

## Wage Garnishment by State (As of May 2011)

State laws change frequently. This table is for reference only. Do not use this information to make final decisions affecting you and your future without checking with your attorney.

### **Alabama Wage Garnishment**

Prior to April 12, 1988

1. 20% of weekly disposable earnings; or
2. Amount by which the debtor's disposable earnings exceeds fifty (50) times the minimum wage.

After April 12, 1988:

- 25% of weekly disposable earnings; or
2. Amount by which the debtor's disposable earnings exceeds thirty (30) times the minimum wage.

### **Alaska Wage Garnishment**

Allowed by in an action upon an express or implied contract. (A.S. 09.40.010)

See A.S.09.38.010- 09.40.30 for list of exemptions. Here are just three exemption examples:

1. Homestead exemption allows debtor to retain up to \$54,000 interest in primary residence. (A.S.09.38.010)
2. Most state and federal benefits (welfare, social security, etc.) are exempted from attachment. (A.S. 09.38.015)
3. The first \$402.50 per week is exempt unless the debtor is the sole supporter of the household. In this case, the first \$602.50 per week is exempt. (A.S. 09.38.030)

### **Arizona Wage Garnishment**

Wages and earnings are garnished: (A.R.S §12-1598 et seq.). §12-1598 (4) defines "Earnings" broadly to include all forms of compensation.

25% of the statutory net disposable earnings of debtor. Court may reduce to as low as 15%.

Computing the amount is a function of a statutorily approved formula embodied in a form referred to as the Non Exempt Earnings Statement (NEES). This requires the employer/garnishee to publish the gross earnings and "disposable earnings" and perform specifically prescribed calculations. The first calculation is to enter 25% of the "disposable earnings". Next, the federal minimum wage is calculated for the subject payroll period (30 times the minimum wage for weekly payroll, 60 times for bi-weekly, and 65 times for semi-monthly payroll). That calculated minimum wage sum is subtracted from the disposable earnings. That calculated amount is compared to the 25% of net sum and the upper of the two sums is the sum to be used for the next calculation. At this point, any court ordered levies, support orders, or other wage assignments are subtracted. The remaining balance must be held and paid over pursuant to the continuing lien order.

### **Arkansas Wage Garnishment**

Federal garnishment rules and exemptions are used.

### **California Wage Garnishment**

Up to 25% of the debtor's net disposable earnings. Once the levy has been served on the employer by the sheriff or marshal, it remains in effect until the judgment has been paid in full. Because California is a community property state, **the wages of a non-judgment debtor spouse are also subject to levy.**

### **Colorado Wage Garnishment**

Gross earnings for the First Pay Period less deductions required by Law

Amounts based on Federal minimum hourly wage \$5.15.

Weekly: \$154.50 or 75% of Disposable Earnings

Bi-weekly: \$309.00; or 75% of Disposable Earnings

Semi-monthly \$334.75 or 75% of Disposable Earnings

Monthly: \$669.50 or 75% of Disposable earnings

### **Connecticut Wage Garnishment**

Pursuant to CGS §52-361a, the maximum amount which can legally be withheld from a debtor's wages is the lesser of:

1. 25% of weekly disposable earnings; or
2. Amount by which the debtor's disposable earnings exceeds forty (40) times the higher of either
  - A. The current federal minimum hourly wage; or
  - B. The state's prevailing full minimum fair wage.

### **Delaware Wage Garnishment**

15% of statutory net income. Garnishment remains in effect until the judgment is paid in full.

Bank accounts cannot be garnished!

### **District of Columbia Wage Garnishment**

Garnishments are stacked and kept in place while the senior in time garnishment is paid off.

25% of disposable income can be attached by a wage garnishment.

Creditors must send the debtor, the garnishee and the Court a monthly statement of account showing the application of payments to interest, principal, attorney's fees, and costs. Garnishees remit directly to the creditor or creditor's attorney.

Bank Accounts: No exemptions other than social security and disability income Attaching creditor can withdraw 100% of joint account balance. (The co-owner of the account might prevail in exempting funds depending on the judge and the source of the funds)

### **Florida Wage Garnishment**

Florida Statutes, chapter 77 outlines very strict procedures for garnishment. Florida Statutes §222.11 offers a significant exemption to wage garnishment known as the "head of family" exemption. Effective July 1, 2001, the judgment creditor is required to serve a notice of rights to the defendant upon receipt of the employees answer with a form for the defendant to fill out to claim exemptions.

### **Georgia Wage Garnishment**

Pursuant to OCGA 18-4-20, the maximum part of the aggregate disposable earnings of an individual for any work week which is subject to garnishment may not exceed the lesser of twenty-five percent (25%) of his disposable earnings for that week, or the amount by which his disposable earnings for that week exceed thirty (30) times the federal minimum hourly wage. For earnings for a period other than a week, a multiple of the federal minimum hourly wage equivalent in effect shall be used.

### **Hawaii Wage Garnishment**

The portion of the defendant's after tax wages that must be withheld is 5% of the first \$100 per month, 10% of the next \$100.00 per month and 20% of all sums in excess of \$200.00 per month, or an equivalent portion of these amounts per week. Wages and other compensation owed to the debtor for personal services rendered by the debtor during the 31 days prior to a proceeding are exempt.

### **Idaho Wage Garnishment**

The maximum part of an individual's disposable earnings for the work week subject to garnishment may not exceed the lesser of:

1. 25% of the disposable earnings; or
2. The amount of the disposable earnings that exceed 30 times the federal minimum hourly wage.

When the garnishee is the defendant's employer, the continuing garnishment is in effect until the judgment is satisfied and if the maximum is being withheld, no additional garnishments can be served until that garnishment is satisfied.

### **Illinois Wage Garnishment**

The maximum part of an individual's disposable earnings for the work week that can be garnished is the greater of:

1. 15% of the disposable earnings; or
2. 45 times the amounts stated in section 4 of the state's Minimum Wage Act.

### **Indiana Wage Garnishment**

The maximum part of an individual's aggregate disposable earnings for the workweek that is subject to garnishment in Indiana is the lesser of:

1. 25% of the disposable earnings; or
2. The amount of the disposable earnings that exceed 30 times the federal minimum hourly wage.

Note: A wage garnishment can be obtained after interrogatories are served and completed and after a motion for proceeding supplemental is heard. Garnishments filed in up Claims Court cases require a filing fee of approximately \$15.00. Indiana now recognizes Voluntary Wage Assignments, which are to be signed by the debtor and the creditor, or the creditor's attorney, and submitted to the employer.

### **Iowa Wage Garnishment**

Garnishments last for seventy days. The maximum part of an individual's aggregate disposable earnings for the workweek that is subject to garnishment in Indiana is the lesser of:

1. 25% of the disposable earnings; or
2. The amount of the disposable earnings that exceed 40 times the federal minimum hourly wage.

There is a sliding scale per creditor (not per judgment) ranging from \$250 to 10% of annual wages, depending on annual wages.

Public employees can be garnisheed.

### **Kansas Wage Garnishment**

The maximum part of an individual's aggregate disposable earnings for the workweek that is subject to garnishment in Indiana is the lesser of:

1. 25% of the disposable earnings; or
2. The amount of the disposable earnings that exceed 30 times the federal minimum hourly wage; or
3. The amount of plaintiff's claim stated in the order for garnishment.

Note: No creditor can issue more than one garnishment against the same debtor during any 30-day period.

### **Kentucky Wage Garnishment**

Controlled by KRS 425.506. After a 10-day waiting period from date of judgment, a creditor may, using a pre-approved state form, file for wage garnishment to be issued by the clerk of the court, and an order of garnishment is then mailed to the garnishee employer. The employer has 20 days within which to respond. If the garnishee employer fails to answer, it may be held liable to the creditor for failing to honor the garnishment.

Wage garnishments create a continuous lien against a debtor's wages, until the debt is paid. KRS Chapter 427, which deals with exemptions, authorizes a debtor to challenge garnished funds as exempt, and provides for a subsistence allowance beyond which a plaintiff cannot garnish (generally 25% of the debtor's disposable earnings per week). Wage garnishments have priority according to the date of service upon the employer.

### **Louisiana Wage Garnishment**

Louisiana uses the federal wage garnishment guidelines. Wage garnishments are effective immediately upon service of the garnishment on the employer. The amount withheld is 25% of disposable income. 401K or other retirement funds are not counted as disposable income. Deductions are to be withheld from every paycheck and are remitted by the employer at least monthly. The Garnishment stays in effect until the full balance due is paid, including all attorneys' fees, interest, court costs and so forth.

### **Maine Wage Garnishment**

Garnishment is available:

1. After a judgment issues and a supplementary (Disclosure) hearing is held;
2. If the debtor fails to appear at the Disclosure hearing, a garnishment order may issue for 25% of the debtors disposable earnings on a weekly basis or the amount which the disposable weekly earnings exceed 40 times the federal minimum wage, whichever is less (14 M.R.S.A. 3127 et seq). The exemption on wages is now \$226.00 weekly;
3. If the judgment debtor fails to pay two installments after being ordered to do so.

### **Maryland Wage Garnishment**

Disposable wages are defined as the amount of wages that remain after mandatory deductions required by law, plus medical insurance payments. The amount exempt is the greater of 75% of disposable wages, or \$145 times the number of weeks in which the wages were earned (in Caroline, Kent, Queen Anne's and Worcester 30 times the federal minimum hourly wages due under the Fair labor Standards Act.) (Annotated Code of Maryland, Commercial Law Article Sec. 15-601.1)

A judgment creditors report must be sent each month to the debtor and employer.

### **Massachusetts Wage Garnishment**

Wage attachments may be obtained by bringing an action under G.L. c. 246 for trustee process, based on a judgment only, usually after unsuccessful supplementary process proceedings.

After service of the trustee process complaint upon the debtor, the creditor must proceed by way of motion for permission to make the wage attachment. Writs are ordinarily returnable to Court within thirty (30) days and must be served on each payday by an officer. The writ commands the employer to withhold the wages, pending further order of the court. The employer must file an Answer with the court under oath regarding each service of the writ of attachment, specifying what, if anything, the employer has withheld from the wages of the debtor.

After the creditor has attached all that he is able to, he must then return to the court, with notice to the debtor, with a motion to "charge the trustee." After a ten-day appeal period, the Clerk's Office will issue a trustee execution, which must be served on the employer-trustee by an officer. The execution directs the employer to hand the withheld funds over to the officer.

### **Michigan Wage Garnishment**

Federal statute limits withhold up to 25% of disposable earnings per week, unless the debtor's earnings are at or near the minimum wage, 15 USC 1673, in which case no withholding is allowed.

Time Limit: Garnishment writ expires 91 days after issuance, MCR 3.101(B)(1)(a)(ii). A new writ must then be issued and served.

Stay of Wage Garnishment: Courts may grant the debtor an "installment payment order," MCL 600.6201, MCR 3.104(A), which bars wage garnishment, provided that the debtor pays as required by the order. Such an order does not prevent garnishment of bank accounts or income tax refunds. MCL 600.6245, MCR 3.101(N). Some courts nevertheless do not allow any garnishment while an installment payment order is in effect.



### **Minnesota Wage Garnishment**

Minnesota Statute 550.136 and 551.06 governs wage attachment. The maximum part of an individual's disposable earnings for a pay period that can be garnished may not exceed the lesser of:

1. 25% of the disposable earnings, or
2. The amount of the disposable earnings that exceed 40 times the federal minimum hourly wage.

The portion of the defendant's earnings which are not subject to a wage garnishment are also exempt from garnishment for 20 days after they have been deposited in any financial institution, whether in a single or joint account. The burden of establishing that funds are exempt rests on the defendant using the first-in first-out accounting method.

### **Mississippi Wage Garnishment**

The first 30 days' wages after service of garnishment are exempt. After 30 days, 75% of wages are exempt.

Employer may withhold and pay when total judgment is collected but must pay at least once per year unless ordered otherwise.

Garnishments are paid in the order they are served. The first one served must be paid in full before the second one can be paid.

Child support withholding orders are not considered garnishments; thus they are paid regardless of priority. If a debt garnishment and child support withholding order are pending at the same time, the amount to be withheld pursuant to the child support order does not reduce the amount subject to the debt garnishment.

### **Missouri Wage Garnishment**

The maximum amount that may be held from a person's weekly wages, after withholdings required by law, is the lesser of:

1. 25% of the wages,
2. 10%, if the person is head of a family and a Missouri resident, or
3. The amount by which the weekly earnings exceed thirty times the federal minimum hourly wage. Mo. Rev. Stat. §525.030.

Note: Child support garnishment may be subject to a higher percentage of deduction.

### **Montana Wage Garnishment**

Montana Code Title 25, Chapter 13, and entitled 'Execution of Judgment' authorize wage attachment. There is no continuous garnishment for employees provided by the Montana Legislature. The wage exemption statute is identical to the Federal exemption statute and an execution writ is good for 60 days.

### **Nebraska Wage Garnishment**

Although Nebraska allows wage garnishment it rejects the Federal exemptions.

1. Proceeds or interest from payments or settlements under the Worker's Compensation Act (Neb. Rev. Stat. §48-149), except for attorney's fees approved in writing by district court (Neb. Rev. Stat. §48-108);
2. Fraternal insurance benefits (Neb. Rev. Stat. §44-1072);
3. Certain wages; all proceeds, cash values and benefits accruing under any annuity contract, policy or certificate or life insurance payable upon death of insured to beneficiary other than estate of insured, or under any accident or health insurance policy, to the extent of \$10,000,00 (Neb. Rev. Stat. §44-371).

### **Nevada Wage Garnishment**

Nevada applies its own statutory exemptions that are generally more liberal than the Federal Exemptions. Nevada allows a wage garnishment of up to 25% of the debtor's disposable earnings. Child support garnishments take priority regardless of when the levy was received. A wage garnishment is good for one hundred and twenty days (120) from the date of service of the writ on the employer.

### **New Hampshire Wage Garnishment**

New Hampshire has a non-continuous wage attachment "on the books," in RSA 512. The process is seldom employed due to severe restrictions on its use, the cost, and the fact that many judges do not favor it and have discretion to disapprove it. The lien applies only to wages earned post-judgment. Under New Hampshire procedural rules, seeking a garnishment would therefore require the filing of a new lawsuit each time such an attachment is sought. The attachment only applies to wages earned up to the date

of service. In other words, there is no provision for an ongoing garnishment.

There is an exemption for earnings up to 50 times the minimum wage. New Hampshire does have a mechanism for establishing a court-supervised payment plan under RSA 524. This creates no lien against earnings, and is enforceable through contempt should the debtor default.

### **New Jersey Wage Garnishment**

10% gross 25% of disposal earnings whichever is less but no execution on gross wages of \$154.50 or less a week (Source: 15 USC, 1671 et seq; 29 C. F. R., 5870; N.J.S.A. 2A: 17-50).

### **New Mexico Wage Garnishment**

New Mexico Law provides for continuing wage garnishments. The employer must withhold up to 25% of disposable earnings from each paycheck beginning on service of the writ and continuing until the judgment is paid in full.

If previous garnishments are in effect when the writ is served, the earlier writ(s) must be satisfied before withholding begins on the later writ. Up to 50% of disposable wages is subject to a garnishment for child support, making subsequent garnishments for debts ineffective.

Pre-judgment garnishment of wages is prohibited.

### **New York Wage Garnishment**

The maximum amount recoverable is ten percent (10%) of gross income, or the federal maximum, whichever is less.

If the debtor is subject to garnishment for alimony, support or maintenance, the combined garnishments cannot exceed twenty-five percent (25%) of disposable earnings.

Income executions are prioritized by order of delivery to the Sheriff, but garnishments for alimony support or maintenance always take priority.

The execution is a two-stage process. First, the sheriff serves the execution on the debtor at his or her residence. If the debtor does not begin making payments within twenty (20) days, the sheriff levies on the employer

### **North Carolina Wage Garnishment**

Unless the debtor has substantial funds on deposit and no family dependent on those funds for support, garnishment of wages is not generally helpful in collecting other claims except:

1. To enforce an order for child support (G. S. § 110-136),
2. To recover unpaid taxes (G. S. § 105- 242(8), 105-368, 106-9.4), and
3. To enforce a judgment for payment of medical services provided by a "public" hospital (G. S. § 131E-49),

Under G. S. § 1-362, the debtor's earnings for personal services within 60 days prior to the order cannot be applied to the debt if it appears that the earnings are necessary for the use of the debtor's family. Further, future earnings have been excluded from the scope of execution under *Harris v. Hinson*, 87 N.C. App. 148,360 S.E.2d 118 (1987).

### **North Dakota Wage Garnishment**

The maximum part of an individual's aggregate disposable earnings for the work week that is subject to garnishment in North Dakota is the lesser of:

- 1, 25% of the disposable earnings, or
2. The amount of the disposable earnings that exceed 40 times the federal minimum hourly wage.

Note: The maximum amount subject to garnishment must be reduced by \$20.00 for each dependent family member residing with the defendant.

## **Ohio Wage Garnishment**

Under O.R.C. §2716.02, any person seeking a post-judgment wage garnishment must send a written demand to the judgment debtor at least 15 days and not more than 45 days before seeking a garnishment order. Ordinary U.S. Mail with a certificate of mailing may serve through the court; by certified U.S. Mail, return receipt requested; or the demand. It must be sent to the judgment debtor's last known place of residence, and the demand must follow the form specified in this statute.

O.R.C. §§2716.03 and 2716.05 specify the format for the garnishment motion, order, and notice. O.R.C. §2716.03 further provides that there can be no wage garnishment if the debt is subject to a debt scheduling agreement through a debt counseling service, unless the debtor or the debt counseling service fails to make payment for 45 days after the payment due date.

Under O.R.C. §2716.04, the garnishment order is a continuous order, requiring the garnishee to withhold from the debtor's earnings each pay period until the judgment is paid in full.

Up to 25% of the debtor's net disposable income may be garnished. However, this order may be interrupted by the filing of a garnishment by another judgment creditor, in which case:

1. The first garnishment order shall remain in effect for 182 days, if the subsequent garnishment is the same priority, or
2. The first garnishment order shall immediately cease to be in effect if the subsequent garnishment is a higher priority, such as a child support order or tax levy.

## **Oklahoma Wage Garnishment**

Oklahoma specifically authorizes Post-judgment wage attachment. 12 -1151 et al.

Entry of judgment is a condition precedent to a wage attachment. 12 O.S. § 1151 (West 2000).

The judgment creditor has the option of a non-continuing wage attachment that lasts one pay period, or a continuing wage attachment that lasts 180 days.

75% of the debtor's wages are exempt from wage attachment 12 O.S. Sec. 1151.

Note: This 75% exemption could increase if the debtor establishes hardship.

### **Oregon Wage Garnishment**

Exemption is 75% of disposable earnings or 40 times the federal minimum hourly wage. See the following statutory guidelines and limitations. ORS 29.125, .145 and .225 and 23.175.

### **Pennsylvania Wage Garnishment**

No wage attachment in this state except for taxes and child support.

The Pennsylvania Department of Revenue is authorized to garnish wages **without obtaining a court order** for collection of unpaid state taxes. The Department will first notify taxpayers of its intent to contact their employers to begin withholding. If a taxpayer fails to resolve the tax liability, the taxpayer's employer will be ordered to begin garnishing wages and make payments to the Commonwealth. Employers may retain up to 2% of the amount collected to compensate for costs of additional bookkeeping.

### **Rhode Island Wage Garnishment**

Under Rhode Island law, the maximum amount which can be legally withheld from an employee's wages by an employer is twenty-five (25%) percent of the employee's disposable earnings.

Disposable earnings are defined as the earnings of an individual after deduction of taxes, social security and temporary disability contributions.

Individuals are exempt from attachment for one year if they have collected social security or state assistance.

### **South Carolina Wage Garnishment**

Wage attachment is prohibited in South Carolina. SCCLA 37 -5-104.

### **South Dakota Wage Garnishment**

Post-judgment wage attachment is specifically authorized by SDCL 21-18-1.

20% of disposable earnings but only for a 60-day period and this 60-day period can be renewed regularly.

Under SDCL 21-19-17, the earnings of the debtor that are immediately necessary for the support of the debtor and his family are exempt from attachment. Examples include money needed for rent, food, medical expenses, and clothing.

Aid, such as welfare, social security, and child support, are exempt from attachment.

### **Tennessee Wage Garnishment**

A debtor may obtain relief from garnishment by filing a "slow pay" motion, supported by an affidavit of his or her existing debts.

While no specific statutory provision so requires, most judges require that a debtor pay an amount sufficient to pay post-judgment interest and some portion of the principal.

A debtor's wages may be attached before judgment is rendered if the debtor attempts to evade service of process.

### **Texas Wage Garnishment**

Wages cannot be attached or garnished, except for child support.

**Income that is not a wage can be garnished or ordered turned over to a receiver.**

Bank accounts, rents and royalties can be garnished.

Exemptions include social security benefits.

**WARNING:** For individuals living in Texas who are paid from an out of state location, there is case law (Baumgardner vs. Southern Pacific 177 S.W. 2d 317) to support taking a judgment from Texas, domesticating the judgment in the foreign state, then filing the wage garnishment there. Many creditors have used this strategy successfully.

### **Utah Wage Garnishment**

Wage garnishment is valid for 120 days.

The maximum part of an individual's disposable earnings for the pay period that is subject to garnishment is the lesser of:

1. 25% of the disposable earnings for the pay period, or
2. The amount by which the disposable earnings exceed 30 times the federal minimum hourly wage.

### **Vermont Wage Garnishment**

75% of debtor's wages are exempt from attachment except for a consumer debt and then 85% of the debtor's wages are exempt.

If at the hearing, a debtor can show his income is used for reasonable and necessary living expenses for himself and that of his legal dependants, his income may be exempt.

If an order to garnish is obtained, it continues until the judgment is paid in full or his employment is terminated.

### **Virginia Wage Garnishment**

Virginia uses the federal wage exemption.

The maximum part of disposable earnings of an individual for any workweek which is subjected to garnishment may not exceed the lesser of:

1. 25% of disposable earnings for that week, or
2. The amount by which his disposable earnings for that week exceed thirty (30) times the federal minimum wage.

### **Washington Wage Garnishment**

Garnishment is allowed under RCW 6.27.005. It is limited to greater of 25% of disposable earnings or thirty times the federal minimum wage. RCW 6.27.150 and 6.27.010



### **West Virginia Wage Garnishment**

Wage attachment is permitted in West Virginia through use of a suggestee execution. A suggestee execution is an order issued by the clerk directing the judgment debtor's employer to withhold a portion of the debtor's wages and pay them over to the creditor. The creditor must have a valid judgment and must sign an affidavit establishing that the debtor's disposable income exceeds 30 times the federal minimum wage after deduction of state and federal taxes, See West Virginia Code §§ 38-5A-1 to 13; 38-5B-1 to 16. West Virginia law also allows judgment creditors to file a suggestion of personal property, a writ of execution and a judgment lien creditor's action.

### **Wisconsin Wage Garnishment**

Wage garnishment actions are considered separate actions under Wisconsin Statute, requiring the payment of a filing fee and issuance of the earnings garnishment notice to the employer and employee, which can be accomplished by first class mail. Upon issuance of the earnings garnishment, the garnishment will remain in effect for a period of 13 weeks. At the end of this time period, a new garnishment action must be commenced, unless the previous garnishment was voluntarily extended. Typically, 20% of a debtor's net earnings after withholding taxes and Social Security can be taken by a creditor. A debtor does have the right to assert various exemptions to the garnishment, including income below the Federal Poverty Guidelines, eligibility to receive foods stamps or medical assistance, or court-ordered assignments of child support that exceed 25% of the debtor's wages.

### **Wyoming Wage Garnishment**

Section 1-15-408: A writ of post judgment garnishment shall attach to the lesser of twenty-five percent (25%) of disposable earnings, or that amount of disposable earnings which exceeds thirty (30) times the federal minimum hourly wage.

Section 1-15-502: Garnishment (upon the wages of the defendant) shall be a lien and continuous levy against earnings due until ninety [90] days has expired or until the writ is dismissed.

Section 1-15-504: When more than one (1) writ of continuing garnishment has been issued against the earnings due the same judgment debtor, the garnishment shall be satisfied in the order of service on the garnishee.