

LCSA UAN  
LCSA EAMS COORDINATOR  
LCSA EAMS COORDINATOR PHONE  
LCSA EAMS COORDINATOR E-MAIL

LCSA ATTORNEY NAME  
Department of Child Support Services  
LCSA ADDRESS  
LCSA CITY, STATE/ZIP CODE  
(866) 901-3212

Attorney pursuant to  
FC Section 17400

STATE OF CALIFORNIA  
WORKERS COMPENSATION APPEALS BOARD

NCP NAME WCAB NO. WCAB EAMS CASE NUMBER

Employee,

LCSA NAME  
OF CHILD SUPPORT SERVICES  
Lien Claimant/Employee,

PETITION FOR ORDER TO WITHHOLD FROM  
PERMANENT DISABILITY ADVANCES FOR CHILD  
SUPPORT PAYMENTS

Vs.

EMPLOYER NAME/INSURANCE COMPANY UAN  
Defendants.

\_\_\_\_\_ / \_\_\_\_\_

Comes now lien claimant, LCSA COUNTY Department of Child Support Services (hereinafter "DCSS"), with this petition, requesting that the Board authorize the withholding from employee's Permanent Disability Advance (hereinafter "PD advances") for payment of child support in the above-entitled matter.

Employee has filed a Workers Compensation Claim for injury and thus may be entitled to PD advances in connection with said injury. If the employee receives monies by way of PD advances, the minor children of the employee will be permanently injured in that said monies will not be available to satisfy employee's obligation to support his minor children. If the Board orders that 25% of any monies given to the employee in the form of PD advances be allocated as a portion of the employee's support obligation, the employee's children will receive some support while the instant case is pending. In addition, the likelihood of litigation over the support lien is reduced. If the Board does not grant the instant Petition, and PD advances are made, there may not be sufficient funds to pay any or all of the support lien. In addition, if the defendant makes PD advances, after notice of the support lien, defendant remains liable to DCSS.

APPLICABLE LAW

A lien for unpaid child support may be filed in a Workers Compensation proceeding pursuant to California Labor Code section 4903(e) for the reasonable living expenses of the minor children of the injured employee. Section 4903 states that a properly filed claim is a lien against "any amount" payable as compensation. A broad statement such as this includes obvious and routine monetary awards such as PD advances.

Family Code section 17400(a) requires every California local child support agencies (LCSA) to

*" . . . take appropriate action . . . to establish, modify and enforce child support . . . if the child is receiving public assistance, including Medi-Cal, and, if requested, shall take the same actions on behalf of a child who is not receiving public assistance, including Medi-Cal."*

California Code of Civil Procedure Section 704.160 authorizes withholding of 25 percent of employee's income by wage assignment for temporary disability. Twenty-five percent (25%) of employee's PD advance is a minimal amount for payment toward employee's children's reasonable living expenses, i.e., child support.

If an insurance company pays an award after notice of a lien, the insurance company remains liable to the lien holder.

"In similar situations, it is uniformly held that a debtor pays his creditor at his peril after notice of garnishment or assignment." California-Western States Life Ins. Co. v. Industrial Acci. Com., 39 Cal. 2d 104 (Cal. 1952)

Dated: **ATTORNEY SIGNATURE DATE**

Respectfully submitted,

**LCSA DIRECTOR NAME**

DIRECTOR

By:

LCSA ATTORNEY NAME

Child Support Attorney

AFFIDAVIT OF SERVICE BY MAIL

STATE OF CALIFORNIA)

WCAB NO. WCAB EAMS CASE NUMBER

COUNTY OF LAKE

I, ANGELA BOTT, am employed in the County of HUMBOLDT. I am over the age of eighteen years and not a party to the within action; my business address is of HUMBOLDT County Department of Child Support Services, 2420 6TH STREET, EUREKA, California, 95540. I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. The foregoing document(s) described as PETITION FOR ORDER TO WITHHOLD FROM PERMANENT DISABILITY ADVANCES FOR CHILD SUPPORT PAYMENTS would be deposited with the United States Postal Service today in the ordinary course of business. The name and address of the person served as shown on the envelope is as follows:

NCP NAME

The address of service is on record at DCSS and the address may be released only upon an order from the Court pursuant to paragraph (6) of subdivision (C) of W&I Section 11478.1

INSURANCE COMPANY NAME  
INSURANCE COMPANY ADDRESS  
INSURANCE COMPANY ADDRESS

NCP ATTORNEY NAME  
NCP ATTORNEY ADDRESS  
NCP ATTORNEY ADDRESS

INSURANCE COMPANY ATTORNEY NAME  
INSURANCE COMPANY ATTORNEY ADDRESS  
INSURANCE COMPANY ATTORNEY ADDRESS

On DATE OF MAILING at LCSA County Department of Child Support Services the correspondence was placed for deposit in the United States Postal Service. The envelope was sealed and placed for collection and mailing on this date following ordinary business practices.

I declare under a penalty of perjury that the foregoing is true and correct.

Dated: DATE SIGNED

S NAME OF PERSON MAILING