINGS AS MANDATED BY THE SET-OFF DEBT COLLECTION ACT

Counties shall adhere to the following procedures:

- (1) Within 30 days of the date of the mailing of the notice of proposed set-off action, an absent parent may request a hearing; This request shall be in writing and mailed or delivered to the address set forth in the notice;
- (2) If the county which is responsible for management of the absent parent's case has a county-operated IV-D program, then the hearing shall be conducted by a hearing officer designated by the Director of the Division of Social Services;
- (3) If the county which is responsible for management of the absent parent's case has a state-operated IV-D program, the Office of Administrative Hearings shall conduct the hearing and the hearing procedures specified in Ch. 150B, Article 3 and 26 NCAC Chapter 3 shall apply;
- (4) The hearing shall be conducted at the local IV-D agency in the county which is responsible for management of the case whenever feasible or other suitable location as designated by the hearing officer;
- (5) All hearings under this Rule and under G.S. 105A-8, the Set-Off Debt Collection Act, shall be conducted in accordance with G.S. 150B, Article 3, the Administrative Procedure Act, and 10 NCAC 1B .0200, or 26 NCAC Ch. 3 as appropriate.

*History Note: Authority G.S. 105A-8; 110-128; 143B-153;
Eff. February 1, 1980;
Amended Eff. March 1, 1990; May 1, 1989; January 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.*