

GARNISHEE INFORMATION

Form #3DC27

Re: Affidavit of Judgment Creditor(s) for Garnishment of Wages

From the date you receive the **Affidavit of Judgment Creditor(s) for Garnishment of Wages** ("Affidavit") [Hawai'i Revised Statutes §652-1(b)], you, as GARNISHEE, are to begin withholding immediately, a part of your employees' wages (including any salary, stipend, commissions, annuity or net income or portion of net income under a trust) and pay the money to the JUDGMENT CREDITOR(S) (the person who the money is owed to) or the JUDGMENT CREDITOR(S)' ATTORNEY. You will not be sent any further notice or order.

MAKING A DISCLOSURE

A DISCLOSURE is a statement by you as to whether the JUDGMENT DEBTOR(S) (the person to be garnished), is: (1) your employee; and (2) whether you have any money which is due to the JUDGMENT DEBTOR(S) which can be garnished. This can be done by filing with the Court and sending to the JUDGMENT CREDITOR(S), a statement indicating the same (form available from the Court). If you begin to withhold and send money to the JUDGMENT CREDITOR(S), a DISCLOSURE is not necessary. If you will not be sending money to the JUDGMENT CREDITOR(S), then you must disclose.

AMOUNTS TO BE WITHHELD

There are two sets of laws, one State and one Federal, that say what amounts are to be withheld. **You are to follow the one that is most favorable for your employee.**

State law [Hawai'i Revised Statutes Chapter §652] provides that the following be withheld; 5% of the first \$100.00 per month, 10% of the next \$100.00 per month and 20% of all sums in excess of \$200.00 per month, or an equivalent portion of the above amount per week.

Federal law [Title III of the Consumer Credit Protection Act (15 U.S.C. 1673)] allows garnishment of the DISPOSABLE EARNINGS of any individual for any pay period in an amount which is in excess of:

EFFECTIVE SEPTEMBER 1, 1997

WEEKLY	BIWEEKLY	SEMIMONTHLY	MONTHLY
\$154.50 or less: None	\$309.00 or less: None	\$334.75 or less: None	\$669.50 or less: None
More than \$154.50 but less than \$206.00: Amount Above \$154.50	More than \$309.00 but less than \$412.00: Amount Above \$309.00	More than \$334.75 but less than \$446.33: Amount Above \$334.75	More than \$669.50 but less than \$892.67: Amount Above \$669.50
\$206.00 or more: Maximum 25%	\$412.00 or more: Maximum 25%	\$446.33 or more: Maximum 25%	\$892.67 or more: Maximum 25%

The term "DISPOSABLE EARNINGS" is defined as compensation paid or payable for personal services after deducting any amounts required to be withheld by law (example: taxes). The amount of DISPOSABLE EARNINGS subject to garnishment is determined by the restrictions which are in effect at the time such earnings are paid or payable.

EXAMPLE: Employee's gross pay is \$187.00 per week. After taxes and other deductions required by law, \$162.00 is left. The amount to be withheld is the amount above \$154.50, but less than \$206.00, i.e. \$7.50.

EXAMPLE: Employee's gross pay is \$277.00 per week. After taxes and other deductions required by law, \$217.00 is left. The amount to be withheld is the amount between \$154.50 and \$206.00 and 25% of any amounts above \$206.00, i.e. \$54.25.

The law also prohibits an employer from discharging any employee because the employee's earnings have been subjected to garnishment.

Your obligation to withhold is continuing. If there is a period where the employee has not earned sufficient income, you must begin to withhold again as soon as the earnings of your employee have increased sufficiently.

Prior to making the final payment, you should contact the JUDGMENT CREDITOR(S) or JUDGMENT CREDITOR(S)' ATTORNEY to obtain the final payoff amount which may include additional interest as allowed by law.

In accordance with the **Americans with Disabilities Act** if you require an accommodation for your disability, please contact the District Court Administration Office at PHONE NO. 961-7470, FAX 961-7447, or TTY 961-7525 at least ten (10) working days in advance of your hearing or appointment date.

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