

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
CRIMINAL DEPARTMENT

WAGE & NON-WAGE_GARNISHMENT PROCEDURES HAVE CHANGED EFFECTIVE

JANUARY 1, 2001

Wage garnishments will not need to be issued every 30 days. Garnishments will now need to be in new packet form.

NON-WAGE garnishments will still need to be issued every 30 days, but will need to be in new packet form.

You must provide all copies, **INCOMPLETE PACKETS WILL BE RETURNED TO YOU**. Please print legibly or type forms.

NUMBER OF COPIES NEEDED FOR EACH PACKET:

2 Request for Garnishment
3 Order for Garnishment
3 Return of Service
2 Answer of Garnishee
1 Instruction Sheet

Once you receive the **Return of Service Form**, you will be responsible for providing a **Notice of Hearing** form to the defendant. Form included in packet.

Once a garnishment has been paid in full or answer indicates employee was terminated or never employed, a **Release of Garnishment** needs to be filed with the court. Form provided with packet.

A **Satisfaction of Judgment** must be filed with the court. A copy must also be sent to the Defendant. Form provided in packet.

EFFECTIVE JULY 1, 2011

There will be a \$12.50 surcharge added to each garnishment processed.

If your garnishment is to be served outside of Wyandotte County, you need to contact the Sheriff of the county it's to be served in, find out what their service fee is and include a separate check or money order for that amount.

Prepared by:

Filer's name, SC#

Filer's address

Case Number _____

Filer's phone number

Attorney for Judgment Creditor _____

In the District Court of Wyandotte County, Kansas

Judgment Creditor

Pursuant to Chapter 61 of Kansas Statutes Annotated

Type of Service Requested: _____ by _____

**REQUEST FOR GARNISHMENT
(To Attach Earnings)**

The judgment creditor requests that the court issue an Order of Garnishment (To Attach Other Than Earnings) for the judgment debtors listed below in the amount of the judgment(s) shown below.

<u>Case No.</u>	<u>Judgment Debtor Name & Address</u>	<u>Garnishee's Name & Address</u>	<u>Judgment Amount*</u>
_____	_____	_____	\$ _____
_____	_____	_____	
_____	_____	_____	

The purpose of the Garnishment is _____.

The judgment amount is the current balance due and may also include costs, fees, interest and any other items included in the judgment.

I hold a good faith belief that the party to be served with this garnishment order has, or will have, assets of the judgment debtor(s).

Dated: _____, 20__

Judgment Creditor or Attorney Signature SC#

{If applicable, include the following:

This is a communication from a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.}

Note: If this form is filed on paper, you must submit copies in a number equal to the number of requests for garnishment.

Prepared by:

Filer's name, SC#

Filer's address

Filer's phone number

Attorney for Judgment Creditor

In the District Court of Wyandotte County, Kansas

Judgment Creditor name

vs.

Case No. _____

Judgment Debtor name

Judgment Debtor address

Garnishee name

Garnishee's address

Garnishee's county

Type of Serve Requested: _____ by _____

Pursuant to Chapter 61 of Kansas Statutes Annotated

ORDER OF GARNISHMENT
(To Attach Earnings)

To the above-named Garnishee:

The amount of the unsatisfied balance under this judgment, as of the date this Order is issued, is: \$ _____.

Complete the attached Answer under penalty of perjury as set forth in the instructions. The attached Instructions to Garnishee are incorporated by reference. You are ordered as a garnishee to follow the attached instructions as if they were set forth in this Order.

This order of garnishment has the effect of attaching the nonexempt portion of the judgment debtor's earnings for all pay periods which end while the order is in effect. The order takes effect the day it is served on you. This order of garnishment is a continuing order and remains in effect until the judgment against the judgment debtor has been paid or the garnishment is released, whichever occurs sooner.

This order also constitutes an order of the court directing the garnishee to pay to the judgment creditor all earnings which are to be withheld under this order. You are ordered to withhold and pay the earnings in accordance with the attached instructions.

If you are indebted to the judgment debtor, complete the attached Answer under penalty of perjury as set forth in the instructions.

If you fail to comply with the terms of this order and the attached instructions, the judgment creditor may file a motion for judgment against you for the amount of judgment against the judgment debtor or such other amount as the court shall order, including the expenses and attorney fees of the judgment creditor. If you fail to make payment of funds as required under this order and the attached instructions, the judgment creditor may file a motion for judgment against you for contempt or such amount as the court shall order, including the expenses and attorney fees of the judgment creditor.

Dated this ____ day of _____, 20__.

BY ORDER OF THE COURT

Signature or Seal

{If applicable, include the following:

This is a communication from a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.}

Prepared by:

Filer's name, SC#

Filer's address

Filer's phone number

Attorney for Judgment Creditor

In the District Court of Wyandotte County, Kansas

Judgment Creditor name

vs.

Case No. _____

Judgment Debtor name

Judgment Debtor address

Garnishee name

Garnishee's address

Garnishee's county

Pursuant to Chapter 61 of Kansas Statutes Annotated

**ANSWER OF GARNISHEE
(To Attach Earnings)**

To the above-named Garnishee:

1. If the judgment debtor (employee) was never employed by you or terminated employment before the first day of the prior month for which this answer is made, complete the following section and sign and date the answer at the bottom and send to the judgment creditor(s) and judgment debtor as instructed below.

The Judgment debtor (employee) [Check one of the following]:

 terminated employment on _____, 20

 was never employed.

2. If the above paragraph does not apply you must complete the rest of the Answer Form.

3. Read carefully the attached Instructions to Garnishee.

4. You must complete this answer within 14 days following the date the initial garnishment order is served on you. Only one answer needs to be completed under this garnishment for each judgment debtor and you may duplicate the completed answer in any manner you desire for distribution to the judgment creditor(s) and judgment debtor.

5. This answer covers all pay periods which end within 14 days following the date the garnishment order is served on you. Indicate the pay periods covered under this answer:

start date: _____

end date: _____

6. The normal pay period for employee is (designate one):

weekly every two weeks semi-monthly monthly .

7. Total gross earnings due for the pay period or periods covered by this answer are:

..... \$ _____.

8. Amounts required by law to be withheld for the pay period or periods covered are:

(1) Federal FICA (includes social security tax and medicare tax \$ _____.

(2) Federal income tax \$ _____.

(3) State income tax \$ _____.

(4) Railroad Retirement Tax \$ _____.

TOTAL DEDUCTIONS \$ _____.

(Deduct only those items listed above)

9. Disposable earnings for the pay period or periods covered are: \$ _____.

(7 minus 8)

See the attached Instructions to Garnishee to determine amount of disposable earnings to be withheld.

10. I am subtracting from the disposable earnings in 9 pursuant to an income withholding order for support the amount of \$ _____.

11. I am subtracting from the disposable earnings in 9 pursuant to a lien which has priority over garnishments under the law the following amount: type of lien _____

..... \$ _____.

12. In accordance with the instructions accompanying this answer form, I have determined that the amount which may be paid to employee is \$ _____.

13. I am holding from the amount in 12 an administrative fee in the amount of . \$ _____.

See attached Instructions to Garnishee for amount of the administrative fee that can be retained.

14. After paying to the employee the amount stated in 12 less the administrative fee in 13, and deducting any amount shown in 10 and 11, I am holding the remainder of the employee's disposable earnings in the amount of \$ _____.

15. If I do not receive an objection to this Answer within 14 days after I deliver it to all parties entitled to a copy, I will promptly pay the amount held in 14 to the following judgment creditors, unless I receive prior to such payment an order of the court to the contrary:

Case No.	Name	Address	Amount
A. _____	_____	_____ _____ _____	\$ _____
B. _____	_____	_____ _____ _____	\$ _____
C. _____	_____	_____ _____ _____	\$ _____
D. _____	_____	_____ _____ _____	\$ _____

I will continue to withhold earnings as long as the garnishment order remains in effect. As the earnings are withheld, I will promptly pay thereafter the earnings as they are withheld to the judgment creditors entitled thereto, unless I receive prior to such payment an order of the court to the contrary.

Judgment Debtor Name & Address: _____

If more space is needed, attach separate sheet.

Pursuant to K.S.A. 53-601, as amended, I declare under the penalty of perjury that the foregoing is true and correct.

EXECUTED on _____, 20 ____.

Garnishee

THIS COMPLETED ANSWER OF GARNISHEE MUST BE SENT TO ALL OF THE JUDGMENT CREDITORS LISTED ABOVE AND TO THE JUDGMENT DEBTOR. DO NOT SEND TO CLERK OF THE DISTRICT COURT.

**INSTRUCTIONS TO GARNISHEE
(To Attach Earnings - Chapter 61)
Effective July 1, 2010**

Attached to these instructions is the Answer form and a form entitled Written Explanation of Garnishee's Computation of Earnings Withheld (called hereafter "Written Explanation form").

You must complete the attached Answer form within 14 days following the date the initial order of garnishment is served on you. You only need to complete one Answer form for this garnishment. You should complete the attached Written Explanation form for each payroll period which comes due after the garnishment order is served on you. The garnishment order served upon you is a continuing order and shall remain in effect until the judgment against the judgment debtor has been paid or the garnishment is released, whichever occurs sooner. As long as the garnishment order remains in effect, you must continue to withhold money from the wages of the judgment debtor in accordance with these instructions and the garnishment order. Each time you do payroll for the judgment debtor, complete the attached Written Explanation form for the pay period covered by the payroll, and retain a copy of the form with your normal payroll records. **You do not need to furnish a copy of the Written Explanation form unless you are requested to do so.**

More than one order of garnishment may be served on you against the same judgment debtor. If more than one order is served on you, you need only complete one Written Explanation form for each pay period, and retain the original with your normal payroll records.

The Answer form and Written Explanation form are provided for your convenience in furnishing the required information. They are designed so that you may prepare these forms in conjunction with the preparation of your payroll. If you do not choose to use the attached forms, the forms you use must contain at least the same information contained on the attached forms and your answer must be signed under penalty of perjury. If you are requested to furnish a written explanation of your computation, you must sign your explanation under penalty of perjury.

Here are the instructions to complete the attached forms:

1. Earnings are defined as compensation for personal services, whether called wages, salary, commission, bonus or otherwise.

A. Answer Form. Complete the Answer form for all pay periods which end within 14 days following the date the initial order of garnishment is served on you.

B. Written Explanation Form. Complete the Written Explanation form for each pay period which ends after the garnishment order is served on you. You should complete the form as you do your normal payroll for the judgment debtor for each pay period.

2. If the order of garnishment states at the top of the order that it is issued for the purpose of enforcing (1) an order of any court of bankruptcy under chapter XIII of the federal bankruptcy act or (2) a debt due for any state or federal tax, you must retain in your possession until further order of the court all of the disposable earnings for all pay periods ending during the month. If this paragraph applies, sign and date the form at the bottom and send a copy to all judgment creditors who have a garnishment in effect on the date you sign the form.

3. If the order of garnishment states at the top of the order that it is issued for the purpose of enforcing an order of any court for child support or spousal support, you must retain in your possession until further order of the court 50% of the disposable earnings for all pay periods ending during the month, or such greater percentage as may be indicated in paragraph A in the table below in paragraph 7. If this paragraph applies, sign and date the form at the bottom and send a copy to all judgment creditors who have a garnishment in effect at the end of the month and to the judgment debtor.

4. If paragraphs 2 or 3 do not apply, continue to paragraph 5.

5. If you are withholding money from the judgment debtor=s earnings under an income withholding order, complete paragraph 10 of the form.

6. If you are withholding money from the judgment debtor=s earnings under any other lien which has priority over garnishments under the law, complete paragraph 11 of the form.

7. Compute the amount of earnings which may be withheld from the earnings of the judgment debtor (your employee) and complete paragraphs 12, 13 and 14 of the Answer form in accordance with the following table:

DISPOSABLE EARNINGS TABLE

<p>Employee paid weekly Disposable Earnings: Withhold: Less than 217.51 \$0.00 \$217.51 to 290.00 all over \$217.50 \$290.01 and over 25% of total disposable earnings</p>	<p>Employee paid every two weeks Disposable Earnings: Withhold: Less than 435.01 \$0.00 \$435.01 to 580.00 all over \$435.00 \$580.01 and over 25% of total disposable earnings</p>
<p>Employee paid semimonthly (twice per month) Disposable earnings: Withhold: Less than 471.26 \$0.00 \$471.26 to 628.33 all over \$471.25 \$628.34 and over 25% of total disposable earnings</p>	<p>Employee paid monthly Disposable earnings: Withhold: Less than 942.51 \$0.00 \$942.51 to 1256.67 all over \$942.50 \$1256.68 and over 25% of total disposable earnings</p>

NOTE: The numbers used in this paragraph are illustrative only and must be adjusted to comply with K.S.A. 60-2310.

A. SUPPORT ORDERS. If the person seeking the garnishment for court ordered support desires to garnish more than 50% of disposable earnings, that person may request in writing to the clerk of the court to check one of the below applicable percentages:

- 55% Employee also supports a spouse or dependent child not covered by this support order and payments are 12 weeks overdue.
- 60% Employee does not support a spouse or dependent child and payments are not 12 weeks overdue.

65% Employee does not support a spouse or dependent child and payments are 12 weeks overdue.

Any disposable earnings remaining after payment of the above amounts shall be retained until further order of the court.

B. **ADMINISTRATIVE FEE:** From income due the employee, you may withhold and retain to defray your costs an administrative fee of \$10 for each pay period for which income is withheld, not to exceed \$20 for each 30-day period for which income is withheld, whichever is less. Such administrative fee shall be in addition to the amount required to be withheld under the order for garnishment. If the addition of this fee causes the total amount withheld to exceed the amount you are to withhold pursuant to the instructions above, the fee shall be deducted from the amount withheld.

8. Complete paragraph 15 by listing the case number, name and address for all judgment creditors who have a garnishment in effect against the judgment debtor on the date you complete the attached forms. Compute the amount to be paid to each judgment creditor. For example, if there is only one judgment creditor, pay all to that one; if there are two judgment creditors, pay each one-half ($\frac{1}{2}$); if there are three judgment creditors, pay each one-third ($\frac{1}{3}$); etc. This allocation should be followed even if some or all of the garnishments were in effect for less than the entire pay period.

9. Answer Form and Written Explanation Form.

A. **Answer Form**. Sign and date the Answer form under penalty of perjury on the line provided at the bottom of the form and deliver a copy to all judgment creditors listed in 15 and to the judgment debtor. You may deliver a copy by regular mail, fax transmission, electronic mail, personal delivery, or any other reliable delivery method. If you do not receive an objection to the Answer within 14 days after you have delivered it, promptly pay the earnings withheld as indicated on the Answer to all judgment creditors designated on the Answer in the amount due each creditor as indicated on the Answer, unless you receive prior to such payment an order of the court to the contrary.

B. **Written Explanation Form**. Complete the form for each pay period for the judgment debtor as you do your normal payroll. Retain the original of the form with your normal payroll records. You do not need to furnish this form to anyone unless requested to do so. If requested to furnish a copy of this form, make a copy from the original to furnish in response to the request. As long as the garnishment order is in effect, continue to pay the earnings withheld as they are withheld, to the judgment creditors indicated on the form, unless you receive prior to such payment an order of the court to the contrary.

Prepared by:

Filer's name, SC#

Filer's address

Filer's phone number

Attorney for Judgment Creditor

In the District Court of Wyandotte County, Kansas

Judgment Creditor name

vs.

Case No. _____

Judgment Debtor name

Judgment Debtor address

Garnishee name

Garnishee's address

Garnishee's county

Pursuant to Chapter 61 of Kansas Statutes Annotated

**TO BE DELIVERED BY THE JUDGMENT CREDITOR TO THE JUDGMENT DEBTOR
IN ANY REASONABLE MANNER IMMEDIATELY FOLLOWING SERVICE OF THE
GARNISHMENT ORDER ON THE GARNISHEE.**

NOTICE TO JUDGMENT DEBTOR
(earnings garnishment)

You are hereby notified that the court has issued an order in the above case in favor of (name and address of judgment creditor), the judgment creditor in this proceeding, directing that some of your personal earnings, now in the possession of your employer, be used to satisfy some of your debt to the judgment creditor instead of being paid to you. This order was issued to enforce the judgment obtained by the judgment creditor against you in this case on _____, 20 ____.

This order, called a garnishment order, requires your employer to withhold a certain amount from your earnings each pay period until your debt to the judgment creditor is satisfied or the order is released by the judgment creditor or set aside by the court.

The laws of Kansas and the United States provide that you have a right to be paid a certain amount of your personal earnings regardless of the claims of your creditors. In general, this amount is 75% of your earnings after federal and state taxes, social security, and any other deductions required by law are taken out. If the debt is for child support or the support of any other person, the protected amount is less, ranging from 35% to 50%. In addition, if your earnings are less than 30 times the federal minimum hourly wage for each week in the pay period, all of your earnings should be paid to you.

On each normal payday you should receive a paycheck for the amount your employer calculates you are entitled to receive by law. Your employer should furnish you with a written explanation of how the amount of your paycheck was calculated with the check.

If you believe that too much of your earnings have been withheld from your paycheck, you may request a hearing before this court.

If you were prevented from working at your regular job for two weeks or more because you or a member of your family were sick, your earnings may not be garnished for two months after recovery from such illness. You do not need to ask for a hearing to assert this right if it applies to you. All you need to do is to file an affidavit with the court setting out the facts about the illness and how it prevented you from working. If the garnishment order is not released after you file this affidavit, you may ask for a hearing.

In order to request a hearing, you should fill out the form at the bottom of this notice and obtain from the clerk of the court or the court a date and time for the hearing, and file the form with the clerk of the court at (address of court). Immediately after the request for hearing is filed, you shall hand deliver a copy of the request for hearing to the judgment creditor or judgment creditor's attorney, if judgment creditor is represented by an attorney, or mail a copy of the request for hearing to the judgment creditor or judgment creditor's attorney, if judgment creditor is represented by an attorney, by first-class mail at the judgment creditor's, or judgment creditor's attorney's, last known address. You should ask for this hearing as soon as possible, but no later than 14 days after this notice is served on you.

If you ask for a hearing, the court will hold a hearing no sooner than 7 nor later than 14 days from the date it receives your request. At the hearing, you should present any evidence you have in support of our position. The burden is on you to prove that some or all of your income subject to the garnishment is exempt. You may wish to consult an attorney to represent you at this hearing.

Wyandotte County Courthouse -Limited Actions Dept 710 N 7th St Kansas City, Ks 66101

(Name and address of court)

Case No. _____

REQUEST FOR HEARING

I request a hearing because the money or property which is being garnished by the judgment creditor is exempt because it is

(reason property or money is exempt)

Name of Judgment Debtor Signature of Judgment Debtor

Address Date

City, State, Zip Code

Telephone No.

THIS PART SHALL BE COMPLETED BY CLERK OF THE DISTRICT COURT:

The hearing requested shall be held on the _____ day of _____, 20____,
at _____ o'clock (am or pm) in Division _____.

Certificate of Service

I delivered a copy of the above request for hearing to the judgment creditor or judgment creditor's attorney, if the judgment creditor is represented by an attorney, by hand-delivery or first-class mail in the following manner and at the following address, on the date shown below:

(name of judgment creditor or judgment creditor's attorney)

(address of judgment creditor or judgment creditor's attorney)

(manner delivered--hand-delivery or first-class mail)

(date delivered)

Signature of Judgment Debtor