



Pre-Intercept Notice Instructions

You are required to send your debtors a *Pre-Intercept Notice* after your agency/college sends us FTB 2280 PC, *Intent to Participate*. We provide a sample *Pre-Intercept Notice* only as reference. The *Pre-Intercept Notice* allows the debtor to resolve or dispute the debt before you intercept their funds. The notice requirement applies to each new debt incurred after you submit the account and before you increase the requested intercept balance. You must allow the debtor 30 days prior to submitting their accounts to us.¹ Sending a *Pre-Intercept Notice* notifies them of the 30-day liability review/protest process. Submit debtor accounts to us after you send the *Pre-Intercept Notice* and allow time for the prescribed review/protest period.

Pre-Intercept Notice Information

Your agency's *Pre-Intercept Notice* should be "identical or substantially similar" to the sample *Pre-Intercept Notice* provided below. Send this notice to your debtors by **October 1** for the upcoming process year.

Sending a *Pre-Intercept Notice* to all debtors reduces debtor contacts that occur after intercepts, and you may increase voluntary payments.

Sample of Pre-Intercept Notice

Our records show that you have a \$ _____ delinquent debt due to the _____ Agency/College _____. You have 30 days to voluntarily pay this amount before we submit your account to the Franchise Tax Board (FTB) for interagency intercept collection.

FTB operates an intercept program in conjunction with the State Controller's Office, collecting delinquent liabilities individuals owe to state, local agencies, and colleges. FTB intercepts tax refunds, unclaimed property claims, and lottery winnings owed to individuals. FTB redirects these funds to pay the individual's debts to the agencies/colleges (California Government Code Sections 12419.2, 12419.7, 12419.9, 12419.10, 12419.11, and 12419.12).

If you have questions or do not believe you owe this debt, contact us within 30 days from the date of this letter. A representative will review your questions/objections. If you do not contact us within that time, or if you do not provide sufficient objections, we will proceed with intercept collections.

Pre-Intercept Notice

You are required to send your debtors a Pre-Intercept Notice that contains specific due process language, refer to sample FTB 2288. The notice must:

- Provide the Government Code Sections that authorize your agency to submit debts for intercept.
- Allow your debtors 30 days to resolve or dispute the debts, **before** submitting their debts to us.
- Provide your agency's contact information where the debtor can dispute the liability.

We require both new and returning agencies to provide a copy of their Pre-Intercept Notice along with FTB 2280 PC and FTB 7904, *Vendor/Contractor Confidentiality Statement*. Failure to meet this requirement may result in a suspension of intercepts for your agency.

Effective and Cooperative Communication

It is critical that the FTB Intercept Program liaisons listed on FTB 2280 PC effectively communicate with our staff on account information, resolution of issues, and ensuring customer needs are met. Failure to cooperate in effective communication and account resolution may result in a suspension of intercepts for your agency.

¹ Wightman v. Franchise Tax Board, 249 Cal. Rptr. 207, 202 Cal App. 3d. 966[1988]