

Post-Judgment: Basic Steps for Handling a Small Claims EARNINGS GARNISHMENT (Recovery of Judgments Totaling \$10,000 or less)

This guide is provided by the Wisconsin court system to give you general information about Wisconsin small claims actions. Resources available in each county may be found at the link below:

<https://www.wicourts.gov/services/public/selfhelp/docs/countylegalresources.pdf>

For additional information, please see the Pre-Judgment and Post-Judgment Basic Steps Documents. These basic steps documents and any forms mentioned in this basic guide may be obtained from the clerk of court or online at:

<https://www.wicourts.gov/forms1/circuit.htm>.

In addition to the guidance in this handbook, follow local court rules or procedures:

Wisconsin Circuit Court Rules

NOTICE: Small Claims laws change often. The small claims forms are intended to be useful in many cases, but you may have to add or attach additional information as it applies to your case. Talk to a lawyer if you are unsure whether these forms are the most appropriate for your situation.

COURT STAFF CANNOT GIVE LEGAL ADVICE.

What is an earnings garnishment?

An earnings garnishment is a procedure authorizing an employer to take money out of the debtor's paycheck and send it to a judgment creditor to pay a judgment.

CREDITOR'S STEPS:

1. **First, you have to win your case.**
2. **Decide in which county you will file your garnishment.** Small Claims earnings garnishments to recover judgments totaling \$10,000 or less are typically filed in the county where the original judgment was entered. You may also file your garnishment in any county in which you have filed a transcript of the original judgment.
3. **Fill out an Earnings Garnishment Notice, (CV-421) form.** In an earnings garnishment, you are the creditor and the person who owes you money is the debtor. The debtor's employer is the garnishee.
4. **File the Earnings Garnishment Notice.** File the Earnings Garnishment Notice and pay the fee to the clerk of court in the county where you are filing your garnishment.
5. **Complete the Earnings Garnishment, (CV-422) form.** Once you have filed the Earnings Garnishment Notice, the clerk will give you two (2) original copies of an Earnings

Garnishment, (CV-422) form. Complete the information on the Earnings Garnishment and keep both copies. You DO NOT file this form with the clerk of court.

6. **Serve (deliver) one (1) copy of the Earnings Garnishment on the garnishee.** For an earnings garnishment to begin, you must:
- Provide the garnishee with one of the two (2) Earnings Garnishment forms given to you by the clerk of court and the Garnishee Answer to Creditor, (SC-518) form.
 - Pay a \$15.00 garnishee fee, and any other statutorily required fees, to the garnishee.
 - Serve the Earnings Garnishment and the statutorily required fees on the garnishee within 60 days of the day you filed the Earnings Garnishment Notice with the clerk of court.

Service may be done by the sheriff, a private process server, or by first class mail or certified mail with return receipt requested, or you may personally deliver the papers to the garnishee if the garnishee signs a receipt admitting service. See the "Pre-Judgment: Basic Steps to Small Claims Service", (SC-6050V) for additional information.

7. **Serve (deliver) one (1) copy of the Earnings Garnishment and other documents on the debtor.** For an earnings garnishment to begin, you must also serve the debtor with the following documents:
- 1) One (1) copy of the Earnings Garnishment given to you by the Clerk of Court;
 - 2) One (1) copy of the Earnings Garnishment – Exemption Notice, (CV-423) form;
 - 3) A blank copy of the Earnings Garnishment – Debtor's Answer, (CV-424) form;
 - 4) A blank copy of the Garnishment Exemption Worksheet, (CV-426) form, and
 - 5) A copy of the current Poverty Guidelines for Earnings, (CV-427) form.

You must serve the debtor with these documents within certain time limits:

- within 60 days after the Earnings Garnishment Notice is filed with the clerk of court;
- but not more than seven (7) business days after the garnishee is served, and
- at least three (3) business days before the first payday affected.

Service may be done by the sheriff, a private process server, or by first class mail or certified mail with return receipt requested. You may not personally deliver the documents to the debtor.

8. **Receive the debtor's wages from the garnishee.** Beginning the pay period the week after the garnishee receives the Earnings Garnishment, and continuing for 13 weeks, the garnishee will withhold 20% of the debtor's after tax earnings and send this money directly to you, minus a \$3.00 fee that the garnishee will keep.

If your judgment has not been completely paid at the end of the 13 weeks and you wish to continue garnishing the debtor's wages, you may file and pay for a new garnishment action. Another option is for you and the debtor to agree in writing to extend the garnishment for another 13-week period. This saves both you and the debtor money because you don't have to pay the additional fees and costs that would otherwise be added to the amount owed to you by the debtor.

You and the debtor may agree to extend the garnishment each time a 13-week period is completed. Even if you and the debtor make this agreement, you still must pay an additional \$15.00 garnishee fee to the garnishee with each extension agreement.

9. **Review any answer you receive from the debtor or garnishee.**

- **Debtor's answer:** The debtor may fill out the Earnings Garnishment – Debtor's Answer and give it to the garnishee if the debtor believes there is a legal reason why their wages should not be garnished. The garnishee must then send it to you. The Debtor's Answer temporarily prevents or stops the garnishee from paying you. The debtor may give the Debtor's Answer to the garnishee any time during the 13-week garnishment period if the debtor believes his or her situation changes and it justifies stopping the garnishment.
- **Garnishee's answer:** The garnishee must send you an answer if they cannot garnish some or all of the debtor's garnishable wages.

10. **If you object to the debtor's or garnishee's answer or if the garnishee has failed to respond at all, do one of the following:**

- **Object to the debtor's answer:** Fill out the Earnings Garnishment - Objection to Debtor's Answer and Demand for Hearing, (CV-425) form and file it with the clerk of court. There is no filing fee. The clerk will schedule a hearing with the court between you and the debtor to determine whether the answer is appropriate. The court will notify you of the hearing date and serve the debtor.
- **Object to the garnishee's answer or failure to answer:** Fill out the Notice of Motion and Motion for Judgment Against Garnishee - Earnings Garnishment, (SC-519) form. Make at least two (2) copies for service on the garnishee and one (1) for yourself. File the original and the copies with the clerk of court. There is no filing fee. The clerk will schedule a hearing with the court between you and the garnishee to determine whether the answer or failure to answer is appropriate. Service must be done by the sheriff or a private process server at least five (5) days before the hearing date. File proof of service on the garnishee with the clerk of court at or before the hearing.

11. **Attend the objection hearing.** At the hearing, the court will review the debtor's financial situation and/or whether the garnishee has followed the law. If the court orders the garnishment to start, the court will send the garnishee an order directing the garnishment to begin. If the court determines the debtor is exempt, the garnishee will not be required to withhold earnings from the debtor. If the court stops the garnishment, you have the option of beginning the entire garnishment process again when you believe a new garnishment is appropriate.

DEBTOR'S STEPS:

1. **Receive the following documents which the creditor is required to serve on you:**

- 1) One (1) copy of the Earnings Garnishment;
- 2) A blank copy of the Earnings Garnishment – Debtor's Answer, (CV-424) form;
- 3) A blank copy of the Garnishment Exemption Worksheet, (CV-426) form, and
- 4) A copy of the current Poverty Guidelines for Earnings, (CV-427) form.

Service must be done by a sheriff, a private process server or by first class mail or certified mail with return receipt requested. The documents may not be personally served by the creditor.

2. **The garnishee will garnish your earnings unless you claim an exemption.** Beginning the pay period the week after the garnishee receives the Earnings Garnishment, and continuing for 13 weeks, the garnishee will withhold 20% of your after tax earnings and send this money, minus a \$3.00 fee that the garnishee will keep, directly to the creditor.

If the judgment has not been completely paid at the end of the 13 weeks and the creditor wishes to continue garnishing your wages, the creditor may file and pay for a new garnishment action. Another option is for you and the creditor to agree in writing to extend the garnishment for another 13-week period. This saves both you and the creditor money because you don't have to pay the additional fees and costs that would otherwise be added to the amount owed by you to the creditor.

You and the creditor may agree to extend the garnishment each time a 13-week period is completed. Even if you and the creditor make this agreement, the creditor still must pay an additional \$15.00 garnishee fee to the garnishee with each extension agreement.

3. **Complete the Earnings Garnishment - Debtor's Answer form if you believe your earnings are completely exempt or your earnings are partially exempt.**
- **If your earnings are completely exempt:**
The Earnings Garnishment - Debtor's Answer form lists several reasons under paragraph 1 why your earnings would be completely exempt. Check the box that applies to your situation. You may use the Garnishment Exemption Worksheet and the Poverty Guidelines for Earnings forms to calculate how your earnings would be completely exempt because your household income is below the federal poverty line or because the garnishment would reduce your income to below the federal poverty line. You are not required to complete the Garnishment Exemption Worksheet or to send it to the creditor or to the garnishee.
 - **If your earnings are partially exempt:**
Under paragraph 2 of the Earnings Garnishment - Debtor's Answer, check the appropriate box that explains why your income is not completely exempt but that too much of your income is being withheld. Again, you may use the Garnishment Exemption Worksheet and the Poverty Guidelines for Earnings forms to calculate how too much of your earnings are being withheld.
 - Under paragraph 3 of the Earnings Garnishment - Debtor's Answer, check the box and explain why you have a different legal reason that your earnings are completely exempt or that your earnings are partially exempt.
4. **Deliver or mail a copy of the Earnings Garnishment - Debtor's Answer to the garnishee and fill in the date of delivery or mailing on the form.** The answer temporarily prevents or stops the garnishee from paying the creditor. You may give the answer to the garnishee any time during the 13-week garnishment period if you believe your situation changes and it justifies stopping the garnishment.
5. **It is recommended that you mail or deliver a copy of the Earnings Garnishment - Debtor's Answer to the creditor along with whatever worksheets or documentation you may have to support your claim for an exemption or a limitation on the amount of income that may be withheld.** For example, you may give the creditor a copy of the completed Garnishment Exemption Worksheet. Another example is that you may give the creditor a copy of the award letter showing that you have received medical assistance, food stamps, or SSI within the past 6 months, which would exempt you completely from the withholding of your income. If the creditor has this documentation, it is less likely to ask for a hearing before the court.
6. **The creditor may object to your answer and file an objection with the clerk of court.**

The clerk will schedule a hearing with the court between you and the creditor to determine whether the answer is appropriate. The court will serve you notice of the hearing date.

7. **You must attend the objection hearing.** Bring documentation to support your claim of exemption to the hearing, such as copies of your pay stubs, benefit letters or bank statements proving you receive SSI or other public benefits. At the hearing, the court will review your financial situation and/or whether the garnishee has followed the law. If the court orders the garnishment to start, the court will send the garnishee an order directing the garnishment to begin and stating how much of your earnings should be garnished. If the court determines your earnings are exempt, the garnishee will not be required to withhold your earnings.

8. **If your wages are not exempt, but you are unable to meet you/your family's basic needs due to the garnishment, you may also complete the Petition for Relief from Existing Wage Garnishment and Request for Hearing (CV-478) and file it with the Court.**

This form may be filed at any time during the pendency of the earnings garnishment.

- On the petition, fill in the total disposable income that you receive each month, excluding the income that is taken due to the garnishment.
- Fill in the amount of your monthly expenses on the list provided in the form and include copies of bills/statements for the expenses listed on the form, if possible.
- At the end of the form, you may request that the garnishment be reduced to a lower amount each month, or that it be stopped altogether for a certain period of time.

9. **Mail or deliver a copy of the Petition for Relief from Existing Wage Garnishment and Request for Hearing to the creditor along with any additional information that you provided to the Court.** The Court will notify you and the creditor of the time and place of the hearing.

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

Creditor: _____
Debtor: _____
and
Garnishee(s): _____

**Earnings
Garnishment Notice**

Case No. _____

To the Clerk of Court:

The creditor has commenced an earnings garnishment action against the debtor and the garnishee to collect the following unsatisfied civil judgment:

Name of Debtor(s)		County of Original Judgment
Original Case Number	Date of Original Judgment	Amount of Original Judgment
Transcript of Judgment filed in This County on:	Case Number of Transcript	Amount of Judgment Unpaid, including statutory interests and costs \$ _____ as of [Date] _____.

This is a garnishment action to satisfy an order for victim restitution under §973.20(1r), Wis. Stats., and there is no filing fee.

Name of Debtor
being garnished:

Name
Address

Garnishee:

Name
Address

See attached for multiple garnishees

Creditor:

Name	Phone Number
Address	

Creditor's Attorney:

Name	Phone Number
Address	State Bar Number

▶ _____
Creditor's or Creditor's Attorney's Signature

Name Printed or Typed

Address

Email Address Telephone Number

Date State Bar No. (if any)

Creditor: _____
 Address: _____

 Debtor: _____
 Address: _____

 and
 Garnishee: _____

Earnings Garnishment

Case No. _____

THE STATE OF WISCONSIN, to the garnishee:

The creditor has been awarded a court judgment that has not been paid. As a result, the creditor claims that the amount owed by the debtor is as follows:

Unpaid balance on judgment	\$ _____ as of [Date] _____.
Unpaid post-judgment interest	\$ _____ as of [Date] _____.
Estimated costs of this earnings garnishment	\$ _____
Total amount owed by the debtor	\$ _____

The creditor believes that you will owe the debtor for earnings within the next 13 weeks. If the creditor has tendered the statutorily required fees with these papers, you are directed to complete the activities listed on page 2 of this form.

This is a garnishment action to satisfy an order for victim restitution and there is no filing fee. This garnishment remains in effect until the judgment is satisfied.

Please make check payable to and remit payment to:

The creditor must serve the following documents on the debtor at the time of service of this document:

- Exemption Notice - Earnings Garnishment (CV-423)
- Earnings Garnishment - Debtor's Answer (CV-424)
- Garnishment Exemption Worksheet (CV-426)
- Poverty Guidelines for Earnings (CV-427)

See page 2 of form for further information.

DETERMINE WHETHER YOU WILL OWE THE DEBTOR EARNINGS

1. Determine if you are likely to owe the debtor for earnings in pay periods beginning within the next 13 weeks.
2. If you are not likely to owe the debtor for earnings in pay periods beginning within the next 13 weeks, send a statement stating that fact to the creditor by the end of the 7th business day after receiving the earnings garnishment forms. (Business days do not include Saturdays, Sundays, or legal holidays).

IF THE DEBTOR SENDS YOU AN ANSWER

3. Whenever you receive a debtor's answer form from the debtor, mail a copy of the answer form to the creditor by the end of the 3rd business day after receipt of that form. Include the date you received the answer form on the copy sent to the creditor.
4. If the debtor's answer form claims a complete exemption or defense, do not withhold or pay to the creditor any part of the debtor's earnings under this garnishment unless you receive an order of the court directing you to do so.

MULTIPLE EARNINGS GARNISHMENTS

5. If the debtor's earnings are already being garnished when you receive this earnings garnishment, place this earnings garnishment into effect the pay period after the last of any prior earnings garnishments terminates. Notify the debtor of the amount of the garnishment and notify the creditor of the amount owed on the pending garnishments by the end of the 7th business day after you receive these forms. If there are no prior pending earnings garnishments against the debtor's earnings, place this earnings garnishment into effect the pay period after you receive it.

EARNINGS GARNISHMENTS LAST 13 WEEKS, EXCEPT FOR PUBLIC EMPLOYEES AND EXCEPT FOR GARNISHMENTS TO SATISFY AN ORDER FOR VICTIM RESTITUTION

6. The garnishment of the earnings of employees of the state of Wisconsin and its political subdivisions, and a garnishment to satisfy an order for victim restitution under §973.20(1r), Wis. Stats., for victim restitution remain in effect until the judgment is satisfied. The garnishment of earnings of other employees will affect the debtor's earnings for all pay periods beginning within 13 weeks after you receive it, unless the debtor's earnings are already being garnished. If this earnings garnishment is delayed under paragraph 5 above, it will affect the debtor's earnings for all pay periods beginning within 13 weeks after the first day of the pay period that you put this earnings garnishment into effect. If the amount claimed by the creditor is fully paid before the end of the 13 weeks, this earnings garnishment will terminate at that point.

PAYING THE CREDITOR

7. Between 5 and 10 business days after each payday of a pay period affected by this earnings garnishment, pay the creditor 20% of the debtor's disposable earnings or the amount by which disposable earnings exceed thirty times the federal minimum hourly wage, whichever is less, for that pay period. After the first payment, keep a \$3 fee for each payment delivered to the creditor. That additional fee shall be deducted from the moneys delivered to the creditor. Payment is complete upon mailing. "Disposable earnings" are those remaining after deducting Social Security, state and federal income taxes.

EFFECT OF COURT-ORDERED ASSIGNMENTS FOR SUPPORT

8. If the debtor has assigned his or her earnings for support by court order, those support payments take priority over this earnings garnishment. If 25% or more of the debtors' disposable earnings is assigned for support by the court order, do not pay any part of the debtor's earnings to the creditor. Instead, send the creditor a statement of that fact by the end of the 7th business day after you receive these forms. If less than 25% of the debtor's earnings is assigned for support by court order, the amount the creditor must be paid is reduced so that the total of earnings assigned and garnished does not exceed 25% of the debtor's disposable earnings.

EXTENSIONS

9. The debtor and creditor may agree in writing to extend this earnings garnishment for additional pay periods beginning within 13 weeks after this earnings garnishment would otherwise terminate. If you receive a written extension stipulation, and an additional garnishee fee for each extension, you must honor it unless a different garnishment against this debtor's earnings is served upon you before the extension takes effect. In that case, the extension is void and you must return the extension fee to the party who paid it to you.

Creditor: _____

Address: _____

Debtor: _____

Address: _____

and

Garnishee: _____

Earnings Garnishment

Case No. _____

THE STATE OF WISCONSIN, to the garnishee:

The creditor has been awarded a court judgment that has not been paid. As a result, the creditor claims that the amount owed by the debtor is as follows:

Unpaid balance on judgment	\$ _____ as of [Date] _____.
Unpaid post-judgment interest	\$ _____ as of [Date] _____.
Estimated costs of this earnings garnishment	\$ _____
Total amount owed by the debtor	\$ _____

The creditor believes that you will owe the debtor for earnings within the next 13 weeks. If the creditor has tendered the statutorily required fees with these papers, you are directed to complete the activities listed on page 2 of this form.

This is a garnishment action to satisfy an order for victim restitution and there is no filing fee. This garnishment remains in effect until the judgment is satisfied.

Please make check payable to and remit payment to:

The creditor must serve the following documents on the debtor at the time of service of this document:

- Exemption Notice - Earnings Garnishment (CV-423)
- Earnings Garnishment - Debtor's Answer (CV-424)
- Garnishment Exemption Worksheet (CV-426)
- Poverty Guidelines for Earnings (CV-427)

See page 2 of form for further information.

DETERMINE WHETHER YOU WILL OWE THE DEBTOR EARNINGS

1. Determine if you are likely to owe the debtor for earnings in pay periods beginning within the next 13 weeks.
2. If you are not likely to owe the debtor for earnings in pay periods beginning within the next 13 weeks, send a statement stating that fact to the creditor by the end of the 7th business day after receiving the earnings garnishment forms. (Business days do not include Saturdays, Sundays, or legal holidays).

IF THE DEBTOR SENDS YOU AN ANSWER

3. Whenever you receive a debtor's answer form from the debtor, mail a copy of the answer form to the creditor by the end of the 3rd business day after receipt of that form. Include the date you received the answer form on the copy sent to the creditor.
4. If the debtor's answer form claims a complete exemption or defense, do not withhold or pay to the creditor any part of the debtor's earnings under this garnishment unless you receive an order of the court directing you to do so.

MULTIPLE EARNINGS GARNISHMENTS

5. If the debtor's earnings are already being garnished when you receive this earnings garnishment, place this earnings garnishment into effect the pay period after the last of any prior earnings garnishments terminates. Notify the debtor of the amount of the garnishment and notify the creditor of the amount owed on the pending garnishments by the end of the 7th business day after you receive these forms. If there are no prior pending earnings garnishments against the debtor's earnings, place this earnings garnishment into effect the pay period after you receive it.

EARNINGS GARNISHMENTS LAST 13 WEEKS, EXCEPT FOR PUBLIC EMPLOYEES AND EXCEPT FOR GARNISHMENTS TO SATISFY AN ORDER FOR VICTIM RESTITUTION

6. The garnishment of the earnings of employees of the state of Wisconsin and its political subdivisions, and a garnishment to satisfy an order for victim restitution under §973.20(1r), Wis. Stats., for victim restitution remain in effect until the judgment is satisfied. The garnishment of earnings of other employees will affect the debtor's earnings for all pay periods beginning within 13 weeks after you receive it, unless the debtor's earnings are already being garnished. If this earnings garnishment is delayed under paragraph 5 above, it will affect the debtor's earnings for all pay periods beginning within 13 weeks after the first day of the pay period that you put this earnings garnishment into effect. If the amount claimed by the creditor is fully paid before the end of the 13 weeks, this earnings garnishment will terminate at that point.

PAYING THE CREDITOR

7. Between 5 and 10 business days after each payday of a pay period affected by this earnings garnishment, pay the creditor 20% of the debtor's disposable earnings or the amount by which disposable earnings exceed thirty times the federal minimum hourly wage, whichever is less, for that pay period. After the first payment, keep a \$3 fee for each payment delivered to the creditor. That additional fee shall be deducted from the moneys delivered to the creditor. Payment is complete upon mailing. "Disposable earnings" are those remaining after deducting Social Security, state and federal income taxes.

EFFECT OF COURT-ORDERED ASSIGNMENTS FOR SUPPORT

8. If the debtor has assigned his or her earnings for support by court order, those support payments take priority over this earnings garnishment. If 25% or more of the debtors' disposable earnings is assigned for support by the court order, do not pay any part of the debtor's earnings to the creditor. Instead, send the creditor a statement of that fact by the end of the 7th business day after you receive these forms. If less than 25% of the debtor's earnings is assigned for support by court order, the amount the creditor must be paid is reduced so that the total of earnings assigned and garnished does not exceed 25% of the debtor's disposable earnings.

EXTENSIONS

9. The debtor and creditor may agree in writing to extend this earnings garnishment for additional pay periods beginning within 13 weeks after this earnings garnishment would otherwise terminate. If you receive a written extension stipulation, and an additional garnishee fee for each extension, you must honor it unless a different garnishment against this debtor's earnings is served upon you before the extension takes effect. In that case, the extension is void and you must return the extension fee to the party who paid it to you.

Enter the name of the county in which the garnishment was filed.	STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY
Creditor is the person /business who is entitled to receive money. Enter the Creditor's name and address.	Creditor: _____ Address: _____
Debtor is the person /business who owes the money. Enter the Debtor's name and address.	-vs- Debtor: _____ Address: _____
Garnishee is the person or company that has or is holding money of the debtor (money accounts, wages, ect.) and who is being asked to send it to the creditor. Enter the Garnishee's name, address and phone number. You are the garnishee.	and Garnishee: _____ Address: _____ Phone Number: _____
Enter the case number.	Garnishee Answer to Creditor Earnings Garnishment (Small Claims) Case No. _____
For 2, check a, b, c, d, or e. If 2b, check 1 or 2. If 2b.1, fill in the blank. If 2b.2, fill in the blank and check one box. If 2e, enter an explanation. The garnishee must send a copy of this answer to the creditor and the debtor by the end of the 7 th business day after receipt of the garnishment form. If a debtor files an answer at any time during the garnishment, write the date you received the answer on the debtor's answer. Attach a copy to this form and mail these forms to the creditor by the end of the 3 rd business day after receipt of the debtor's answer.	To the Creditor: 1. I am the garnishee or a duly authorized representative of the garnishee. Your garnishment action has been received and reviewed. 2. <input type="checkbox"/> a. I have determined that I will not owe the debtor any earnings to be earned within 13 weeks after the date of service of the garnishment on me. <input type="checkbox"/> b. The debtor's earnings are subject to one or more of the following: <input type="checkbox"/> 1) Prior earnings garnishments. Your earnings garnishment will go into effect for the pay period after the last of any prior earnings garnishments end. The amount owed on the <i>prior</i> pending garnishment(s) is \$ _____. <input type="checkbox"/> 2) Child support orders that amount to _____ % of the debtor's disposable earnings. The amount available to you is: <input type="checkbox"/> \$0 or <input type="checkbox"/> reduced to the amount allowed by law. <input type="checkbox"/> c. The debtor has delivered an answer claiming a defense to the garnishment. A copy of the answer is attached. I have written the date I received the answer on the attached copy. The garnishment cannot proceed until a court order directs otherwise. <input type="checkbox"/> d. The debtor's earnings will be garnished as allowed by law. <input type="checkbox"/> e. Other: _____
Sign and print your name. Enter the date on which you signed your name. Provide phone number. Note: This signature does not need to be notarized.	<div style="text-align: center;"> _____ Garnishee or Authorized Representative </div> <div style="text-align: center;"> _____ Print or Type Name </div> <div style="text-align: center;"> _____ Address </div> <div style="text-align: center;"> _____ Email Address </div> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> _____ Telephone Number </div> <div style="text-align: center;"> _____ Date </div> </div>

Creditor: _____

Debtor: _____

and

Garnishee: _____

**Earnings Garnishment –
Exemption Notice**

Case No. _____

To the debtor:

The creditor has been awarded a judgment against you or your spouse as indicated below. That judgment has not been fully paid. The creditor has now filed a garnishment proceeding against your earnings from the garnishee. This means that the creditor is seeking to take some of your earnings to satisfy part or all of the judgment against you or your spouse.

The total amount of the creditor's claim is as follows:

County of Judgment	Case Number	Date of Judgment
Unpaid balance on judgment		\$
Unpaid post judgment interest		\$
Estimated costs of this earnings garnishment		\$
Total amount owed by the debtor		\$

By law, you are entitled to an exemption of not less than 80% of your disposable earnings. Your "disposable earnings" are those remaining after social security and federal and state income taxes are withheld.

Your earnings are completely exempt from garnishment if:

1. Your household income is below the federal poverty level. See the enclosed schedules and worksheet to determine if you qualify for this exemption.
2. You receive relief funded under public assistance, relief funded under Wis. Stats. §59.53(21), medical assistance, supplemental security income, food stamps, or veterans benefits based on need under USC 501 to 562 or §45.351(1)Wis. Stats., or have received these benefits within the past 6 months, or are eligible but have not yet received these benefits.
3. At least 25% of your disposable earnings are assigned by court order for support.

If the garnishment in either situation below would result in the income of your household being below the poverty line, the garnishment is limited to the amount of your household's income in excess of the poverty line. Those two situations are:

1. Garnishment of 20% of your disposable earnings, or;
2. Garnishment of the amount by which disposable earnings exceed thirty times the federal minimum hourly wage.

There are no exemptions to this garnishment if the debt arises out of one of the following obligations:

1. A debt amortization under §128.21 or a bankruptcy order under 11 USC 1301 to 1330.
2. For the support of any person; or,
3. Unpaid taxes.

Continued on page 2

If you qualify for a complete exemption or a limitation in the amount subject to garnishment, you must give or mail a copy of the completed enclosed debtor's answer form to the garnishee/employer.

If your circumstances change while the garnishment is in effect, you may file a new answer form at any time.

If you do not qualify for a complete exemption or limitation but will not be able to acquire the necessities of life for yourself and your dependents if your earnings are reduced by this earnings garnishment, you may ask the court in which this earnings garnishment was filed to increase your exemption or grant you other relief.

IF YOU NEED ASSISTANCE, CONSULT AN ATTORNEY

If you have garnished earnings that are exempt, limited or subject to a defense, the sooner you file your answer form with the garnishee/employer or seek relief from the court, the sooner such relief can be provided. This earnings garnishment affects your earnings in pay periods beginning within 13 weeks after it was served on the garnishee/employer. You may agree in writing with the creditor to extend it for additional 13-week periods until the debt is paid.

PENALTIES

If you wrongly claim an exemption or defense in bad faith, or if the creditor wrongly objects to your claim in bad faith, the court may order the person who acted in bad faith to pay court costs, actual damages and reasonable attorney fees.

Creditor: _____

Debtor: _____

and

Garnishee: _____

Earnings Garnishment – Debtor’s Answer

Case No. _____

To the garnishee/employer:

- 1. My earnings are **completely** exempt from earnings garnishment or limited in amount subject to garnishment because
 - a. The judgment has been paid.
 - b. The judgment has been discharged in bankruptcy.
 - c. I have filed bankruptcy and enforcement of the judgment has been stayed.
 Name of bankruptcy court: _____
 Bankruptcy court file number: _____
 - d. The judgment is void.
 - e. I receive, am eligible for, or have within 6 months received one or more of the following:

<input type="checkbox"/> Relief funded under public assistance	<input type="checkbox"/> Relief funded under §59.53(21), Wis. Stats.
<input type="checkbox"/> Medical assistance	<input type="checkbox"/> Veterans benefits based on need under 38 USC 501-562 or §45.40(1), Wis. Stats.
<input type="checkbox"/> Food stamps/FoodShare	
<input type="checkbox"/> Supplemental security income	
 - f. At least 25% of my disposable earnings are assigned for support by court order.
 - g. My household income is below the federal poverty level.
 - h. The garnishment of 20% of my disposable income would result in the income of my household being below the poverty line.
 - i. The garnishment of my income that is over thirty times the federal minimum hourly wage would result in my household income being below the poverty line.
- 2. Too much of my earnings are being garnished because:
 - a. I am paying child support or maintenance in an amount that is less than 25% of my disposable earnings. The amount to be paid must be reduced so that the total of earnings assigned and garnished does not exceed 25% of my disposable earnings.
 - b. The garnishment of 20% of my disposable income would result in my household income being below the poverty line and the amount to be paid must be reduced to an amount equal to the amount of my household income in excess of the poverty line.
 - c. The garnishment of my income that is over thirty times the federal minimum hourly wage would result in my household income being below the poverty line and the amount to be paid must be reduced to an amount equal to the amount of my household income in excess of the poverty line.
 - d. Other: _____
- 3. I have another defense to this earnings garnishment: (Explain briefly)

I understand that if I claim a complete exemption, limitation or defense in bad faith, I may be held liable to the creditor for actual damages, costs and reasonable attorneys’ fees.

THE DEBTOR IS REQUIRED TO DELIVER OR MAIL A COPY OF THIS FORM TO THE GARNISHEE/EMPLOYER AND FILL IN THE DATE OF DELIVERY OR MAILING. Date debtor delivered or mailed to garnishee/employer: _____

THE GARNISHEE/EMPLOYER IS REQUIRED TO MAIL A COPY OF THIS FORM TO THE CREDITOR AND FILL IN THE DATE OF MAILING. Date garnishee/employer mailed to creditor: _____

▶ _____
Debtor’s Signature

_____ Name Printed or Typed

_____ Address

_____ Email Address

_____ Telephone Number _____ Date

Garnishment Exemption Worksheet

Note: You may use this worksheet to calculate how much of your earnings are subject to garnishment. You are not required to complete this worksheet or send it to the garnishee or the creditor.

- Instructions:
- First, calculate your total earnings by using Schedule 1 (Calculation of Income).
 - Then calculate the amount of your earnings subject to garnishment by using Schedule 2 (Calculation of Amount Subject to Garnishment).
 - Finally, to determine how much, if any, of your earnings are exempt from garnishment, use Schedule 3 (Calculation of Poverty Guideline Exemption) and the separate Poverty Guidelines for Earnings (form CV-427).

Schedule 1. Calculation of Income

List in Column A earnings after subtracting Social Security, Federal and State Income Taxes. <i>For both Columns A and B, calculate amounts on the same basis (weekly, biweekly, semimonthly, monthly) as the debtor's earnings.</i>		List in Column B all income other than earnings.	
	Column A		Column B
1. Debtor	1a.		1b.
2. Spouse (if living in same household as debtor)	2a.		2b.
3. Other legal dependents	3a.		3b.
4. TOTAL EARNINGS	4a.		4b.

Schedule 2. Calculation of Amount Subject to Garnishment

5. Debtor's disposable earnings amount from line 1a	5.	
6. 20% of amount on line 5 or the amount by which line 5 exceeds thirty times the federal minimum hourly wage, whichever is less. (Currently the federal minimum hourly wage is \$7.25. Use same basis as in Schedule 1 of weekly, biweekly, semimonthly, monthly).	6.	
7. 25% of amount on line 5	7.	
8. Court ordered assignments of child support and/or maintenance that you pay. Use same basis as in Schedule 1 (weekly, biweekly, semimonthly, monthly).	8.	
9. Subtract amount on line 8 from line 7	9.	
10. Insert the lesser amount of line 6 or line 9. This is the amount subject to garnishment. If this amount is "0" or less than zero, then you do not have to complete Schedule 3 because all earnings are exempt.	10.	

Schedule 3. Calculation of Poverty Guideline Exemption

11. Disposable earnings from line 4a	11.	
12. Other income from line 4b	12.	
13. Add line 11 to line 12	13.	
14. Child support and/or maintenance from line 8	14.	
15. Subtract amount on line 14 from line 13 for household income	15.	
16. Amount subject to garnishment from line 10	16.	
17. Poverty Guideline Amount for pay period of debtor and size of family (See current Poverty Guideline Chart)	17.	
18. Add lines 16 and 17	18.	
19. Compare line 15 and line 18. If line 18 is greater than line 15, proceed to line 20. If line 15 is equal to or greater than line 18, then the amount on line 10 is the amount subject to garnishment.		
20. Subtract line 17 from line 15. This is the amount subject to garnishment if the garnishment causes the income to fall below the poverty guidelines. If this amount is "0" or less than zero, then all earnings are exempt from garnishment.	20.	

Poverty Guidelines for Earnings
(For earnings from July 1, 2022 thru June 30, 2023)

Size of Family	Weekly	Bi-weekly	Semi-monthly	Monthly	150%
1	\$261	\$523	\$566	\$1,133	\$1,699
2	\$352	\$704	\$763	\$1,526	\$2,289
3	\$443	\$886	\$960	\$1,919	\$2,879
4	\$534	\$1,067	\$1,156	\$2,313	\$3,469
5	\$624	\$1,249	\$1,353	\$2,706	\$4,059
6	\$715	\$1,430	\$1,550	\$3,099	\$4,649
7	\$806	\$1,612	\$1,746	\$3,493	\$5,239
8	\$897	\$1,793	\$1,943	\$3,886	\$5,829
Ea. add'l family member	Add \$91 to above amount	Add \$182 to above amount	Add \$197 to above amount	Add \$393 to above amount	Add \$590 to above amount

DEFINITIONS:

"Earnings" means compensation paid or payable by the garnishee for personal services, whether designated as wages, salary, commission, and bonus or otherwise, and includes periodic payments under a pension or retirement program.

"Disposable earnings" means that part of the earnings of the debtor remaining after subtracting social security taxes and federal and state income taxes listed on the person's wage statement.

"Household income" means the disposable earnings of the debtor and dependents during any month in which the garnishment is in effect, plus unearned income received by the debtor and dependents in that month, less any of the debtor's earnings assigned by court order under ch. 767.

EXEMPTIONS:

The debtor's earnings are totally exempt from garnishment under this subchapter if the debtor's household income is below the poverty line.