

2005 DRAFTING REQUEST

Bill

Received: **10/29/2004**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

For: **Carol Owens (608) 267-7990**

By/Representing: **Jacque Dicks**

This file may be shown to any legislator: **NO**

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Courts - garn/injunct**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Owens@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Garnishment of a minor's income

Instructions:

See Attached AB 346 w/a1513

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rnelson2 11/04/2004	wjackson 12/04/2004		_____			
/1			chaugen 12/06/2004	_____	lnorthro 12/06/2004	lnorthro 04/13/2005	

FE Sent For:

<END>

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/?	rnelson2	1 WLJ 12/4	ch 12-6	ch 12-6 JP			

FE Sent For:

<END>

ASSEMBLY BILL 346 (LRB -0740)

An Act to amend 812.30 (8), 812.44 (4) (form) and 812.44 (5) (form); and to create 812.34 (2) (b) 3. of the statutes; relating to: garnishment of the income of a minor.

2003

05-20.	A.	Introduced by Representatives Owens, Van Roy, Jeskewitz, Townsend, Hahn, Ainsworth, Ladwig, Nass, Stone, Hines, Bies and Grothman ; cosponsored by Senator Roessler .	
05-20.	A.	Read first time and referred to committee on Judiciary	209
06-12.	A.	Public hearing held.	
06-19.	A.	Executive action taken.	
07-07.	A.	Report passage recommended by committee on Judiciary, Ayes 7, Noes 0	300
07-07.	A.	Referred to committee on Rules	300
10-21.	A.	Placed on calendar 10-23-2003 by committee on Rules.	
10-23.	A.	Read a second time	454
10-23.	A.	Laid on the table	454
10-23.	A.	Taken from the table	458
10-23.	A.	Assembly amendment 1 offered by Representatives Owens, Krusick and Staskunas (LRB a1513)	458
10-23.	A.	Assembly amendment 1 adopted	458
10-23.	A.	Ordered to a third reading	458
10-23.	A.	Rules suspended	458
10-23.	A.	Read a third time and passed	458
10-23.	A.	Ordered immediately messaged	458
10-28.	S.	Received from Assembly	448
10-28.	S.	Read first time and referred to committee on Judiciary, Corrections and Privacy	449

2004

01-23.	S.	Public hearing held.	
01-23.	S.	Executive action taken.	
01-30.	S.	Report concurrence recommended by committee on Judiciary, Corrections and Privacy, Ayes 5, Noes 0	586
01-30.	S.	Available for scheduling.	
03-31.	S.	Failed to concur in pursuant to Senate Joint Resolution 1	749

Nelson, Robert P.

From: Dicks, Jacque
Sent: Friday, October 29, 2004 12:36 PM
To: Nelson, Robert P.
Subject: Drafting Request for Representative Owens

Robert,

Here is a list of proposals that Representative Owens would like to introduce for the 2005-06 legislative session:

- Re-drafts from 2003-04 session:

- 1) AB 346, relating to garnishment of the income of a minor.

Thank you for your assistance to this request. If you have any questions, please feel free to either call or email me.

Jacque Dicks

Research Assistant
Office of Rep. Carol Owens
315 North, State Capitol; P.O. Box 8953
Madison, WI 53708
Phone # (608) 267-7990 or 1-888-534-0053
Jacque.Dicks@legis.state.wi.us

WLJ

12/6

2003 ASSEMBLY BILL 346

Lps: There are inserts to inserts.

May 20, 2003 - Introduced by Representatives OWENS, VAN ROY, JESKEWITZ, TOWNSEND, HAHN, AINSWORTH, LADWIG, NASS, STONE, HINES, BIES and GROTHMAN, cosponsored by Senator ROESSLER. Referred to Committee on Judiciary.

regen ✓

1 AN ACT *to amend* 812.30 (8), 812.44 (4) (form) and 812.44 (5) (form); and *to*
2 *create* 812.34 (2) (b) 3. of the statutes; **relating to:** garnishment of the income
3 of a minor.

Analysis by the Legislative Reference Bureau

Under current law, a person who has a civil judgment for a debt may bring an action in circuit court to garnish the earnings of the person who owes the debt. The creditor is required to comply with specified court procedures when bringing the action, including serving one earnings garnishment form upon the debtor and the other form upon the person who is the debtor's employer. Currently, the debtor may claim an exemption from the garnishment or may assert a defense against the garnishment.

Under current law, 80% of the debtor's disposable earnings (earnings left after deducting social security, federal, and state taxes) are exempt from garnishment. In addition, if the debtor's household income is below the poverty level or if the debtor is receiving needs-based public assistance, all of the debtor's earnings are exempt from garnishment. Currently, "household income" for purposes of this exemption is defined to mean the disposable income of the debtor and the debtor's dependents during the month in which the garnishment is in effect, plus any unearned income received that month by the debtor and the debtor's dependents, minus any of the debtor's earnings assigned by a family court order. The family court may order the assignment of a person's earnings for the payment of child support, family support, or maintenance.

ASSEMBLY BILL 346

are considered the debtors household income for purposes of a garnishment action

Under
§ 812.30 (2m) meaning given in § 480375 (2) (e) Emancipated minor has the

This bill includes in the definition of "household income" if the debtor is a minor other than an emancipated minor, the monthly disposable earnings of the debtor, of the parents of the debtor ^{with whom} that the debtor lives with for at least 50% of the month, and of those parents' dependents, plus the unearned income of the debtor, parents, and dependents, minus any of the earnings of the debtor and parents that are assigned by a family court. The bill, however, exempts from garnishment all of an unemancipated minor's earnings if the judgment that the creditor is seeking to satisfy is not a judgment for unpaid restitution, costs, a forfeiture, or a surcharge entered by the court assigned to exercise jurisdiction under the juvenile justice code.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SEC # 812.30 (2m) of the statutes is created to read

1 SECTION 1. 812.30 (8) of the statutes is amended to read:

2 812.30 (8) "Household income" means the disposable earnings of the debtor
3 and dependents during any month in which the garnishment is in effect, plus
4 unearned income received by the debtor and dependents in that month, less any of
5 the debtor's earnings assigned by court order under ch. 767. If the debtor is a minor,
6 other than an emancipated minor, as defined in s. 48.375 (2) (e), "household income"
7 means the disposable earnings of the debtor, of the parent that the debtor resides
8 with for at least 50% of the month, and of the parent's dependents during any month
9 in which the garnishment is in effect, plus unearned income received by the debtor,
10 the parent, and the parent's dependents in that month, less any of the debtor's and
11 the parent's earnings assigned by court order under ch. 767.

12 SECTION 2. 812.34 (2) (b) 3. of the statutes is created to read:

13 812.34 (2) (b) 3. The debtor is a minor, other than an emancipated minor, as
14 defined in s. 48.375 (2) (e), and the judgment that the creditor is seeking to satisfy
15 is not a judgment for unpaid restitution, costs, a forfeiture, or a surcharge entered
16 by the juvenile court under s. 895.035 (2m) (a) or (b).

17 SECTION 3. 812.44 (4) (form) of the statutes is amended to read:

insert 2-16

ASSEMBLY BILL 346

1 By law, you are entitled to an exemption of not less than 80% of your disposable
2 earnings. Your “disposable earnings” are those remaining after social security and
3 federal and state income taxes are withheld.

4 Your earnings are completely exempt from garnishment if:

5 1. Your household income is below the federal poverty level, or this
6 garnishment would cause that to happen. See the enclosed schedules and worksheet
7 to determine if you qualify for this exemption.

8 2. You receive aid to families with dependent children, relief funded by a relief
9 block grant under ch. 49, relief provided by counties under section 59.53 (21) of the
10 Wisconsin Statutes, medical assistance, supplemental security income, food stamps,
11 or veterans benefits based on need under 38 USC 501 to 562 or section 45.351 (1) of
12 the Wisconsin Statutes, or have received these benefits within the past 6 months.

13 3. At least 25% of your disposable earnings are assigned by court order for
14 support.

15 4. You are an unemancipated minor and the judgment that the creditor is
16 seeking to satisfy is not a judgment for unpaid restitution, costs, a forfeiture, or a
17 surcharge entered by the juvenile court under section 895.035 (2m) (a) or (b) of the
18 Wisconsin Statutes.

19 If you qualify for a complete exemption, you must give or mail a copy of the
20 enclosed debtor’s answer form to the garnishee in order to receive that increased
21 exemption.

22 If your circumstances change while the garnishment is in effect, you may file
23 a new answer at any time.

24 If you do not qualify for a complete exemption, but you will not be able to acquire
25 the necessities of life for yourself and your dependents if your earnings are reduced

ASSEMBLY BILL 346

1 by this earnings garnishment, you may ask the court in which this earnings
2 garnishment was filed to increase your exemption or grant you other relief.

3 IF YOU NEED ASSISTANCE

4 CONSULT AN ATTORNEY

5 If you have earnings that are being garnisheed that are exempt or subject to a
6 defense, the sooner you file your answer or seek relief from the court, the sooner such
7 relief can be provided. This earnings garnishment affects your earnings in pay
8 periods beginning within 13 weeks after it was served on the garnishee. You may
9 agree in writing with the creditor to extend it for additional 13-week periods until
10 the debt is paid.

11 PENALTIES

12 If you wrongly claim an exemption or defense in bad faith, or if the creditor
13 wrongly objects to your claim in bad faith, the court may order the person who acted
14 in bad faith to pay court costs, actual damages and reasonable attorney fees.

15 **SECTION 4.** 812.44 (5) (form) of the statutes is amended to read:

16 812.44 (5) (form)

17 STATE OF WISCONSIN

18 CIRCUIT COURT:.... County

19 _____
20 A.B., Creditor

21 vs.

File or Reference Number....

22 C.D., Debtor

EARNINGS GARNISHMENT

23 and

DEBTOR'S ANSWER

24 E.F., Garnishee

*Insert
8-15*

ASSEMBLY BILL 346

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To the garnishee:

My earnings are COMPLETELY EXEMPT from earnings garnishment because:

... 1. The judgment has been paid or is void.

... 2. ~~(5) (form) paragraph 2.~~ I receive, am eligible for, or have within 6 months received, aid to families with dependent children, relief funded by a relief block grant under ch. 49, relief provided by counties under section 59.53 (21) of the Wisconsin Statutes, medical assistance, supplemental security income, food stamps, or veterans benefits based on need under 38 USC 501 to 562 or section 45.351 (1) of the Wisconsin Statutes.

... 3. At least 25% of my disposable earnings are assigned for support by court order.

... 4. My household income is less than the poverty line, or this garnishment would cause that to happen.

... 4m. I am ^{not a} ~~an~~ unemancipated minor and the judgment that the creditor is seeking to satisfy is not a judgment for unpaid restitution, costs, a forfeiture, or a surcharge entered by the juvenile court under section 895.035 (2m) (a) or (b) of the Wisconsin Statutes.

... 5. I have another defense to this earnings garnishment (explain briefly).

.....
.....

I understand that if I claim a complete exemption or defense in bad faith, I may be held liable to the creditor for actual damages, costs and reasonable attorney fees.

DATE

Signature of Debtor

Address

Telephone Number

1

Date Received by Garnishee

2

(END)

**2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0619/?ins

RPM.....

insert anl:

Under current law, an earnings garnishment lasts for 13 weeks or until the debt is collected through the garnishment, whichever is less, except that for public employees, the garnishment continues until the debt is paid in full. This bill provides that the garnishment of a minor debtor who is not emancipated continues until the debt is paid in full.

**ASSEMBLY AMENDMENT 1,
TO 2003 ASSEMBLY BILL 346**

Insert 2-16

October 23, 2003 - Offered by Representatives OWENS, KRUSICK and STASKUNAS.

Lps:
Thaw
Frozen #s

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 16: after that line insert:

3 ~~SECTION 2c.~~ 812.35 (5) of the statutes is amended to read:

4 812.35 (5) Upon Except as provided in sub. (7), after being served, the
5 garnishee shall determine whether the garnishee may become obligated to the
6 debtor for earnings earned within pay periods beginning within 13 weeks after the
7 date of service. If it is unlikely that the garnishee will become so obligated, the
8 garnishee shall send a statement of that fact to the creditor by the end of the 7th
9 business day after receiving the earnings garnishment form under sub. (3). The
10 creditor shall send a copy of this statement to the court within 7 business days after
11 receipt of the statement.

12 SECTION ~~2g.~~ 812.35 (6) of the statutes is amended to read:

↓

1 812.35 (6) ~~If~~ Except as provided in sub. (7), if the garnishee may become
2 obligated to the debtor for earnings earned within pay periods beginning within 13
3 weeks after the date of service, but one or more earnings garnishments against the
4 debtor have already been served on the garnishee and not terminated, the garnishee
5 shall retain the earnings garnishment form and place the garnishment into effect the
6 pay period after the last of any prior earnings garnishments terminates. The
7 garnishee shall notify the debtor of the amount of the garnishment and shall notify
8 the creditor of the amount owed on the pending garnishments by the end of the 7th
9 business day after receipt of the garnishment form under sub. (3). If, before the
10 earnings garnishment takes effect, the garnishee determines that it is unlikely that
11 the garnishee will continue to be obligated to the debtor for earnings, the garnishee
12 shall notify the creditor and court under sub. (5) within 7 business days after making
13 that determination.

14 **SECTION 2m.** 812.35 (7) of the statutes is created to read:

15 812.35 (7) (a) If the debtor is an ^{a minor, other than} ~~un~~emancipated minor, the garnishment shall
16 continue until the amount that the creditor is seeking in the garnishment is paid in
17 full. The garnishee shall determine whether the garnishee may become obligated to
18 the debtor for earnings earned after the date of service. If it is unlikely that the
19 garnishee will become so obligated, the garnishee shall send a statement of that fact
20 to the creditor by the end of the 7th business day after receiving the earnings
21 garnishment form under sub. (3). The creditor shall send a copy of this statement
22 to the court within 7 business days after receipt of the statement.

23 (b) If the garnishee may become obligated to the debtor for earnings earned
24 within pay periods beginning after the date of service, but one or more earnings
25 garnishments against the debtor have already been served on the garnishee and not

1 terminated, the garnishee shall retain the earnings garnishment form and place the
2 garnishment into effect the pay period after the last of any prior earnings
3 garnishments terminates. The garnishee shall notify the debtor of the amount of the
4 garnishment and shall notify the creditor of the amount owed on the pending
5 garnishments by the end of the 7th business day after receipt of the garnishment
6 form under sub. (3). If before the earnings garnishment takes effect the garnishee
7 determines that it is unlikely that the garnishee will continue to be obligated to the
8 debtor for earnings, the garnishee shall notify the creditor and court under par. (a)
9 within 7 business days after making that determination.

10 SECTION ~~2p.~~ 812.40 of the statutes is amended to read:

11 **812.40 Stipulated extension.** At any time while an earnings garnishment
12 is in effect, the debtor and creditor, if the debtor is an adult or emancipated minor,
13 may stipulate in writing to an extension of the earnings garnishment for additional
14 pay periods. The extension may commence on the first day after the earnings
15 garnishment ends and shall end within 13 weeks after the last day of the last pay
16 period affected by the earnings garnishment. The garnishee shall be bound by the
17 extension if a copy of the stipulation is delivered or mailed to the garnishee, together
18 with an additional garnishee fee under s. 812.33, before the last day of the last pay
19 period affected by the earnings garnishment or any prior stipulated extension of the
20 earnings garnishment. A stipulated extension is void and the garnishee fee shall be
21 refunded if, prior to the last day of the last pay period affected by the earnings
22 garnishment, the garnishee is served under s. 812.35 (3) by a creditor seeking to
23 satisfy a different judgment against the debtor.

24 SECTION ~~2p.~~ 812.44 (3) (form) of the statutes is amended to read:

25 812.44 (3) (form)

↓ 2-16

1 STATE OF WISCONSIN
2 CIRCUIT COURT:.... County

3 _____
4 A.B., Creditor

5 vs. File or Reference Number....

6 C.D., Debtor EARNINGS

7 and GARNISHMENT

8 E.F., Garnishee
9 _____

10 THE STATE OF WISCONSIN, To the garnishee:

11 The creditor has been awarded a court judgment that has not been paid. As a
12 result, the creditor claims that a total of \$.... is owed by the debtor, as follows:

13	A. Unpaid balance on judgment	\$....
14	B. Unpaid postjudgment interest	\$....
15	C. Costs of this earnings garnishment	
16	(estimated)	\$....
17	TOTAL	\$....

18 The creditor believes that you will owe the debtor for earnings within the next
19 13 weeks, or if the debtor is an unemancipated minor, within any time. If the \$15
20 fee is tendered with these papers, you are directed by the court to do the following:

21 DETERMINE WHETHER YOU WILL
22 OWE THE DEBTOR EARNINGS

23 1. Determine if you are likely to owe the debtor for earnings in pay periods
24 beginning within the next 13 weeks, or if the debtor is an unemancipated minor,
25 within any time.

↓ 2-16

1 2. If you are not likely to owe the debtor for earnings in pay periods beginning
2 within the next 13 weeks, or if the debtor is an unemancipated minor, within any
3 time, send a statement stating that fact to the creditor by the end of the 7th business
4 day after receiving the earnings garnishment forms.

5 IF THE DEBTOR SENDS YOU AN ANSWER

6 3. Whenever you receive a debtor's answer form from the debtor, mail a copy
7 of the answer form to the creditor by the end of the 3rd business day after receipt of
8 that form. Include the date you received the answer form on the copy sent to the
9 creditor.

10 4. If the debtor's answer form claims a complete exemption or defense, do not
11 withhold or pay to the creditor any part of the debtor's earnings under this
12 garnishment unless you receive an order of the court directing you to do so.

13 MULTIPLE EARNINGS GARNISHMENTS

14 5. If the debtor's earnings are already being garnisheed when you receive this
15 earnings garnishment, place this earnings garnishment into effect the pay period
16 after the last of any prior earnings garnishments terminates. Notify the debtor of
17 the amount of the garnishment and notify the creditor of the amount owed on the
18 pending garnishments by the end of the 7th business day after you receive these
19 forms. If there are no prior pending earnings garnishments against the debtor's
20 earnings, place this earnings garnishment into effect the pay period after you receive
21 it.

22 EARNINGS GARNISHMENTS LAST 13 WEEKS,
23 EXCEPT FOR PUBLIC EMPLOYEES

24 6. The garnishment of the earnings of employees of the state of Wisconsin and
25 its political subdivisions and of unemancipated minors remain in effect until the

↓ 2-16

1 judgment is satisfied. The garnishment of earnings of other employees will affect the
2 debtor's earnings for all pay periods beginning within 13 weeks after you receive it,
3 unless the debtor's earnings are already being garnisheed. If this earnings
4 garnishment is delayed under paragraph 5, above, it will affect the debtor's earnings
5 for all pay periods beginning within 13 weeks after the first day of the pay period that
6 you put this earnings garnishment into effect. If the amount claimed by the creditor
7 is fully paid before the end of the 13 weeks, this earnings garnishment will terminate
8 at that point.

9 PAYING THE CREDITOR

10 7. Between 5 and 10 business days after each payday of a pay period affected
11 by this earnings garnishment, pay the creditor 20% of the debtor's disposable
12 earnings for that pay period. Payment is complete upon mailing.

13 EFFECT OF COURT-ORDERED

14 ASSIGNMENTS FOR SUPPORT

15 8. If the debtor has assigned his or her earnings for support by court order, those
16 support payments take priority over this earnings garnishment. If 25% or more of
17 the debtor's disposable earnings is assigned for support by court order, do not pay any
18 part of the debtor's earnings to the creditor. Instead, send the creditor a statement
19 of that fact by the end of the 7th business day after you receive these forms. If less
20 than 25% of the debtor's earnings is assigned for support by court order, the amount
21 the creditor must be paid is reduced so that the total of earnings assigned and
22 garnisheed does not exceed 25% of the debtor's disposable earnings.

23 EXTENSIONS

24 9. The debtor and creditor may agree in writing to extend this earnings
25 garnishment for additional pay periods beginning within 13 weeks after this

↓ 2-10

end of Insert 2-16
↓

1 earnings garnishment would otherwise terminate if the debtor is an adult or an
2 emancipated minor. If you receive a written extension stipulation, and an additional
3 garnishee fee for each extension, you must honor it unless a different garnishment
4 against this debtor's earnings is served upon you before the extension takes effect.
5 In that case, the extension is void and you must return the extension fee to the party
6 who paid it to you." ↑

7 **2.** Page 5, line 7: delete "This" and substitute "This If you are an adult or an
8 emancipated minor, this".

9 **3.** Page 5, line 10: after "paid." insert "If you are an unemancipated minor, this
10 earnings garnishment affects your earnings after it was served on the garnishee and
11 until the amount that the creditor is seeking in the garnishment is paid in full".

12 (END)

Not Insert B to insert 5-15

Not

Insert C to insert 5-15

LPS: Note - Print statute part had an error between 1, & 2, & in 2.

Insert 5-15

AM; 812.44 (Form)

812.44(4) (Form) (4) The notice of exemption served upon the garnishee under s. 812.35 (4) shall be in substantially the following form:

STATE OF WISCONSIN
CIRCUIT COURT:.... County

A.B., Creditor
vs.
C.D., Debtor
and
E.F., Garnishee

File or Reference Number....
EXEMPTION NOTICE
EARNINGS GARNISHMENT

To the debtor:

The creditor was awarded a judgment against you or your spouse by.... (County Circuit or Federal District) Court on the.... day of...., (year) That judgment not having been fully paid, the creditor has now filed a garnishment proceeding against your earnings from the garnishee. This means that the creditor is seeking to take some of your earnings to satisfy part or all of the judgment against you or your spouse.

The total amount of the creditor's claim is as follows:

Unpaid balance on judgment \$....
Unpaid postjudgment interest \$....

Costs:

a. Garnishment filing fee \$....
b. Garnishee fee \$....
c. Service of process (estimate) \$....

TOTAL \$....

By law, you are entitled to an exemption of not less than 80% of your disposable earnings. Your "disposable earnings" are those remaining after social security and federal and state income taxes are withheld.

Your earnings are completely exempt from garnishment if:

1. Your household income is below the federal poverty level. See the enclosed schedules and worksheet to determine if you qualify for this exemption.
2. You receive aid to families with dependent children, relief funded by a relief block grant under ch. 49, relief provided by counties under section s. 59.53 (21) of the Wisconsin Statutes, medical assistance, supplemental security income, food stamps, or veterans benefits based on need under 38 USC 501 to 562 or section 45.351 (1) of the Wisconsin Statutes, or have received these benefits within the past 6 months.
3. At least 25% of your disposable earnings are assigned by court order for support.

If the garnishment of 20% of your disposable income would result in the income of your household being below the poverty line, the garnishment is limited to the amount of your household's income in excess of the poverty line.

If you qualify for a complete exemption or for a limit on the amount of the garnishment to the amount that your household's income exceeds the poverty line, you must give or mail a copy of the enclosed debtor's answer form to the garnishee in order to receive that increased exemption.

If your circumstances change while the garnishment is in effect, you may file a new answer at any time.

If you do not qualify for a complete exemption, but you will not be able to acquire the necessities of life for

Insert

insert B ✓

yourself and your dependents if your earnings are reduced by this earnings garnishment, you may ask the court in which this earnings garnishment was filed to increase your exemption or grant you other relief.

IF YOU NEED ASSISTANCE

CONSULT AN ATTORNEY

If you have earnings that are being garnisheed that are exempt or subject to a defense, the sooner you file your answer or seek relief from the court, the sooner such relief can be provided. This earnings garnishment affects your earnings in pay periods beginning within 13 weeks after it was served on the garnishee. You may agree in writing with the creditor to extend it for additional 13-week periods until the debt is paid.

PENALTIES

If you wrongly claim an exemption or defense in bad faith, or if the creditor wrongly objects to your claim in bad faith, the court may order the person who acted in bad faith to pay court costs, actual damages and reasonable attorney fees.

insert C ✓

ASSEMBLY BILL 346

Insert A to insert 5-15

1 By law, you are entitled to an exemption of not less than 80% of your disposable
2 earnings. Your "disposable earnings" are those remaining after social security and
3 federal and state income taxes are withheld.

4 Your earnings are completely exempt from garnishment if:

5 1. Your household income is below the federal poverty level, or this
6 garnishment would cause that to happen. See the enclosed schedules and worksheet
7 to determine if you qualify for this exemption.

8 2. You receive aid to families with dependent children, relief funded by a relief
9 block grant under ch. 49, relief provided by counties under section 59.53 (21) of the
10 Wisconsin Statutes, medical assistance, supplemental security income, food stamps,
11 or veterans benefits based on need under 38 USC 501 to 562 or section 45.351 (1) of
12 the Wisconsin Statutes, or have received these benefits within the past 6 months.

13 3. At least 25% of your disposable earnings are assigned by court order for
14 support.

other than an emancipated minor

15 4. You are ~~an unemancipated~~ minor and the judgment that the creditor is
16 seeking to satisfy is not a judgment for unpaid restitution, costs, a forfeiture, or a
17 surcharge entered by the juvenile court under section 895.035 (2m) (a) or (b) of the
18 Wisconsin Statutes.

19 If you qualify for a complete exemption, you must give or mail a copy of the
20 enclosed debtor's answer form to the garnishee in order to receive that increased
21 exemption.

22 If your circumstances change while the garnishment is in effect, you may file
23 a new answer at any time.

24 If you do not qualify for a complete exemption, but you will not be able to acquire
25 the necessities of life for yourself and your dependents if your earnings are reduced

D - Note

¶ This draft includes
= Assembly And 1 to
= AB ^(SP) 346, which was
~~passed~~ adopted by
the Assembly. ①

RR

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0619/1dn
RPN:wlj:ch

December 6, 2004

This draft includes Assembly Amendment 1 to AB-346, which was adopted by the assembly.

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Northrop, Lori

From: Biermann, Joel
Sent: Wednesday, April 13, 2005 10:14 AM
To: LRB.Legal
Subject: Draft review: LRB 05-0619/1 Topic: Garnishment of a minor's income

It has been requested by <Biermann, Joel> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-0619/1 Topic: Garnishment of a minor's income