



Money that cannot be taken from you (“garnished”) to pay off a debt

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- ❖ Read this *only* if you live in Washington State.
 - ❖ You can find all the fact sheets we link to here at [WashingtonLawHelp.org](https://www.washingtonlawhelp.org).
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Should I read this?

Yes, if you are having a hard time paying debts and you think a person or company you owe might sue you.

You might be worried that whoever sues you can take money or property from you (“garnish” you).

What will I learn from reading this?

You will learn which types of income and property the law protects from garnishment by creditors (person or company you owe).

They cannot take certain funds from you to pay off a debt, even one a court says you owe. These funds are “**exempt**”.

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- ❖ There are a few exceptions to these exemptions for child support, federal student loans, and some other debts to the federal government.
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What income is exempt?

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- ❖ These are general exemptions. Every case is different. Talk to a lawyer about your situation.
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These types of income or money **cannot** be taken from you to pay off a debt:

- Social Security disability and retirement benefits (unless you owe child support, federal student loans, or a federal tax debt)

- Supplemental Security Income (SSI) benefits
- Temporary Assistance for Needy Families (TANF) benefits (state welfare)
- Aged, Blind, or Disabled (ABD) benefits (state disability)
- Unemployment Compensation (unless you owe child support)
- VA (Veteran's Administration) benefits (with some exceptions for money you owe the government or for support)
- Federal student loans
- Child support you receive
- Most pensions
- Money in your bank account:
 - \$2,500 is exempt if your only judgment is for private student loan debt
 - \$2,000 is exempt if the judgment you are 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)

Some of the money in a bank account is **automatically protected from garnishment**. The bank cannot take this amount from your account when it gets a writ of garnishment.

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- ❖ Most garnishments are judgments for **consumer debt**. These include debts from credit cards, doctor bills, hospital bills, utility bills, phone bills, personal loans from a bank or credit union, debts owed to a landlord or former landlord, or any other debt for personal, family, or household purposes.
 - ❖ **DO NOT PUT ANY MONEY OTHER THAN SOCIAL SECURITY OR VA BENEFITS IN A BANK ACCOUNT if you can help it.**
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Even though some or all the money in your account may be exempt from garnishment, the bank may freeze the money in your account **above** the following 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 are 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)

❖ **Example:** You have \$1,700 in your bank account. The bank gets a writ of garnishment from the 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. However, you **must** file an exemption claim form to get the extra \$700 released to you. Read [How to Claim Personal Property Exemptions](#).

A bank account garnishment can cause bounced checks, overdraft fees, and other bank charges. You must file an exemption claim form right away to get the exempt money returned to your account.

Most pensions are exempt from garnishment even after you receive them. However, some are not. **Do not have pension checks direct deposited into a bank account, if you can help it.** See if the pension fund can mail checks directly to your home.

If a creditor tries to take money from your bank account, call CLEAR at 1-888-201-1014 for help. Also, read [How to Claim Personal Property Exemptions](#).

How much of my wages are exempt?

It depends on what the debt or judgment was for.

Consumer Judgments:

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

- \$507.15 weekly (35x the state minimum hourly wage, which is \$14.49/hour)

- \$1,014.30 every 2 weeks
- \$1,098.83 twice a month
- \$2,197.65 monthly

Even if you earn more than these amounts, you may still keep 35x 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:

- \$877.00 weekly (50x the highest minimum hourly wage in the State, which is \$17.54/hour)
- \$1,754.00 every 2 weeks
- \$1,900.17 twice a month
- \$3,800.33 monthly

Even if you earn more than these amounts, you may still keep 50x 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 may still keep 35x the federal minimum wage or 75% of your net pay, whichever is more.

Child Support:

- 50% of your net pay is protected from garnishment

Should I get my paycheck by direct deposit?

No. You should not do this. Wages are exempt from garnishment at the time your employer pays you. If you cash your check and put the money in a bank account, or if your employer pays you by direct deposit, a creditor may claim that the funds are no longer exempt as wages.

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- ❖ Never give creditors permission to withdraw money from your bank account.
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Should I keep my money in an account at a bank I owe money to?

No. Your deposit bank can take money from your bank account to pay what you owe them.

Examples: Do not have a savings or checking account at a bank where you have one of the bank's credit cards, or where you owe on a loan.

My creditor has sued me over a debt I owe. What should I do?

Talk with a lawyer right away.

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- ❖ Do not ignore court papers!
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Even if your income and assets are exempt from garnishment, you should still fill out a Declaration Regarding Income and Assets Exempt from Garnishment form to file with the court. It will show that the creditor cannot take your income and assets. Read [When Should I File a Declaration of Exempt Income and Assets](#).

I received an order to attend Supplemental Proceedings. What should I do?

You **must** comply with (follow) the order. Read [Supplemental Proceedings](#).

Get Legal Help

- **Apply online** with [CLEAR*Online](#) - nwjustice.org/apply-online
- **Facing a legal issue in King County** (other than Eviction or Foreclosure)? Call 2-1-1 (or toll-free 1-877-211-9274) weekdays 8:00 am - 6:00 pm. They will refer you to a legal aid provider.
- **Facing a legal issue outside of King County** (other than Eviction or Foreclosure)? Call the CLEAR Hotline at 1-888-201-1014 weekdays between 9:15 am - 12:15 pm or apply online at nwjustice.org/apply-online.
- **Facing Eviction?** Call 1-855-657-8387.
- **Facing Foreclosure?** Call 1-800-606-4819.
- **Seniors (age 60 and over)** with a legal issue outside of King County can also call CLEAR*Sr at 1-888-387-7111.
- **Deaf, hard of hearing or speech impaired callers** can call any of these numbers using the relay service of your choice.

CLEAR and 2-1-1 will provide interpreters.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

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