

INTER-OFFICE MEMORANDUM

TO: ALL ATTORNEYS/CLIENTS
FROM: JOE TRUCE
DATE: August 3, 2004
RE: CHILD SUPPORT AND EARNINGS ASSIGNMENT ORDERS

Many of us have cases in which a local Child Support Agency has issued an Earnings Assignment Order and served the **Earnings Assignment** on either a defendant, employer or insurance carrier in a pending workers' compensation case.

In a case designated as a significant **panel decision**, the Appeals Board has issued a decision finding that "local child support agencies may issue valid and forceable Earning Assignment Orders without a judge's signature..." In addition, the Board found in Messines v. State Compensation Insurance Fund RIV 55831 May 21, 2004 found that "the Assignment Orders may include arrearages" and that "local agencies are not required to obtain prior WCAB approval..."

The Board went on to note in relevant part as follows:

"If an Earnings Assignment Order has been properly issued by a local child support agency, the statutorily established procedure for challenging such an Order is to request a hearing in Superior Court..."

In the Messines case the Workers' Compensation Judge denied the child support lien. In reversing the WCJ, the Board issued its Order "directing defendant to withhold and pay to the county monthly from TD \$69.00 for current child support and \$280.00 for past due child support, including pre-injury arrearages..."

The Board specifically held that the Department of Child Support Services "was not required to obtain the signature of a judicial officer to obtain prior approval of the WCAB, or to follow the lien procedures of the Labor Code before issuing the Order..."¹



¹The case of Messines v. State Compensation Insurance Fund is reported at 32 CWCR 130.