

# Frequently Asked Questions

## Can an Employer Discharge an Employee Because of a Garnishment?

No, an employee may not be discharged because wages are subject to garnishment for any one indebtedness within a calendar year. An employer who willfully violates this provision is guilty of a misdemeanor and subject to a fine not exceeding \$1,000, imprisonment not exceeding one year, or both.

## Can Wages Be Garnished for Child or Spousal Support?

Yes, but the District Court does not handle these cases. You must file in circuit court.

## Can a Debtor or Garnishee Defend Against a Garnishment?

Yes. A debtor or garnishee has the right to object to a garnishment at any time. To object, file an appropriate motion with the court.

## Can a Debtor's Bank Account be Garnished?

Yes. To garnish a bank account, file a *Request for Garnishment of Property Other than Wages* (DC-CV-060). You must provide the name and address of the debtor's financial institution. The garnishee is served and must reply within 30 days with a *Confession of Assets*, a list of assets belonging to the creditor held by the bank. You will receive a copy.

After 30 days have passed since the original request, you file a *Request for Judgment-Garnishment* (DC-CV-062) with the court and send copies to both the debtor and garnishee.

If you do not seek to enforce or dismiss the writ within 120 days after the garnishee's answer is filed, after proper notice to both the judgment debtor and judgment creditor, the garnishee may request to terminate the writ.

If the judge decides in your favor, the garnishee will be ordered to pay the funds from the debtor's account.

### Note

All motions, statements, answers to interrogatories and other papers filed with the court must be sent to all parties (creditor, debtor, garnishee and attorney, if any) involved in the case.

For more information about the Maryland Judiciary and the District Court visit the website, at:

**[mdcourts.gov](http://mdcourts.gov)**

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# Wage Garnishment

How to  
Garnish  
Wages to  
Collect on a  
Judgment

If money is owed to you and you have obtained a court judgment, you may be able to collect through a process called "wage garnishment."

## What is Wage Garnishment?

Wage garnishment is a procedure through which some portion of a person's (debtor) earnings is withheld by an employer (garnishee) for the payment of a debt to a creditor (person who is owed the money).

## What Amount Can Be Garnished?

Federal law limits the amount of earnings that may be garnished to 25 percent of the debtor's disposable income. (Disposable earnings are the amount of earnings left after legally required deductions e.g., federal, state taxes, Social Security, unemployment insurance and medical insurance.)

However, for individuals earning minimum or near minimum wage, the debtor must be left with an amount equal to 30 times the State minimum hourly wage multiplied by the number of weeks during which the wages due were earned.

### Example

Debtor earns \$11.00 per hour, (State minimum wage).

Weekly gross earnings = \$440.00 (40 hrs. x \$11.00).

Subtract deductions; disposable earnings = \$344.00.

30 x \$11.00 (State minimum wage) = \$330.00.

\$330.00 x 1 (number of weeks during which the wages due were earned) = \$330.00

\$344.00 - \$330.00 = \$14.00.

Amount that can be garnished: \$14.00 each week.

## What Are the Steps?

1. Before you can garnish wages, you must obtain a final judgment or order against the debtor in court.
2. After you obtain a judgment, you file a *Request for Writ of Garnishment of Wages* (DC-CV-065). To complete the form, you need to know the name and address of the debtor's employer, the amount of the judgment and any additional money owed (such as court costs and interest.)
3. A writ or court order is then "served" or delivered to the debtor's employer (garnishee). (Service is not permitted by ordinary mail. Service must be provided by the sheriff or constable, by "return receipt requested" registered mail, or by a person at least 18 years of age and not a party to the suit.)

## Responsibilities of Garnishee

Upon receipt of the writ, the garnishee must:

1. Reply to the writ within 30 days of receipt, indicating on the form whether the debtor is employed, the rate of pay, and any prior garnishments on wages.
2. Determine the amount of the "garnishable wages" for each pay period and withhold this amount from the employee.
3. Report and distribute to the creditor or creditor's attorney the total amount of wages withheld for the month, within 15 days after the close of the employee's last pay period in the month. If another garnishment or judgment is received, follow the same procedures, but remittance to a second or subsequent creditor is not made until the first judgment is paid in full. When one judgment is paid, the lien of the next one is in effect.
4. Notify court and all parties if the debtor stops working or is terminated. The garnishment terminates 90 days after end of employment unless the debtor is re-employed during that period.

### Penalties

If the garnishee fails to comply with the provisions of the law, they may be cited for contempt of court and assessed attorney's fees and court costs.

## Responsibilities of Creditor

1. If an alleged employer reports that the debtor is not employed, creditor must file a request for a hearing within 15 days, or the court may dismiss the garnishment. File your request in writing or on a *Request/Order* form (DC-001).
2. When you receive payment from any garnishment on wages or from any other payments or credits, you must provide a *Judgment Creditor's Monthly Report* (DC-CV-066) to both the debtor and garnishee within 15 days after the end of any month in which payments are received. (You do not have to file this form with the court.) This form shows all payments credited during that month and the method used to determine the amount withheld.
3. Payments received from any source shall be credited, first against accrued interest on the unpaid balance of the judgment principal; second, against the principal; and third, against attorney's fees and costs assessed against the debtor.
4. File with the court a *Notice of Satisfaction* (DC-CV-031) within 15 days after the judgment has been paid in full.

### Penalties

If the creditor fails to comply with the provisions of the law, the garnishment may be dismissed and creditor may be assessed attorney's fees and costs.