

Can money be taken out of my pay if I owe money to a creditor?

Yes, but only if the creditor sues you and wins. If that happens, the creditor will get a court order called a *wage execution* (also called a *wage garnishment* or *wage attachment*) that will make your employer take money from your paycheck to pay back your debt. In some cases, your earnings may be protected (or *exempt*) and cannot be taken out of your pay. There are also legal limits on how much of your wages can be taken out of your pay.

Money should **not** be taken out of your pay if you are getting state benefits (welfare) and working under a work incentive or similar program. If you think your earnings are protected, you must tell the court or money will be taken from your pay.

How will I find out that money will be taken out of my pay?

Your employer must give you a copy of the wage execution order as soon they get it from the court. Money cannot be taken from your pay until 20 days from the date of service written on the wage execution form. If possible, try to get help from a lawyer soon after you get the wage attachment papers.

How much can be taken from my pay?

As soon as you get the wage attachment form, make sure your employer is not taking too much out of your pay. Ask your employer to show you how it calculated the amount.

You must be left with whichever is greater:

- ▶ at least \$384 (in 2016), or
- ▶ 75% of your take-home pay.

If your weekly take-home pay is \$384 or less (this amount is calculated by multiplying 40 times the minimum wage), nothing may be taken out of your pay. The rules are different if the wage execution is for child support.

What can I do if I can't afford it or my wages are protected?

If you can't afford to pay the debt, you can ask the court for a modification to lower the amount.

If your wages are *protected*, you can ask the court for an *exemption*.

A court hearing will then be held. You may want to get a lawyer if you didn't get wage attachment papers from your employer or you don't owe the debt.

How do I ask for a court hearing?

1. Fill out and file the *Exemption & Modification form* (JD-CV-3a). Your employer should have given you this form along with the wage execution order. You have 20 days from the *Date of Service* written on the wage execution form before any money can be taken out of your pay.

- ▶ **If you file within the 20-day period**, no money will be taken out of your pay until a hearing is held and a judge makes a decision.
- ▶ **If you file after the 20-day period**, the amount of the wage execution ordered by the court will be taken out of your pay. This amount will continue to be taken until
 - a hearing is held and a judge orders another amount,
 - you and the creditor come to an agreement, or
 - until the debt is paid off.

2. Get ready for the court hearing. You should prepare to tell the judge why you need less money taken out of your pay or why your wages are exempt. Before your hearing, write down a budget that shows how much money you need to support yourself and your family. Explain the size of your family, your debts, and any unusual expenses.

Can I be fired or disciplined for having wage attachments?

Unless you have **more than seven wage attachments** in a calendar year, you cannot be fired or disciplined just because your wages were attached. For more information, see the other legal aid booklets:

- ▶ *Debt Collection – Know Your Rights*
- ▶ *Are You Thinking about Bankruptcy?*

Special Rules for Child Support

The court order to take money from your paycheck to pay for child support that you owe is called a *withholding order for support* or a *child support order*. The rules for child support are different than for other debts.



How much can they take from my pay?

- ▶ **If you take home less than \$145 per week**, you must be left with at least 85% of that take-home pay per week. For example, if you take home \$100 per week, you must be left with at least \$85.00 per week.
- ▶ **If you take home \$145 or more per week**, you must be left with at least \$123.25 of your take-home pay per week.

The judge will explain these minimum amounts at a court hearing. If you are not at the hearing, a notice must be sent by certified mail to your last known address.

What can I do if I want to keep more of my paycheck?

You can ask for a court hearing **within 15 days** of getting the notice from the court and say that

- ▶ you haven't been left with the minimum amount explained above;
- ▶ your wages are exempt; or
- ▶ you don't owe any money, aren't past due, or shouldn't have money taken from your pay.

To ask for a court hearing, fill out the court form called *Notice and Claim Form Support Income Withholding* (JD-FM-68). You can get the forms at most courthouses, all Court Service Centers, or online at <http://www.jud.ct.gov/webforms/forms/fm068.pdf>. Give your completed form to the Family Court clerk.

- ▶ Sometimes only **part** of the child support amount that you owe is taken from your pay. You will **still owe the rest** of the child support order unless a court reduces the amount of the order.
- ▶ **If your income is too low to pay the order**, you should think about asking the court to change the child support order. For more information, see the legal aid booklet: *Questions & Answers for the Parent who Pays Child Support*.

Are you 60 or over? If yes, free legal assistance is available. If you have a debt collection or other consumer problem, please call

Consumer Law Project for Elders

1-800-296-1467

Call SLS for help if you are under 60.

Statewide
Legal Services
of Connecticut, Inc.

Statewide Legal Services
1-800-453-3320
860-344-0380

Search our website for help.



www.ctlawhelp.org

This flyer was produced by Connecticut Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Association, and Statewide Legal Services of Connecticut.

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