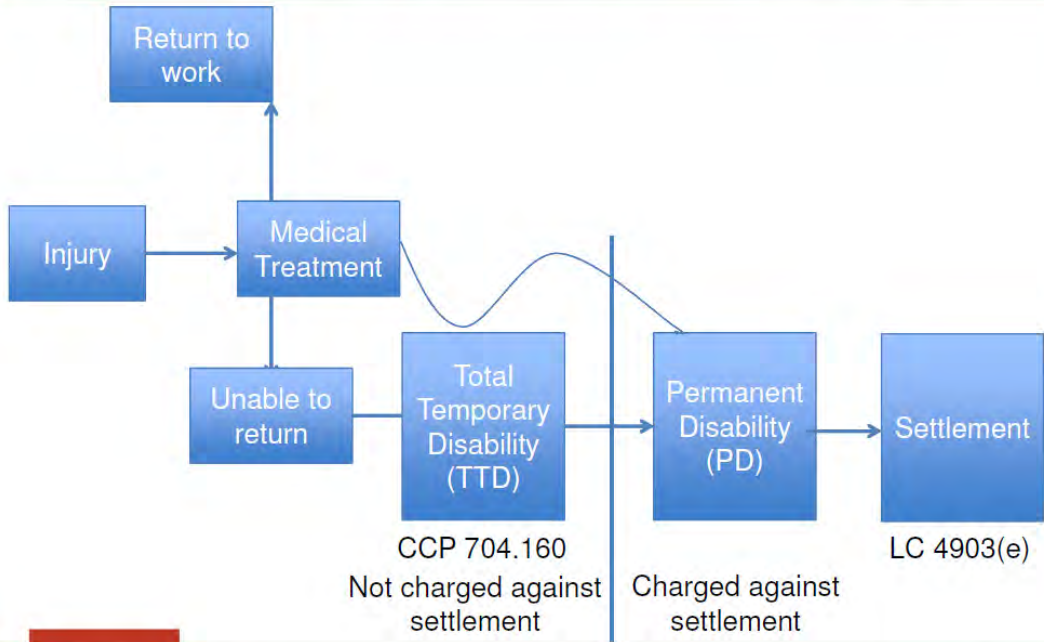


LIFE CYCLE OF A WORKERS' COMPENSATION CASE



Code of Civil Procedure, Section 701.160 – [TD 25% deductions]

- (a) “Except as provided by Chapter 1 (commencing with Section 4900) of Part 3 of Division 4 of the Labor Code, before payment, a claim for workers’ compensation or workers’ compensation awarded or adjudged is exempt without making a claim. Except as specified in subdivision (b), after payment, the award is exempt.**
- (b) Notwithstanding any other provision of law, during the payment of workers’ compensation temporary disability benefits described in subdivision (a) to a support judgment debtor, the support judgment debtor may, through the appropriate local child support agency, seek to apply the workers’ compensation temporary disability benefit payment to satisfy the support judgment as provided by Section 17404 of the Family Code.**
- (c) Notwithstanding any other provision of law, during the payment of workers’ compensation temporary disability benefits described in subdivision (a) to a support judgment debtor under a support judgment, including a judgment for reimbursement of public assistance, the judgment creditor may, directly or through the appropriate local child support agency, seek to apply the temporary disability benefit payments to satisfy the support judgment by an earnings assigned order for support, as defined in Section 5208 of the Family Code, or any other applicable enforcement procedure. The amount to be withheld pursuant to the earnings assignment order for support or other enforcement procedure shall be 25 percent of the amount of each periodic payment or any lower amount specified in writing by the judgment creditor or court order, rounded down to the nearest dollar. Otherwise, the amount to be withheld shall be the amount the court determines under subdivision (c) of Section 703.070. The paying entity may deduct from each payment made pursuant to an order assigning earnings under the subdivision an amount reflecting the actual cost of administration of this assignment, up to two dollars for each payment”.**

Labor Code Section 4903(e) – Child Support Liens/Settlement

“The appeals board may determine, and allow as liens against any sum to be paid as compensation, any amount determined as hereinafter set forth in subdivisions (a) through (i). If more than one lien is allowed, the appeals board may determine the priorities, if any, between the liens allowed. The liens that may be allowed hereunder are as follows:

(e) The reasonable living expenses of the spouse or minor children of the injured employee, or both, subsequent to the date of injury, where the employee has deserted or is neglecting his or her family. These expenses shall be allowed in the proportion that the appeals board deems proper, under application of the spouse, guardian of the minor children, or the assignee, pursuant to subdivision (a) of Section 11477 of the Welfare and Institutions Code, of the spouse, a former spouse, or minor children. A collection received as a result of a lien against a workers’ compensation award imposed pursuant to this subdivision for payment of child support orders ordered by a court shall be credited as provided in Section 695.221 of the Code of Civil Procedure.”