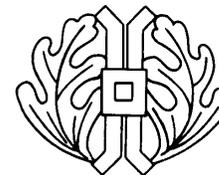


# PREVENTIVE LAW SERIES

## GARNISHMENTS



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**Garnishment of wages is a way of making deductions from a servicemember's pay.**

### **Family Support Garnishment**

Garnishment applies ONLY to pay, NOT allowances. There must be a support AND a garnishment order from the court. Garnishment can be used to obtain spousal AND/OR child support. Garnishment is required to be initiated by the military finance center immediately upon receipt of a proper court order. The servicemember can only attack the garnishment order by going to court in the state that issued the garnishment order.

The maximum amount that a garnishment can be is:

- 1) 50% if the member is supporting other family members and not 12 or more weeks in arrears
- 2) 55% if the member is supporting other family members and is 12 or more weeks in arrears
- 3) 60% if the member is not supporting other family members and is not 12 or more weeks in arrears
- 4) 65% if the member is not supporting other family members and is 12 or more weeks in arrears

Military Pay which is subject to garnishment for family support is:

- 1) Base Pay
- 2) Special Pay
- 3) Reenlistment bonuses
- 4) Incentive Pay
- 5) Accrued Leave Payments

Military Pay which is specifically excluded is:

- 1) BAH
- 2) BAS

### **Garnishment for Judgment Indebtedness**

In a garnishment for judgment indebtedness the judgment creditor must file certain affidavits with the clerk of the court. The clerk of the court or a judge will then issue a writ of garnishment to the employer. The judgement creditor will send all the relevant information to the military finance center. The military finance center will automatically deduct the amount being garnished from the servicemember's pay.

There are limitations as to the maximum amount which may be garnished but these are determined by each state.

### **Legal Assistance Appointments:**

For an appointment to see a legal assistance attorney, please contact the Legal Assistance Office, located in Building 610, Naval Air Station North Island, by telephone at (619) 545-6278

### **Resources:**

- 42 U.S.C. Sections 659-662
- 15 U.S.C. Section 1673

