

GARNISHEE INFORMATION

Form #3DC28

RE: GARNISHEE SUMONS

From the date you receive the GARNISHEE SUMMONS, 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). The money you withhold must be paid to the JUDGMENT CREDITOR(S) (the person or business who is owed the money) or the JUDGMENT CREDITOR(S)' ATTORNEY after you receive the GARNISHEE ORDER, which will be sent to you.

MAKING A DISCLOSURE

State law allows, but does not require, you to make a DISCLOSURE after you are served. If you choose to make a DISCLOSURE, you may appear in Court or file with the Court a statement (form available from the Court) indicating whether the JUDGMENT DEBTOR(S) is: (1) your employee; and (2) whether you have any money which is due to the JUDGMENT DEBTOR(S) which can be garnished.

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 increase 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.

GARNINFO.GSX (Amended 4/18/97, 9/26/97)v