

**FAIRFAX CIRCUIT COURT
GARNISHMENT SUMMONS**

Virginia Code §§8.01-511, 512, 512.3

JUDGMENT CREDITOR: _____ CL- _____ - _____

Address: _____ Phone: _____

JUDGMENT CREDITOR'S ATTORNEY: _____

Address: _____ Va. Bar #: _____

Phone: _____

Versus

JUDGMENT DEBTOR: _____

Address: _____ SSN: _____

Return Date: _____ at 9:00 a.m.

This is a garnishment against (check only one) judgment debtor's wages, salary or other compensation
 some other debt due or property of the judgment debtor specifically _____

GARNISHEE:

Address: _____ **Review Date:** _____

STATEMENT

Judgment Principal \$ _____	Maximum Portion of Disposable Earnings Subject to Garnishment
Interest _____	<input type="checkbox"/> 50% <input type="checkbox"/> 55% <input type="checkbox"/> 60% <input type="checkbox"/> 65% (If not specified, then 50%)
Judgment Costs _____	<input type="checkbox"/> State Taxes, 100%
Attorney's Fees _____	If none of the above are checked, then §34-29(a) applies.
Garnishment Costs _____	
Credits _____	<input type="checkbox"/> SUPPORT
Late Fees _____	
Total Balance Due \$ _____	The Garnishee shall rely on this amount.

Judgment Number: _____ Date of Judgment: _____

Place of Judgment: _____

TO ANY AUTHORIZED OFFICER:

You are hereby commanded to serve this summons on the judgment debtor and the garnishee.

TO THE GARNISHEE: You are hereby commanded to:

(1) file a written answer with: Circuit Court of Fairfax County, 4110 Chain Bridge Road, Fairfax, VA 22030 Attn: Civil Case Processing

OR (2) deliver payment to this court payable to "CLERK, CIRCUIT COURT,"

OR (3) appear before this court on the return date and time shown on this summons to answer the Suggestion for Summons in Garnishment of the judgment creditor that, by reason of the lien of writ of fieri facias, there is a liability as shown in the statement upon the garnishee.

As garnishee, you shall withhold from the judgment debtor any sums of money to which the judgment debtor is or may be entitled from you during the period between the date of service of this summons on you and the date for your appearance in court, subject to the following limitations:

- (1) The maximum amount which may be garnished is the "**Total Balance Due**" as shown on this summons.
- (2) You shall not be liable to the judgment creditor for any property not specified in this summons.
- (3) If the sums of money being garnished are earnings of the judgment debtor, then the provision of

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The following statement is not the law but is an interpretation of the law which is intended to assist those who must respond to this garnishment. You may rely on this only for general guidance because the law itself is the final word. (Read the law, §34-29 of the Code of Virginia for a full explanation. A copy of §34-29 is available in the Clerk's Office. If you do not understand the law, call a lawyer for help.)

An employer may take as much as 25 percent of an employee's disposable earnings to satisfy this garnishment. But if any employee makes the minimum wage or less for his week's earnings, the employee will ordinarily get to keep 40 times the minimum hourly wage.

But an employer may withhold a different amount of money from that above if:

- (1) The employee must pay child support or spousal support and was ordered to do so by a court procedure or other legal procedure. No more than 65 percent of an employee's earnings may be withheld for support;
- (2) Money is withheld by order of a bankruptcy court; or
- (3) Money is withheld for a tax debt.

"*Disposable earnings*" means the money an employee makes "*after taxes*" and after other amounts required by law to be withheld are satisfied. Earnings can be salary, hourly wages, commissions, bonuses, or otherwise, whether paid directly to the employee or not.

If an employee tries to transfer, assign or in any way give his earnings to another person to avoid the garnishment, it will not be legal; earnings are still earnings.

Financial Institutions that receive an employee's paycheck by direct deposit do not have to determine what part of a person's earnings can be garnished.

§ 34-29. Maximum portion of disposable earnings subject to garnishment.

- (a) Except as provided in subsections (b) and (b1), the maximum part of the aggregate disposable earnings of an individual for any workweek that is subjected to garnishment may not exceed the lesser of the following amounts:
 - (1) Twenty-five per centum of his disposable earnings for that week, or
 - (2) The amount by which his disposable earnings for that week exceed 40 times the federal minimum hourly wage prescribed by 29 U.S.C § 206 (a) (1) of the Virginia Minimum hourly wage prescribed by § 40.1-28.10 whichever is greater, in effect at the time earnings are payable.

In the case of earnings for any pay period other than a week, the State Commissioner of Labor and Industry shall by regulation prescribe a multiple of the federal or Virginia minimum hourly wage equivalent in effect to that set forth in this section.

- (b) The restrictions of subsection (a) do not apply in the case of:
 - (1) Any order for the support of any person issued by a court of competent jurisdiction or in accordance with an administrative procedure that is established by state law, affords substantial due process, and is subject to judicial review.
 - (2) Any order of any court of bankruptcy under Chapter XIII of the Bankruptcy Act.
 - (3) Any debt due for any state or federal tax.
- (b1) The maximum part of the aggregate disposable earnings of an individual for any workweek that is subject to garnishment to enforce any order for the support of any person shall not exceed:
 - (1) Sixty percent of such individual's disposable earnings for that week; or
 - (2) If such individual is supporting a spouse or dependent child other than the spouse or child with respect to whose support such order was issued, 50 percent of such individual's disposable earnings for that week.

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The 50 percent specified in clause (2) shall be 55 percent and the sixty percent specified in subsection (1) shall be 65 percent if and to the extent that such earnings are subject to garnishment to enforce an order for support for a period that is more than 12 weeks prior to the beginning of such workweek.

- (c) No court of the Commonwealth and no state agency or officer may make, execute, or enforce any order or process in violation of this section.

The exemptions allowed herein shall be granted to any person so entitled without any further proceedings.

- (d) For the purposes of this section:
 - (1) The term "**earnings**" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, payments to an independent contractor, or otherwise, whether paid directly to the individual or deposited with another entity or person on behalf of and traceable to the individual, and includes periodic payments pursuant to a pension or retirement program,
 - (2) The term "**disposable earnings**" means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld, and
 - (3) The term "**garnishment**" means any legal or equitable procedure through which the earnings of any individual are required to be withheld for payment of any debt.
- (e) Every assignment, sale, transfer, pledge or mortgage of the wages or salary of an individual that is exempted by this section, to the extent of the exemption provided by this section, shall be void and unenforceable by any process of law.
- (f) No employer may discharge any employee by reason of the fact that his earnings have been subjected to garnishment for any one indebtedness.
- (g) A depository wherein earnings have been deposited on behalf of and traceable to an individual shall not be required to determine the portion of such earnings that are subject to garnishment.