



Garnishment Information



What does garnishment mean?

Garnishment is the process of taking money from an employee's paycheck or other type of income.



Who can garnish my wages?

A creditor or debt collector can garnish your wages. A "creditor" is the person or company you owe money to. A "debt collector" is a person or company that has been hired by a creditor to try to collect money from you.



When can someone garnish my wages?

A creditor or debt collector cannot garnish your wages unless they have gotten a judgment against you in a court case.



Can someone garnish all of my wages?

No. If a creditor or debt collector has a judgment against you, they cannot garnish your wages unless your net pay is more than \$217.50 per week. Your "net pay" is your earnings after deductions required by law (such as taxes and Social Security) are taken out.



What sources of income are protected from garnishment?

- Benefits such as Social Security, Disability, VA Benefits, Unemployment, and pensions.
- Income that belongs to someone else. If you have a co-signed bank account with another person, a creditor may try to attach the money in the bank account even though it belongs to someone else.
- Wages if you make less than \$940 per month. If you make over \$940/month, you are at risk of having your wages garnished.



What do you do if a creditor is trying to take something that should not be allowed to be garnished?

Request a Garnishment Hearing Immediately. A garnishment hearing is your opportunity to show the court proof that your income should not be collectable and it is up to the court to require the creditor to stop the garnishment and refund any money that had already been garnished. It is important to request a hearing as soon as you receive notice of the garnishment because you may waive your right.



How do I request a hearing?

You should receive a notice in the mail from your employer or bank with a form that you can return to request a hearing. If you do not have the official notice, you can mail, fax, or deliver a letter that is **signed and dated** and has the following info:

- Case Number;
- Case heading—name of the parties;
- Request— [your name] requests a garnishment hearing in case number [your case number] against [creditor name]

It is best to deliver the letter directly in person because the court receives hundreds of faxes and letters each day. In Franklin County, go to the Third Fl. of 375 S. High St. Columbus, 43215



What happens next?

You should receive notice in the mail of the hearing date. You can look up the case using your case number or name on the court’s website at: <http://www.fcmcclerk.com/case/search>. Once the hearing is scheduled, you will need to go to court and explain to the judge and the creditor’s attorney why the money should not be garnished. This is not an opportunity to go back and discuss the merits of the case. At this time, there is already a judgment and the judge is only interested in whether or not the creditor has the right to access your funds.



How do I prepare for the hearing?

1. Prepare to arrive at the hearing early. Plan for extra time to park and find the right floor and courtroom.
2. Bring with you proof of income and copies of bank account statements. For example, if you are trying to argue that a creditor should not be able to take the money in your bank account because it consists of only a disability award, bring bank account statements that show the disability deposit. Also bring your disability award letter. Bank account statements that show the deposits and withdrawals are also important to show that the money in the account is not yours.
3. Once you arrive at the correct courtroom, check in with the bailiff at the front of the courtroom to let her know you are here.

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