

## **Garnishments**

When a judgment is made on a Civil or Small Claims case and the losing party does not pay, the winning party has the option of filing bank or earnings garnishment proceedings to collect the money they are awarded. Garnishment is a process which lets the creditor claim and take a debtor's money that is currently being held by a third party.

Garnishments are either for personal earnings or other than personal earnings. Personal earnings are for wages from an employer. Other than Personal Earnings is a bank, saving and loan, credit union or someone holding money in an account that belongs to the debtor.

### **Personal Earnings**

To begin the process of a wage garnishment, a "Notice of Court Proceedings to Collect Debt" must be mailed to the debtor using a certificate of mail or some other method that shows proof of mailing. The Creditor must wait 15 days after mailing this notice before a wage garnishment can be filed. You can then file the wage garnishment with the clerk's office. Bring a copy of the Notice and the proof of mailing and the clerk will provide you with the garnishment form. The appropriate payment will be required for this filing. Please see the Civil Costs for the amount. Once the garnishment is approved by the judge, the clerks' office will start the garnishment process.

Under Ohio garnishment law, which became effective March 30, 1999, a garnishment on wages can remain in effect until the judgment is paid in full. The only way the wage garnishment does not remain in effect until the judgment is paid in full is if the garnishee receives a subsequent garnishment order for a different creditor against the same debtor, or receives a garnishment of higher priority. A garnishment of higher priority can be a garnishment from a court of higher jurisdiction, a child support order, a tax levy, etc. If a subsequent garnishment order is filed, then the current order will remain for a period of 182 days from the date of order. If this does happen, then the creditor can start the garnishment proceeding all over again to set your garnishment in order to be collected from the debtor.

### **Other than Personal Earnings**

To begin this type of garnishment proceedings, you can complete the necessary forms at the clerk's office. Please note that unlike the wage garnishment, there is no notice to the judgment debtor to collect the debt. These types of garnishments can be processed immediately upon the proper forms being completed and the appropriate costs paid to the clerk's office. Once the garnishment is approved by the judge, the clerks' office will start the garnishment process.

**PLEASE BE ADVISED THAT THE COURT STAFF CANNOT HELP WITH FINDING INFORMATION REGARDING A JUDGEMENT DEBTOR (EITHER IN THE FORM OF AN EMPLOYER OR A BANKING INSTITUTION). THIS RESPONSIBILITY IS SOLELY THE JUDGEMENT CREDITORS'.**

## **Hearing for the Garnishee**

At any point in the process, the garnishee may request a hearing before the Judge concerning their garnishment. No facts about the original claim are reviewed at this hearing; they are strictly designed to cover payment of the judgment. To request a hearing, the garnishee may complete a garnishment hearing request form and file it in the clerk's office. Both parties will then be notified as to the time and date of the hearing.