



Volunteer Lawyers Program

*A division of Community Legal Services in partnership with
the Maricopa County Bar Association*

Wage Garnishments & Your Paycheck What You Should Know

1. Before a private creditor can have money taken from your paycheck (a wage garnishment) to pay a debt, it must first sue you and receive a court order called a Judgment against you.
2. **NONE** of your wages can be taken if your weekly pay is less than \$217.50 after deductions for taxes and social security.
3. The most which may be taken from your wages to satisfy a Judgment (or multiple Judgments if more than one garnishment) is 25% of your net weekly wages – 25% of your pay after social security and income taxes are taken out. NOTE: If you ask, the creditor may, through its attorney, voluntarily agree to reduce the wage garnishment to 15%. Call the attorney. If they agree, ask for written confirmation. If they do not, you may request a court hearing.
4. If your employer receives papers asking for some of your paycheck to pay a Judgment against you, you will be given copies including a Request for Hearing form you may complete and take to the court, if the garnishment is a financial hardship. The court will schedule a hearing where you may ask the court to reduce the amount taken from your pay to 15% for hardship.
5. To request a hearing, go to the court which issued the wage garnishment (it is not always the same court where the Judgment was entered). The form to request a hearing will be included with the papers you are given by your employer. NOTE: You do not have to pay a fee to request a hearing to reduce your garnishment – if you are asked to pay a fee by the court clerk, you should request a fee deferral/waiver application for people with low incomes.
6. After you request a garnishment hearing, you will be advised of your hearing date. Ask the clerk if you need to advise the creditor's attorney of the hearing date or if the court will send out a notice. At the hearing, be prepared to show the court why a 25% garnishment would be a hardship, for example, a list of your monthly expenses or copies of your lease and other monthly bills.
7. If you have defenses to the law suit which resulted in your wage garnishment; for example, if you weren't notified of a law suit prior to learning of the garnishment and you think you don't owe the debt, or you are not the person named as defendant, these issues must be dealt with separately and you should consult an attorney.

NOTE: These instructions do NOT apply to child support. If you have questions about child support being deducted from your wages, we recommend you get advice from an attorney who does family law. Two ways to find such lawyers are through the Lawyers Referral Service at 602-257-4434 (\$35 for hour) and the Family Lawyers Assistance Project (FLAP) at 602-506-7948 (free or \$40 for hour depending on your income).

The law permits the federal government to deduct from some federal entitlements (like social security retirement benefits and tax refunds) certain debts owed the federal government like taxes and guaranteed student loans. Further, federal agencies may, under some circumstances, garnish wages without a court order.

The law protects some income from garnishment. See “Account Garnishments – What You Should Know” for more information. If a creditor attempts to garnish bank accounts containing exempt income, for example, social security benefits and retirement or disability payments, get advice from an attorney.

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