


GARNISHMENTS

How we can preserve a client's wages and income





What is Garnishment?


- Garnishment is a collection tool that helps a judgment creditor collect a money judgment against a debtor.
 - Garnishment, a last-ditch effort at debt collection, hits debtors where it hurts: their ability to pay the bills, fill the gas tank and feed their families. A garnishment will allow a creditor to garnish the client's wages as they become payable in the future until the judgment is satisfied.
 - Wage garnishment is more common than you might think. A report by ADP Research Institute found that 7.2% of the 13 million employees it assessed had wages garnished in 2013.
 - Debtors need representation to assert any exemptions they may have which can include filing appropriate statutory forms, negotiating with creditors' counsel, gathering evidence to prove exemptions, and representation at claim of exemption hearing.
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How long is a
judgment
good for?

A money judgment is good in the state of Florida for 20 years.

Sometimes a client has no memory of the lawsuit that generated the garnishment. The client may insist that they were never served.





CERTAIN WAGES
ARE EXEMPT:
HEAD OF FAMILY

- A creditor cannot garnish wages of any client who provides more than one-half support for a child or other dependent. (Fla. Stat. §222.11(c)) This is called the Head of Family exemption. This exemption is not automatic. The client must claim it with the Court.

Other Exempt Wages:

If the client is **not** Head of Family, then only 25% of disposable earnings for that week can be garnished, or the amount by which her disposable earnings for that week exceed thirty times 30 times the federal minimum wage of \$7.25 per hour (\$217.50 per week), whichever is greater. The creditor can seize the balance.



Other Specially Protected Income (Cont'd)

- Social Security income (both retirement and disability) and Supplemental Security Income (SSI).
- Disability insurance benefits. Reemployment Assistance (formerly Unemployment Compensation).
- Worker's Compensation.
- Veteran's Benefits.

Other Specially Protected Income (Cont'd)

- Disability income payable under contract or policy.
Fla. Stat. § 222.18
- Proceeds of a life insurance policy payable to other than the insured.
Fla. Stat. § 222.13 (1)
- Cash surrender value or proceeds of an annuity contract. Fla. Stat. §222.14



How to Spot A Garnishment Issue

- The client will most likely first know about the garnishment when their paycheck is less than it should be or their bank accounts are frozen.
- Many times the employer also tells the client that it has received the Writ of Garnishment. This can be confusing for the client since they may get a notice from their employer, then they start to receive copies of court filings and the client may not realize the importance of responding to the court papers.
- While it may seem unfair that the client is blindsided with garnishment of their wages or bank account, the process is like that purposely, and there is no requirement of notice/hearing before a garnishment writ is issued.

Spot a Garnishment Issue? Refer to Legal Services



Online

Website

www.legalservicesmiami.org

Click on Get Help

Online Intake Hours

Monday-Sunday

Applicants will be contacted within 2 business days.



Telephone

Phone Numbers

Miami-Dade

(305) 576-0080

Monroe County

(866) 686-2760

TTY

(305) 446-7570

Telephone Intake Hours:

Monday & Wednesday

9:00 AM – 12:00 PM

1:30 PM – 4:30 PM

Tuesday & Thursday

1:30 PM – 4:30 PM

At this time, we are not handling walk-in intakes due to the pandemic, our staff is working remotely. You can visit our website for updates to our intake hours post-pandemic.



PLEASE
REACH OUT!

Melissa Gallo
Staff Attorney
Consumer Unit

- (305) 438-2450
 - mgallo@legalservicesmiami.org
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