

# MVLS GARNISHMENT

MARYLAND VOLUNTEER LAWYERS SERVICE

*This factsheet provides an overview of a topic, but it is not legal advice. Please consult an attorney about your particular situation.*

Once a judgment has been placed against you, a creditor will likely seek to enforce the judgment through a process called garnishment.

Creditors may seek to **garnish your assets (accounts) or earnings (wages)** allowing them to bypass you to gain access to your funds.

## What can be garnished and what can be protected?

**Wages:** A creditor may send the court order (writ of garnishment) directly to your employer.

- Your earnings can be garnished up to 25% of your disposable income.
  - Disposable income is what is left over after deductions such as federal and state taxes, Social Security, health insurance, etc.
- You must be left with an amount equal to 30 times the federal minimum hourly wage.
- **Protected Wages:** Certain types of benefits cannot be garnished.
  - Public Assistance Benefits
  - Workers Compensation
  - Supplemental Security Income (SSI)
  - Social Security Benefits
  - State Police Pensions
  - Life Insurance or Annuity Proceeds
  - Unemployment Insurance Benefits
  - Veterans Benefits
  - Retirement Benefits

**Accounts:** A creditor may send the court order to your bank.

- Your bank must examine your account to see if the account has received any of the protected benefits by direct deposit in the last two months. The bank must set aside two months' worth of these protected wages to allow you to use them, but, any extra assets can be garnished or frozen.

**Property:**

- Creditors cannot seize and sell jointly-owned property (unless the judgement is against both of the owners of the property).
- However, creditors may choose to sell the defendant's interest in the property.

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Apply online: [www.mvlslaw.org/apply-for-services](http://www.mvlslaw.org/apply-for-services)

Or call intake between 9 a.m. and 12 p.m. on Monday through Thursday at 410-547-6537 or 800-510-0050

## What you can opt into and exempt from garnishment?

- There are certain types of assets that you can protect through exemptions by notifying the court within 30 days. There is a court form for this. The Maryland Court Self-Help Center can help you fill it out. You can reach them between 8:30 a.m. – 8 p.m. Monday-Friday at 410-260-1392:
  - Up to \$6000 in cash or property of any kind
  - Up to \$5000 worth of items necessary for the practice of trade or profession (apparel, books, tools, instruments, or appliances)
  - Up to \$1000 in household furnishings, goods, clothing, appliances books, pets, and other personal items
- Money payable to garnishee from court judgments, insurance benefits, child support, and compensation because of sickness, accident, injury or death
- Professionally prescribed health aids
- Retirement plan qualified under federal tax law

If you believe your wages have been garnished wrongfully, your first step should be to contact the Maryland Courts Self-Help Center at 410-260-1392 between 8:30 am – 8:00 pm between Monday-Friday or chat online at [www.mdcourts.gov/selfhelp/mcshc](http://www.mdcourts.gov/selfhelp/mcshc).

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