

Avoid or stop garnishment

Author

Northwest Justice Project

Last Review Date

March 6, 2025

If you have debt, the person or company you owe might sue you or try to “garnish” your bank account or paycheck. The law might protect (exempt) some of your income and property from garnishment by creditors, even when a creditor has a court order against you.

1. What is garnishment

If a creditor sues you over a debt, don’t ignore court papers! Try to talk with a lawyer right away. You should also respond in writing to the lawsuit.

Garnishment is when someone freezes money in your bank account or your paycheck to get money a court says you owe to them. They can only do this if a judge enters a court order called a judgment against you. If you’re served with a lawsuit from a debt collector and you don’t respond, they may get a

judgment against you.

You may not get a warning before the garnishment happens.

Most garnishments are judgments for debts from credit cards, doctor and hospital bills, utility and phone bills, personal loans from a bank or credit union, debts owed to a landlord, or other debt for personal, family, or household purposes. These types of debts are called consumer debt.

The law protects (exempts) some types and amounts of income and property from garnishment by the person or company you owe, called the creditor. A creditor usually can't take exempt funds or property from you to pay off a debt, even if the creditor has a judgment against you.

There are a few exceptions to this. **If you owe child support, federal student loans, or certain some other debts to the federal government**, the creditor can garnish any of your income or property.

2. Exemptions

Here are the types of income that a creditor **can't** take from you to pay off a debt:

- Social Security disability (<https://www.ssa.gov/disability>) and retirement (<https://www.ssa.gov/retirement>) benefits (unless you owe child support, federal student loans, or a federal tax debt)
- Supplemental Security Income (SSI) benefits (<https://www.ssa.gov/ssi>)

- Temporary Assistance for Needy Families (TANF)
(<https://www.dshs.wa.gov/esa/community-services-offices/temporary-assistance-needy-families>)(<https://www.dshs.wa.gov/esa/community-services-offices/temporary-assistance-needy-families>) benefits (state welfare)
- Aged, Blind, or Disabled (ABD)
(<https://www.dshs.wa.gov/esa/community-services-offices/aged-blind-or-disabled-cash-program>) benefits (state disability)
- Unemployment Compensation (<https://esd.wa.gov/get-financial-help/unemployment-benefits>) (unless you owe child support)
- VA (Veteran's Administration) (<https://benefits.va.gov/benefits/>) benefits (with some exceptions for money you owe the government or for support)
- Federal student loans
- Child support you receive
- Most pensions
- Workers compensation (<https://www.lni.wa.gov/claims/for-workers/injured-what-you-need-to-know/>)

These are general exemptions. Every case is different. Try to talk to a lawyer about your situation.

3. Wages

Some or all of what your job pays you (your wages) might be exempt from garnishment, depending on what the debt or judgment is for.

Consumer judgments: If you earn less than any of these amounts, none of your wages can be garnished:

- \$583.10 weekly (35 times the state minimum hourly wage (<https://www.lni.wa.gov/workers-rights/wages/minimum-wage/>), which is \$16.66/hour in 2025)
- \$1,166.20 every 2 weeks
- \$1,263.38 twice a month
- \$2,526.77 monthly

Even if you earn more than these amounts, you can keep 35 times the state minimum hourly wage or 80% of your net pay, whichever is more. Net pay is your earnings after subtracting mandatory deductions. Mandatory deductions include Social Security, Medicare, and federal income taxes.

Private student loan judgments: If you earn less than these amounts, none of your wages can be garnished:

- \$1,058.00 weekly (50 times the highest minimum hourly wage in the State, which is \$21.16/hour)
- \$2,116.00 every 2 weeks
- \$2,929.33 twice a month
- \$4,584.67 monthly

Even if you earn more than these amounts, you can keep 50 times the highest minimum hourly wage in the State or 85% of your net pay, whichever is more.

Other judgments: If you earn less than these amounts, none of your wages can be garnished.

- \$253.75 weekly

- \$507.50 every 2 weeks
- \$549.80 twice a month
- \$1,099.58 monthly

Even if you earn more than these amounts, you can keep 35 times the federal minimum wage or 75% of your net pay, whichever is more.

Child support: 50% of your net pay is protected from garnishment.

4. Bank accounts

A bank will automatically exempt some of the money in your bank account. It must freeze other money, even if it's exempt. If that happens, you must file an exemption claim form right away to get the exempt money returned to your account. A bank account garnishment can cause bounced checks, overdraft fees, and other bank charges

Automatic exemptions: The bank can only freeze the money in your account **above** these amounts:

- \$1,000 is automatically exempt if your only judgment is for private student loan debt
- \$1,000 is automatically exempt if the judgment you're being garnished for is consumer debt
- \$500 in your bank account is exempt for all other debts (and \$1,000 additional cash, for a total exemption of up to \$1,500)

Not automatic: These amounts are exempt, but you must still take steps to get the money back:

- \$2,500 is exempt if your only judgment is for private student loan debt
- \$2,000 is exempt if the judgment you're being garnished for is consumer debt
- \$500 in your bank account is exempt for all other debts (and \$1,000 additional cash, for a total exemption of up to \$1,500)

For example: You have \$1,700 in your bank account. The bank gets a writ of garnishment from a creditor for consumer debt. The bank will freeze \$700 because \$1,000 is automatically protected. This means \$1,000 will remain in your account and is available to you. The remaining \$700 is still exempt because \$2,000 in a bank account is protected. But you **must file an exemption claim form** to get the extra \$700 released to you.

Married couples and registered domestic partners: each spouse or partner is entitled to your own exemptions of personal property. You can combine your exemptions with the other spouse's exemption in the same property, including any bank accounts you have together.

In the example above, if the creditor sued a married couple, each of them gets a \$1,000 automatic protection. Since $\$1,000 + \$1,000 = \$2,000$, the entire \$1,700 in the couple's account should be automatically protected.

5. Preventing garnishment

Never give creditors permission to withdraw money from your bank account.

Here are some tips to help you keep from being garnished in the first place. What you can do depends on what type of income and debt you have.

- **Pensions:** Most, but not all, pensions are exempt from garnishment even after you get your pension check. Avoid having your pension checks direct-deposited into a bank account. See if the pension fund can mail checks directly to your home.
- **If your debt is with a bank:** You shouldn't keep a savings or checking account at a bank that you owe money to. For example, if you owe money on a credit card or loan from the same bank where you have a checking account, that bank could take money from your bank account (where another bank couldn't).

6. Supplemental proceedings

A creditor who has a judgment against you may try to get information from you about whether and how they can collect what you owe them by scheduling a court proceeding called a **Supplemental Proceeding**. If you have exempt income or property, this is a good chance to let the creditor know. Read about [Supplemental Proceedings](#) to learn more.

7. Notice of Garnishment

Form attached:

Exemption Claim (Writ to garnish funds or property held by a financial institution) (GARN 01.0500)

Form attached:

Exemption Claim (Writ directed to employer to garnish earnings) (GARN 01.0520)

If a bank or employer or other third party has your property, including money in a bank account, your creditor can get a written court order of garnishment (called a writ of garnishment) that goes to the third party. Then the creditor must mail or deliver to (serve on) you both of these:

1. A Notice of Garnishment and Your Rights

(<https://www.courts.wa.gov/forms/documents/GARN%2001.0450%20Notice%20of%20Ga>

2. An **Exemption Claim form** directed to a bank or an employer

The **garnishee** is the party who has your property, such as the bank holding your money.

If you receive the writ of garnishment **within 7 days** of the date of the court issuing it, you must fill out the right Exemption Claim for your situation and hand-deliver one copy to the court clerk and mail or hand-deliver one to the creditor or creditor's lawyer (whoever signed the writ of garnishment), within 28 days after the date on the writ of garnishment.

If you receive the writ **more than 7 days** from the date of the writ's issuance, you have 21 days to fill out the appropriate Exemption Claim for your situation and mail or hand-deliver one copy to the court clerk and mail or hand-deliver one to the creditor or their lawyer.

The creditor has 7 days after getting your exemption claim form to object to it.

- **If the creditor doesn't object**, the creditor must direct the garnishee to give back (release) the exempt property to you (https://www.courts.wa.gov/forms/documents/GARN01_0590.pdf) no more than 10 days after the creditor gets your claim form.
- **If the creditor objects**, they must file a statement explaining why **and** schedule a court hearing within 14 days after getting your exemption claim form.

If the judge at the hearing orders the release of your exempt property, the creditor must deliver an order releasing the exempt property to the garnishee holding your property. If the creditor doesn't do this, try to talk to a lawyer. You can sue the creditor for any damages that you suffer, plus a \$50 penalty, if they don't take steps to timely release your exempt property.

WashingtonLawHelp.org gives general information. It is not legal advice.

Find organizations that provide free legal help on our [Get legal help](#) page.

<https://assets.washingtonlawhelp.org/en/avoid-or-stop-garnishment>

Court of Washington County of	
Plaintiff, vs. Defendant(s), Garnishee.	No. Exemption Claim (Writ to garnish funds or property held by a financial institution) (EXMPCL)

Exemption Claim

INSTRUCTIONS:

1. Read this whole form after reading the enclosed notice. Then put an X in the box or boxes that describe your exemption claim or claims and write in the necessary information on the blank lines. If additional space is needed, use the bottom of the last page or attach another sheet.

2. Make 2 copies of the completed form. Deliver the original form by first class mail or in person to the clerk of the court, whose address is shown at the bottom of the *Writ of Garnishment*. Deliver 1 of the copies by first class mail or in person to the plaintiff or plaintiff's attorney, whose name and address are shown at the bottom of the writ. Keep the other copy. **YOU SHOULD DO THIS AS QUICKLY AS POSSIBLE, BUT NO LATER THAN 28 DAYS (4 weeks) AFTER THE DATE ON THE WRIT.**

I/We claim the following money or property as exempt:

IF BANK ACCOUNT IS GARNISHED:

- ☐ The account contains payments from:
- ☐ TANF, SSI, or other public assistance. I receive \$ _____ monthly.
 - ☐ Social Security. I receive \$ _____ monthly.
 - ☐ Veterans' Benefits. I receive \$ _____ monthly.
 - ☐ Unemployment Compensation. I receive \$ _____ monthly.

- ☐ Child Support. I receive \$ _____ monthly.
- ☐ Pensions and retirement accounts including, but not limited to, U.S. Government Pension, federally qualified pension, individual retirement account (IRA) 401K, 403(b) and any state retirement system listed in RCW 41.50.030. I receive \$ _____ monthly.
- ☐ Other: *(Explain:)* _____

☐ I/We claim the following exemptions:

- ☐ Exemption for private student loan debts:
 - ☐ \$2,500 for an individual; or
 - ☐ \$5,000 for a marital community or domestic partnership.
- ☐ Exemption for consumer debts:
 - ☐ \$2,000 for an individual; or
 - ☐ \$4,000 for a marital community or domestic partnership.
- ☐ Exemption for all other debts:
 - ☐ \$500 for an individual; or
 - ☐ \$1,000 for a marital community or domestic partnership.
- ☐ I declare under penalty of perjury under the laws of the State of Washington that I am a married person and that I wish to use the marital exemptions.

IF EXEMPTION IN BANK ACCOUNT IS CLAIMED, ANSWER ONE OR BOTH OF THE FOLLOWING:

- ☐ No money other than from above payments are in the account.
- ☐ Moneys in addition to the above payments have been deposited in the account.
(Explain:)

OTHER PROPERTY:

- ☐ Describe property: (If you claim other personal property as exempt, you must attach a list of all other personal property that you own.)

Print: Your name

If married or in a state registered domestic partnership, name of spouse/state registered domestic partner

Address

Address (if different from yours)

Telephone number

Telephone number (if different from yours)

Your signature

CAUTION: If the plaintiff objects to your claim, you will have to go to court and give proof of your claim. For example, if you claim that a bank account is exempt, you may have to show the judge your bank statements and papers that show the source of the money you deposited in the bank. Your claim may be granted more quickly if you attach copies of such proof to your claim.

IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE CLAIM IN GOOD FAITH, THEY MAY DECIDE THAT YOU MUST PAY THE PLAINTIFF'S ATTORNEY FEES.

_____ Court of Washington County of _____	
_____ vs. _____ _____ _____ Plaintiff, Defendant(s), Garnishee.	No. _____ Exemption Claim (Writ directed to employer to garnish earnings) (EXMPCL)

Exemption Claim

INSTRUCTIONS:

1. Read this whole form after reading the enclosed notice, then put an "X" in the box or boxes below that describe your exemption claim or claims and write in the necessary information on the blank lines. If additional space is needed, use the bottom of the second page of this form or attach another sheet.
2. Make 2 copies of the original completed form. Deliver the original form by first class mail or in person to the clerk of the court, whose address is shown at the bottom of the *Writ of Garnishment*. Deliver one of the copies by first class mail or in person to the plaintiff or plaintiff's attorney, whose name and address are shown at the bottom of the writ. Keep the other copy. **YOU SHOULD DO THIS AS QUICKLY AS POSSIBLE, BUT NO LATER THAN 28 DAYS (4 weeks) AFTER THE DATE ON THE WRIT.**

I/We claim the following money or property as exempt:

IF PENSION OR RETIREMENT BENEFITS ARE GARNISHED:

☐ Name and address of employer who is paying the benefits:

IF EARNINGS ARE GARNISHED FOR PRIVATE STUDENT LOAN DEBT:

☐ I claim the maximum exemption.

IF EARNINGS ARE GARNISHED FOR CONSUMER DEBT:

☐ I claim the maximum exemption.

Print: Your name

If married or in a state registered
domestic partnership, name of
spouse/state registered domestic
partner

Address

Address (if different from yours)

Telephone number

Telephone number (if different from
yours)

Your signature

CAUTION: If the plaintiff objects to your claim, you will have to go to court and give proof of your claim.

IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE CLAIM IN GOOD FAITH, THEY MAY DECIDE THAT YOU MUST PAY THE PLAINTIFF'S ATTORNEY FEES.