

GARNISHEE INFORMATION SHEET

Va. Code §§ 34-29 and 40.1-28.10

The following information sheet sets forth procedures which may apply when a garnishee determines the proper amount to be garnished.

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

Refer to the debt owed or property specified by the judgment creditor on the GARNISHMENT SUMMONS, and respond to garnishments based on the date shown on the GARNISHMENT SUMMONS as to when the writ of fieri facias was delivered to the sheriff.

Financial Institutions may respond to a GARNISHMENT SUMMONS on district court form DC-456, GARNISHEE'S ANSWER.

- If the account is a joint account, list the names and addresses of all account owners.
- Certain exemptions from garnishment, which are listed on district court form DC-454, NOTICE TO JUDGMENT DEBTOR HOW TO CLAIM EXEMPTIONS FROM GARNISHMENT AND LIEN, REQUEST FOR HEARING – GARNISHMENT/LIEN EXEMPTION CLAIM, attached to the GARNISHMENT SUMMONS, may apply.
- If the account contains federal benefit payments governed by 31 CFR Part 212, list the account balance and the protected amount.

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 of disposable earnings 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. File any GARNISHEE'S 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. If you deliver payment to the court by check, make it payable to the judgment creditor.

IV. Do not withhold funds from this garnishment after the hearing date and time specified in the top right hand corner of the GARNISHMENT SUMMONS, district court form DC-451. Any funds withheld as a result of a voluntary agreement between the judgment creditor and the judgment debtor after this garnishment has been concluded should be paid directly to the judgment creditor. Do not send these funds to the court.

AMOUNTS GARNISHABLE FROM “DISPOSABLE EARNINGS” EFFECTIVE JANUARY 1, 2023

(wages, salaries, commissions, etc.) (\$12.00 per hour minimum wage)

	Paid Weekly	Paid Every Two Weeks	Paid Twice a Month**	Paid Monthly**
Disposable Earnings*	\$480 or less	\$960 or less	\$1,039.99 or less	\$2,079.98 or less
Amount Garnishable	Nothing	Nothing	Nothing	Nothing
Disposable Earnings	\$480 to \$640	\$960 to \$1,280	\$1,039.99 to \$1,386.66	\$2,079.98 to \$2,773.31
Amount Garnishable	Amount above \$480	Amount above \$960	Amount above \$1,039.99	Amount above \$2,079.98
Disposable Earnings	More than \$640	More than \$1,280	More than \$1,386.66	More than \$2,773.31
Amount Garnishable	25% of Disposable Earnings	25% of Disposable Earnings	25% of Disposable Earnings	25% of Disposable Earnings

* 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.