



# Mississippi Workers' Compensation Commission

1428 Lakeland Drive / Post Office Box 5300  
Jackson, Mississippi 39296-5300  
(601) 987-4200

<http://www.mwcc.state.ms.us>

Liles Williams, Chairman  
John R. Junkin, Commissioner  
Debra H. Gibbs, Commissioner

Ray C. Minor, Executive Director

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## NOTICE CONCERNING CHILD OR SPOUSAL SUPPORT OBLIGATIONS

The MWCC and the MS Department of Human Services have been in discussions to establish a uniform policy regarding the handling of support liens in workers' compensation cases that are being settled. We both agree that the applicable law requires the employer, if self insured, or the carrier, to always maintain the responsibility for withholding the proceeds needed to satisfy a support lien, and to ultimately pay these proceeds over directly to the Department of Human Services, or in rare cases, to the support obligee who has their own attorney and is not using the Department to help with collection. As we all are aware, proposed settlements come in all different flavors involving support liens, with some having the employer or carrier be responsible for payment, some having the claimant's attorney be responsible, and some having the claimant himself or herself be responsible.

The Department of Human Services expects and requires the employer or carrier to always be responsible for withholding the necessary amount and paying this amount over to the Department or to the obligee if the Department is not involved. Therefore, when we are presented with settlement papers seeking our approval, our policy should be that any arrangement other than having the employer or carrier be responsible will not be approved. Neither attorneys for claimants nor claimants themselves should ever be allowed to receive proceeds from a settlement and be responsible for satisfying an outstanding support lien. Please review all submissions closely to make sure the responsibility for withholding the necessary proceeds and paying this over to the Department or support obligee lies with the employer or carrier. The child and spousal support laws clearly impose upon the employer or carrier this duty to withhold and pay over proceeds to satisfy any outstanding child or spousal support lien.

There will be instances where the Department has negotiated the amount of the lien with the parties, and in these cases, we must require written confirmation from the Department of Human Services that the amount being withheld to satisfy the lien is correct. However, the employer or carrier should still be held responsible in all cases for withholding the necessary proceeds and paying this over to the Department to satisfy the lien.

Additional information can be found at [http://www.mdhs.state.ms.us/cse\\_mesc.html](http://www.mdhs.state.ms.us/cse_mesc.html)