

Exemptions

12011.1 CLAIM OF EXEMPTION POLICY - EWOS

These policies will apply only to cases where no court orders are issued, or where court orders are not specific.

(a) Withholdings

1. Withholdings already received from the employer are paid over to the employer for payment to the defendant.
2. If additional monies are received later, they are returned to the employer for disbursement to the defendant.
3. The employer is sent a Notice of Termination of Withholding Order which advises the employer to terminate the levy and to return to the defendant any earnings which they may be holding for transmittal to the levying officer.
4. The plaintiff receives no funds whatsoever from the levy and the EWO is no longer in force.

(b) Modification

1. The modification of withholding of earnings is effective as of the date of the levy.
 - i. The Notice of Modification of Earnings form will have the date of the levy inserted on Part 2(b) of the form.
2. Based on the amount of earnings per pay period the defendant has agreed to have withheld on the EWO, the employer and the levying officer must calculate;
 - i. Back to the date of the levy to ascertain how much money it is proper to withhold towards satisfaction of the judgment
 - ii. How much excess withholdings must be returned to the defendant.
3. Any excess amounts withheld by the employer are returned to the defendant, and the balance still due on the execution is re figured and increased accordingly.
4. Withheld earnings in the hands of the levying officer, which exceed the proper amount as calculated back to the date of levy, are returned to the employer to be paid to the defendant.

(c) Claims of Exemption

1. If the defendant's Claim of Exemption is granted;
 - i. An appeal by the plaintiff does not stay the order modifying or terminating the earnings withholdings order.
 - ii. The earnings are returned to the defendant immediately.
2. If the defendant's claim is denied, there is an automatic appeal time of 30 days for Small Claims and Limited Jurisdiction cases, and 60 days for Superior Court cases.

Orange County Sheriff-Coroner Department

Custody and Court Operations Manual

Exemptions

- i. The appeal time begins from the date of the court order denying a claim of exemption or modifying or terminating an earnings withholding order.