

GARNISHMENT PROCESS & FEES
Questions? Refer to Chapter 812, Subchapter II, Wis. Stats.

1. There are two types of garnishment actions and forms:
 - A. Garnishment of Non-Earnings (i.e., bank accounts, etc.); and
 - B. Earnings Garnishment (i.e., wages, etc.)

2. Both garnishment form packets can be purchased at the Dane County Legal Resource Center or can be downloaded from the Dane County Clerk of Circuit Court website. The current filing fee is \$92.50 if the amount claimed is equal to or less than \$10,000; and \$210.50 if the amount claimed is greater than \$10,000.

3. Non-Earnings Garnishment Process:
 - A. Complete the non-earnings form (SC-301) and file it with the Clerk's office.
 - B. Court staff will complete the answer and filing dates.
 - C. Service on the defendant and garnishee defendant (\$3.00 check made payable to garnishee defendant):
Personal service is required on all parties as required under Chapter 801, Wisconsin Statutes. The principal defendant shall be served not later than 10 days after service on the garnishee. Note: If the garnishee defendant is located outside of Wisconsin, you may wish to contact them to ask if they will honor an out-of-state garnishment. They may require you to docket the judgment in that state and file the garnishment there. Be sure to file the proof of service affidavit with the court prior to the answer date.
 - D. The garnishee defendant can either send a check directly to the creditor or answer (SC-302) stating the amount of money they are holding, if any.
 - a. If the garnishee defendant is holding money, the creditor must **appear** on the answer date to provide service documentation and to get an order from the court staff releasing the funds. No telephone appearances will be allowed.
 - b. If the garnishee defendant does not answer, the creditor must **appear** on the answer date to provide service documents and to obtain a judgment against the garnishee defendant for failure to answer. No telephone appearances will be allowed.
 - c. If the garnishee defendant pays you the funds directly, the court must be notified in writing in advance of the answer date, with copies to the defendant and the garnishee defendant. Upon written notification, court staff will cancel the appearance date and dismiss the garnishment.
 - d. If the garnishee defendant files an answer stating it is not holding money, you do not need to appear and may wish to pursue another collection step. The appearance date will be cancelled by court staff.

4. Earnings Garnishment Process:
 - A. Complete the Earnings Garnishment Notice (form CV-421) and file it with the Clerk's office.¹ This "set" of forms consists of one Earnings Garnishment Notice (CV-421), two Earnings Garnishments (CV-422), one Earnings Garnishment Exemption Notice (CV-423), one Earnings Garnishment-Debtor's Answer (CV-424), one Garnishment Exemption Worksheet (CV-426), and one Poverty Guidelines for Earnings (CV-427).
 - B. Within 60 days after filing the notice, the creditor must serve the documents upon the debtor and garnishee by one of the following means: a) first class mail; b) certified mail, return receipt requested; or c) any means permissible for the service of a summons in a civil action, other than publication (i.e., personal service, substitute service).
 - a. The garnishee defendant (employer) must be served by the creditor with one of the Earnings Garnishment forms and a \$15 tender fee.
 - b. The debtor must be served by the creditor with the remaining seven pages of the "set" (one Earnings Garnishment, one Earnings Garnishment Exemption Notice, one Earnings Garnishment-Debtor's Answer, one Garnishment Exemption Worksheet, and one Poverty Guidelines for Earnings). The debtor must be served within seven business days of service on the employer (and at least three days before the payday of the first pay period affected). Under the current Wisconsin State Statutes, the first 80% of the debtor's disposable earnings are exempt from garnishment. All earnings may be exempt in some cases.
 - C. When the federal, state, or other political entity is the employer, garnishments will continue until the judgment debt is satisfied. Employer will deduct a \$3 fee from each garnishment payment made to a creditor after the first payment.
 - D. Garnishment for all other employers will affect the debtor's earnings for all pay periods falling within thirteen weeks AFTER the garnishment is served on the employer.

NOTE: Only one earnings garnishment may affect any pay period, even if nonexempt earnings remain after the first judgment is satisfied in a pay period. Creditors may not file a second earnings garnishment on the same garnishee and defendant until the first one HAS EXPIRED. However, the debtor and creditor may stipulate to an extension as long as no other garnishment is pending. If so, another \$15 fee must be issued to the garnishee by the creditor.

¹Purchasers of multiple forms are referred to Dane County Circuit Court Rule 313: *Pursuant to 812.35 Wis. Stats., the Clerk of Court is authorized to issue earnings garnishment forms after payment of the fee but before the filing of the notice of earnings garnishment. The notice of earnings garnishment must be filed by the creditor no later than five (5) business days after the date the garnishee is served.*