

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.

[301. Findings and purpose.](#)

[302. Definitions.](#)

[303. Restriction on garnishment.](#)

[304. Restriction on discharge from employment by reason of garnishment.](#)

[305. Exemption for State-regulated garnishments.](#)

[306. Enforcement by Secretary of Labor.](#)

[307. Effect on State laws.](#)

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

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employers Updated Debt Inquiry Service chart Why you may be receiving more orders to withhold for past due child support
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Table of Contents Michigan Stop Debt Collection With Exemption Manual

1. Understanding the eBook Michigan Stop Debt Collection With Exemption Manual
 - The Rise of Digital Reading Michigan Stop Debt Collection With Exemption Manual
 - Advantages of eBooks Over Traditional Books
2. Identifying Michigan Stop Debt Collection With Exemption Manual
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Michigan Stop Debt Collection With Exemption Manual
 - User-Friendly Interface
4. Exploring eBook Recommendations from Michigan Stop Debt Collection With Exemption Manual
 - Personalized Recommendations
 - Michigan Stop Debt Collection With Exemption Manual User Reviews and Ratings
 - Michigan Stop Debt Collection With Exemption Manual and Bestseller Lists
5. Accessing Michigan Stop Debt Collection With Exemption Manual Free and Paid eBooks
 - Michigan Stop Debt Collection With Exemption Manual Public Domain eBooks
 - Michigan Stop Debt Collection With Exemption Manual eBook Subscription Services
 - Michigan Stop Debt Collection With Exemption Manual Budget-Friendly Options
6. Navigating Michigan Stop Debt Collection With Exemption Manual eBook Formats

- ePub, PDF, MOBI, and More
- Michigan Stop Debt Collection With Exemption Manual Compatibility with Devices
- Michigan Stop Debt Collection With Exemption Manual Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Michigan Stop Debt Collection With Exemption Manual
 - Highlighting and Note-Taking Michigan Stop Debt Collection With Exemption Manual
 - Interactive Elements Michigan Stop Debt Collection With Exemption Manual
- 8. Staying Engaged with Michigan Stop Debt Collection With Exemption Manual
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Michigan Stop Debt Collection With Exemption Manual
- 9. Balancing eBooks and Physical Books Michigan Stop Debt Collection With Exemption Manual
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Michigan Stop Debt Collection With Exemption Manual
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Michigan Stop Debt Collection With Exemption Manual
 - Setting Reading Goals Michigan Stop Debt Collection With Exemption Manual
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Michigan Stop Debt Collection With Exemption Manual
 - Fact-Checking eBook Content of Michigan Stop Debt Collection With Exemption Manual
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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