

## What is Garnishment?

It is the withholding of your wages to pay a debt or, it is the withholding of property (non-wages) held by a third party, i.e. bank account

A creditor can only try to withhold or "garnish" your wages if they have a valid judgment against you.

## How Will I know if Money Will Be Withheld?

- ◆ The action starts by serving you with a Notice Before Garnishment.
- ◆ Ten days later your employer will receive a **Garnishee Summons**. The **Garnishee Summons** tells the employer to withhold your money and how much can be withheld.
- ◆ You must also receive a copy of the **Garnishee Summons**.

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## How Much of My Wages Can Be Withheld?

After deducting Social Security, Federal and State taxes, the smallest amount of the following:

**25% of your wages** (Example: Ms. Doe takes home \$350 a week. 25% of \$350 is \$87.50.)

or

**The difference between your wages and 40 times Federal minimum wage.** (Example: \$7.25 x 40 hours is \$290. Subtracting \$290 from Ms. Doe's wages of \$350 is \$60.)

Your employer must withhold the smallest of the two amounts weekly unless you have dependent deductions.

**NOTE! Exception: If garnishment is for support of a spouse or child, 50% - 65% of your wages can be withheld.**

## What are Dependent Deductions?

- ◆ You can reduce the amount withheld or garnished from your wages by \$20 for each dependent family member living with you.
- ◆ To claim the dependent deductions, you must **file a verified list** of dependents with your employer within ten days of your receiving the Garnishee Summons. You must include Social Security numbers.
- ◆ After deducting for dependents, if the remaining amount is less than \$10, the creditor can deduct nothing.
- ◆ Creditors can **not** garnish any of the following:
  - 1) Welfare checks
  - 2) Social Security checks
  - 3) SSI checks
  - 4) Unemployment checks
  - 5) Veteran's Administration checks
  - 6) Child Support or Spousal Support Income
  - 7) Workforce Insurance
- ◆ Social Security checks, Unemployment Compensation, Veteran's Administration checks and Workforce Insurance checks can be garnished for child support obligations.

## What Should I Do If I Receive a Notice and Summons Before Garnishment?

- Immediately file a verified list of dependents with your employer. In order to claim the additional \$20 deduction for each dependent, you must give your employer the completed verified list of dependents within 10 days after your receive the Garnishment Summons.

## What Should I Do If I Receive A Non-Wage Garnishment Notice?

- You have twenty (20) days to complete a claim for exemptions to protect your property. You must list your property and the values and provide this to the creditor who served you with the non-wage garnishment.
- You should read Legal Services of North Dakota's brochure # 025 entitled How Can a Claim For Exemptions Help Me?

There are significant Constitutional issues with the use of the non-wage garnishment. If you have property that is being held by a third-party (i.e. bank account) and that property is being garnished, and you have not received a Notice Before Garnishment, you should contact LSND or a private attorney for advice.

## Who Do I Contact With Additional Questions?

**Seniors 60 and over**  
**Call: 1-866-621-9886**  
**Others Call: 1-800-634-5263**

### Legal Services of North Dakota

Bismarck Law Office  
418 E Broadway #7  
Bismarck, ND 58501

Fargo Law Office  
112 N University #220, PO Box 1327  
Fargo, ND 58107-1327

Minot Law Office  
20 1st St SW #201  
Minot, ND 58701

New Town Law Office  
345 Main St, PO Box 217  
New Town, ND 58763-0217

Belcourt Law Office  
BIA Road 7 Bldg 85, PO Box 1365  
Belcourt, ND 58316-1365

Grand Forks Law Office  
UND School of Law Ste 1  
215 Centennial Drive Stop 9003  
Grand Forks, ND 58202-9003

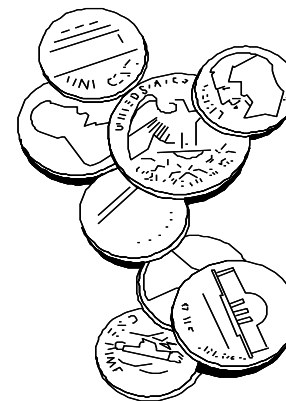


**LEGAL SERVICES**  
*of North Dakota*

You may apply for legal services by  
completing our online website application.

Visit our website at [www.legalassist.org](http://www.legalassist.org).

## Help! Someone Is Trying To Garnish My Wages



General Information - Flyer #021

DISCLAIMER: This information is not legal  
advice. If you have a legal problem, you  
should talk to a lawyer and ask for advice  
about your options.

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