

How to Stop Wage Garnishment

Each state has its own debt collection laws with respect to how much and when your paycheck or your bank account can be garnished. The federal law, however, has set minimum guidelines that state debt collection laws cannot infringe upon.

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§ 301. Findings and purpose

(a) The Congress finds:(1) The unrestricted garnishment of compensation due for personal services encourages the making of predatory extensions of credit. Such extensions of credit divert money into excessive credit payments and thereby hinder the production and flow of goods in interstate commerce.(2) The application of garnishment as a creditors' remedy frequently results in loss of employment by the debtor, and the resulting disruption of employment, production, and consumption constitutes a substantial burden on interstate commerce.(3) The disparities among the laws of the several States relating to garnishment have, in effect, destroyed the uniformity of the bankruptcy laws and frustrated the purposes thereof in many areas of the country.(b) On the basis of the findings in subsection (a) of this section, the Congress determines that the provisions of this title are necessary and proper for the purpose of carrying into execution the powers of the Congress to regulate commerce and to establish uniform bankruptcy laws.

§ 302 Definitions

For the purposes of this title:

(a) The term "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program.

(b) 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.

(c) 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.

§ 303. Restriction on garnishment

(a) Except as provided in subsection (b) and in section 305, the maximum part of the aggregate disposable earnings of an individual for any workweek which is subjected to garnishment may not exceed

(1) 25 per centum of his disposable earnings for that week, or

(2) the amount by which his disposable earnings for that week exceed -thirty times the Federal minimum hourly wage prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938 in effect at the time the earnings are payable, whichever is less.

In the case of earnings for any pay period other than a week, the Secretary of Labor shall by regulation prescribe a multiple of the Federal minimum hourly wage equivalent in effect to that set forth in paragraph (2)-(b)(1) The restrictions of subsection (a) do not apply in the case of

(A) any order for the support of any person issued by a court of competent jurisdiction or in accordance with an administrative procedure, which is established by State law, which affords substantial due process, and which is subject to judicial review.

(B) any order of any court of bankruptcy under chapter XIII of the Bankruptcy Act.

(C) any debt due for any State or Federal tax.

(2) The maximum part of the aggregate disposable earnings of an individual for any work week which is subject to garnishment to enforce any order for the support of any person shall not exceed

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WJ Hussar



Michigan Stop Debt Collection With Exemption Manual:

The Michigan Justice's Guide and Criminal Law Joseph W. Donovan, 1888 **Township Officer's Guide** , 1926

Complete Guide to Federal and State Garnishment Amorette Nelson Bryant, 2016-09-01 Complete Guide to Federal and State Garnishment provides much needed clarity when the federal and state laws appear to conflict You ll find plain English explanations of the laws and how they interact as well as the specific steps you and your staff need to take to respond to the order properly Numerous detailed examples and mathematical calculations make it easy to apply the law under different scenarios Written by Amorette Nelson Bryant who was recently appointed by the Uniform Law Commission as an observer for the Drafting Committee on a Wage Garnishment Act and was a past chair of both the APA GATF Child Support Subcommittee and Garnishment Subcommittee Complete Guide to Federal and State Garnishment brings the payroll professional up to date on the latest federal and state laws and regulations affecting this ever changing area It is your one stop source for answers to critical questions such as Does the amount exempt from garnishment change when the minimum wage goes up How do I determine the wages to which the garnishment applies If an employee is subject to more than one garnishment which has priority Which state s rules do I use when I receive a child support order sent from another state State or federal law which applies for creditor garnishment and support Are there alternatives to remitting withheld child support via EFT EDI How do I handle garnishments when employees are paid a draw against salary **Complete Guide to Federal and State Garnishment, 2016 Edition** Amorette Nelson Bryant, 2015-09-16 Complete Guide to Federal and State Garnishment provides much needed clarity when the federal and state laws appear to conflict You ll find plain English explanations of the laws and how they interact as well as the specific steps you and your staff need to take to respond to the order properly Numerous detailed examples and mathematical calculations make it easy to apply the law under different scenarios Written by Amorette Nelson Bryant who was recently appointed by the Uniform Law Commission as an observer for the Drafting Committee on a Wage Garnishment Act and was a past chair of both the APA GATF Child Support Subcommittee and Garnishment Subcommittee Complete Guide to Federal and State Garnishment brings the payroll professional up to date on the latest federal and state laws and regulations affecting this ever changing area It is your one stop source for answers to critical questions such as Does the amount exempt from garnishment change when the minimum wage goes up How do I determine the wages to which the garnishment applies If an employee is subject to more than one garnishment which has priority Which state s rules do I use when I receive a child support order sent from another state State or federal law which applies for creditor garnishment and support Are there alternatives to remitting withheld child support via EFT EDI How do I handle garnishments when employees are paid a draw against salary Complete Guide to Federal and State Garnishment 2016 Edition brings you up to date on the latest federal and state laws and regulations affecting this ever changing area Highlights include The revised income withholding order for support and an explanation of

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