

INSTRUCTIONS TO GARNISHEE (To Attach Earnings)

You must complete the Answer form which accompanies these instructions on or before the 15th day of each month. You must complete the Answer form for all pay periods which end during the prior month for that portion of the employee's earnings which is not exempt from wage garnishment. Earnings are defined as compensation for personal services, whether called wages, salary, commission, bonus or otherwise.

The garnishment order takes effect on the day it is served on you. If there is only one garnishment in effect against the judgment debtor, for the first month it is in effect, the order covers all pay periods which end on or after the day the order takes effect. For each subsequent month, the order covers all pay periods which end during each month.

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 is in effect, you must complete an Answer form for each month.

More than one order of garnishment may be served on you against the same judgment debtor. If more than one order is in effect at the end of the month, you need only complete one Answer for that month, but you must send a copy of it to all judgment creditors who have garnishment orders in effect at the end of the month, and a copy to the judgment debtor (your employee). You may duplicate the Answer form in any manner you desire. You may send a copy to each judgment creditor and the judgment debtor by regular mail, fax transmission, electronic mail, personal delivery, or any other reliable delivery method.

The Answer form is provided for your convenience in furnishing the required information. It is designed so that you may prepare your answer in conjunction with the preparation of your payroll. Wait until the end of the prior month and apply the tests set forth in these instructions to the entire earnings of the employee during the month, completing your answer in accordance with these instructions. If you do not choose to use the Answer form provided, your answer, under penalty of perjury shall contain at least the same information contained on the Answer form provided.

Here are the instructions to complete the Answer form:

1. For all pay periods for the judgment debtor (your employee) which end during the prior month, complete paragraphs 5 through 9 of the form. For the first month the first garnishment is in effect, make your computations for all pay periods which end on and after the day this order takes effect. After that, make your computations for all pay periods which end during the prior month.
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 at the end of the month and to the judgment debtor.
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 D 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

<u>Employee paid weekly</u> Disposable Earnings:		Withhold:		<u>Employee paid every two weeks</u> Disposable Earnings:		Withhold:	
Less than 175.51		\$0.00		Less than 351.01		\$0.00	
\$175.51 to 234.00		all over \$175.50		\$351.01 to 468.00		all over \$351.00	
\$234.01 and over		25% of total disposable earnings		\$468.01 and over		25% of total disposable earnings	
<u>Employee paid semimonthly (twice per month)</u> Disposable earnings:				<u>Employee paid monthly</u> Disposable earnings:			
Less than 380.26		\$0.00		Less than 760.51		\$0.00	
\$380.26 to 507.02		all over \$380.25		\$760.51 to 1013.98		all over \$760.50	
\$507.03 and over		25% of total disposable earnings		\$1013.99 and over		25% of total disposable earnings	

NOTE: The numbers used in this paragraph are illustrative only and must be adjusted to comply with K.S.A. 60-725.

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 month 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 at the end of the prior month. 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 (1/2); if there are three judgment creditors, pay each one-third (1/3); etc. This allocation should be followed even if some or all of the garnishments were in effect for less than the entire month.

9. 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.

10. If you do not receive an objection to the Answer within 10 days after you have delivered it, send a check to the judgment creditors listed in 15 for the amount due each as shown in 15.