

# GARNISHEE INFORMATION SHEET

To comply with determining the proper amount to be garnished, the following procedure should be used:

I. Garnishment of monies other than earnings (wages, salaries, commissions):

No limits, but must honor garnishments based on the date shown on the Garnishment Summons as to when the writ of fieri facias was delivered to the Sheriff.

II. Garnishment of earnings for each pay period:

**First Step** - determine what are the "disposable earnings" by calculating the gross earnings, then deducting from gross earnings those amounts required by law to be withheld, such as federal and state taxes and social security withholdings. In calculating disposable earnings, do not deduct other payroll deductions such as insurance premiums, savings plans or retirement contributions.

**Second Step** - determine the maximum amount that may be withheld from "disposable earnings." A description of this calculation is provided on the back of the attached Garnishment Summons. The following is a way to implement this part of the procedure:

On the front of the Garnishment Summons under "Maximum Amount of Disposable Earnings Subject to Garnishment," see which boxes have been checked to calculate the maximum amount subject to garnishment.

If Support is checked, then multiply "disposable earnings" by the percentage checked underneath "Support"-if no box is checked, then use 50%.

- If "State Taxes" is checked, then multiply "disposable earnings" by 100%.

If none of the boxes are checked, use the table on the reverse side and, where a percentage is given, multiply "disposable earnings" by the applicable percentage.

**Third Step** - determine if other deductions for child support or other garnishments apply to the judgment debtor. Virginia law requires that payments for support ordered by a court or by the Division of Child Support Enforcement must be deducted from the maximum amount subject to garnishment as calculated above in the **second step** to determine the amount left for garnishments. (There may be none left.) After honoring child support deductions, garnishments are to be honored on the basis of the date shown on the Garnishment Summons as to when the writ of fieri facias was delivered to the Sheriff.

III. Be sure to file your answer so that the court receives your answer before the return date shown on the Garnishment Summons. The attached Garnishee's Answer may be used for this purpose.

AMOUNTS GARNISHABLE FROM "DISPOSABLE EARNINGS"  
 EFFECTIVE SEPTEMBER 1, 1997  
 (wages, salaries, commissions, etc.) (\$5.15 per hour minimum wage)

	Paid Weekly	Paid Every Two Weeks	Paid Twice a Month**	Paid Monthly**
Disposable Earnings*	\$154.50 or less	\$309.00 or less	\$334.75 or less	\$669.50 or less
Amount Garnishable	Nothing	Nothing	Nothing	Nothing
Disposable Earnings	\$154.50 to \$206.00	\$309 to \$412.00	\$334.75 to \$446.33	\$669.50 to \$892.67
Amount Garnishable	Amount above \$154.50	Amount above \$309.00	Amount above \$334.75	Amount above \$669.50
Disposable Earnings	More than \$206.00	More than \$412.00	More than \$446.33	More than \$892.67
Amount Garnishable	25% of Amount	25% of Amount	25% of Amount	25% of Amount

\* See front for definition of "Disposable Earnings."

\*\* Amounts for twice a month and monthly pay periods are based on an average of 4 1/3 weeks per month.