



## **PR 1310.2: Charge Against Personal Injury Settlement**

### **PO 1310.2.**

When the GA Unit has a charge on a claim being made for personal injury, responsibilities continue regardless of the current status of the injured client's assistance case. Assure that these case records are readily available even though a case may no longer be active.

The charge of the GA Unit becomes effective only upon notice in writing by the Unit.

Serve the notice by certified mail upon the party or parties against whom the client has a claim, demand, or cause of action. The notice shall claim the charge and describe the interest the Unit has in the claim, demand, or cause of action. The charge shall attach to any verdict, judgment, or decree entered and to any money or property which may be recovered on account of such claim, demand, cause of action, or suit from and after the time of service of the notice.

The GA Unit, if claiming a charge, or the client or defendant may file a petition with the court, who, upon written notice to all interested parties, may adjudicate the rights of the parties and enforce the charge. The court may approve settlement of any claim, demand, or cause of action either before or after a verdict, and determine what portion of the recovery shall be paid to the injured person and what portion shall be paid the GA Unit having charge against the recovery.

None of the foregoing provisions affect the priority of an attorney's lien, and shall not apply to any claim, demand, or cause of action arising under the Workers' Compensation Act, Workers' Occupational Disease Act, or the Wrongful Death Statute.