

## GARNISHMENT PROCESS & FEES

Questions? Refer to Chapter 812, Subchapter II, Wis. Stats.

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1. There are two types of garnishment actions and forms:
  - A. Non-Earnings Garnishment (bank account, etc.) and
  - B. Earnings Garnishment (wages, etc.)(CCAP) [wicourts.gov](http://wicourts.gov) > forms>Circuit Court > Civil
  
2. Both garnishment form packets can be purchased at the Dane County Law Library (lower level of court house) or downloaded from the Wisconsin Court System website under Circuit Court Small Claims or Civil Forms page. Instructions tell you which forms to serve and where. The current fee is \$92.50 if the amount claimed is equal to or less than \$10,000; and \$210.50 if the amount claimed is greater than \$10,000.
  
3. **Non-Earnings Garnishment Process:**
  - A. Call 608-283-4885 to get small claims date and time if e-filing. Paper file complete the non-earnings garnishment form (SC-301/CV-301), file with the clerk, paying the filing fee.
  - B. Make Copies for service in law library for a fee. Bring back to Clerks office.
  - C. Service on the defendant and garnishee defendant (\$3.00 check made payable to garnishee Defendant ) Personal Service is required on all parties under Chapter 801, WI Stats. The principal defendant shall be served no later than 10 days after service on the garnishee. NOTE: If the garnishee defendant is located outside of Wisconsin, you may wish to contact them to ask if they will honor an out-of-state garnishment. May require you to docket and file the garnishment in their state there. Be sure to file the proof of service affidavit and costs with the court prior to the answer date.
  - D. The garnishee defendant can either send a check directly to the creditor (you) or answer (SC-302) stating the amount of money they are holding, if any.
    - If the garnishee defendant is holding money, the creditor must appear on the answer date to provide service documents, costs and to get an order from the court staff releasing the funds. No telephone appearances will be allowed.
    - If the garnishee defendant does not answer, the creditor must appear on the answer date to provide service documents and costs and to obtain a judgment against the garnishee defendant for failure to answer. No telephone appearance allowed.
    - If the garnishee defendant pays you the funds directly, the court must be notified in writing in advance of the answer date. You must include a copy to the defendant and the garnishee defendant. Upon written notification, court staff will cancel the appearance date and dismiss the garnishment.
    - Garnishee defendant files an answer stating it is not holding money; you do not need to appear and may wish to pursue another collection method.
  - E. The debtor can file (SC-303) Debtors Answer if the Debtor feels monies being discharged should not be. The Creditor (you) would file form (SC-304) Creditors Objection to Answer(s) and Demand for Hearing Non-Earnings Garnishment if you do not agree with Debtors answer.
  - F. E-filing a non-earnings garnishment:  
<https://www.wicourts.gov/ecourts/efilecircuit/docs/howtofilenonearningsgarnishment.pdf>  
This is located on [wicourts.gov](http://wicourts.gov) > eFile/eCourts > circuit court eFiling > Support box > Browse user guides and video tutorials > eFiling on an existing case > e-filing a non-earnings garnishment on an existing case
  
4. **Earnings Garnishment Process:** Instructions form SC-6070, Law Library has Garnishment packet for a fee
  - A. Complete the Earnings Garnishment Notice (CV-421) file or efile, pay the filing fee.
  - B. Complete the Earnings Garnishment (CV-422) form. 2 copies needed or e –file.
  - C. Make copies in the law library for a fee. Bring back to Clerks office.
  - D. Provide 1 copy CV-422 to the garnishee and the Garnishee Answer to Creditor (SC-518). Pay Garnishee \$15 fee and any stat. fees required. Within 60 days of filing CV-421 with court.
  - E. Service by sheriff or process server, by first class mail or certified mail with return receipt

requests or you may personally deliver the papers to the garnishee if they sign a receipt.

- F. Serve 1 copy of CV-422 and all documents on the debtor. CV- 423,424, 426, 427 within 60 days of filing the Earnings Garnishment Notice but not more than 7 days after garnishee served, at least 3 days before next payday. Garnishment is good for 13 weeks unless debtor agrees to continued withholding in writing. Must renew every 13 weeks add cost to debtors owed amount. The first 80% of the debtor's disposable earnings are exempt from garnishment. All earnings may be exempt in some cases.
- G. When the federal, state, or other political entity is the employer, garnishments will continue until the judgment debt is satisfied. Employer will deduct a \$3 fee from each garnishment payment made to a creditor after the first payment.
- H. Garnishment for all other employers will affect the debtor's earnings for all pay periods falling within the 13 weeks AFTER the garnishment is served on the employer.