# SAFE DEPOSITS

## HOW TO PROTECT FAMILY BANK ACCOUNTS FROM DEBT COLLECTORS

NCLC National Consumer Law Center
*Fighting Together for Economic Justice*

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National Consumer Law Center
*Fighting Together for Economic Justice*

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Since 1969, the nonprofit National Consumer Law Center® (NCLC®) has used its expertise in consumer law and energy policy to work for consumer justice and economic security for low-income and other disadvantaged people, in the United States. NCLC's expertise includes policy analysis and advocacy; consumer law and energy publications; litigation; expert witness services; and training and advice for advocates. NCLC works with nonprofit and legal services organizations, private attorneys, policymakers, and federal and state governments and courts across the nation to stop exploitive practices, help financially stressed families build and retain wealth, and advance economic fairness.

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## I. INTRODUCTION

Families in the United States are in crisis. Household debt has soared to historic levels–over $18 trillion as of September 2025. Credit card balances rose by $24 billion just from June to September. At the same time, debt collection lawsuits have surged to pre-pandemic highs. With each new collection suit that is filed, another family becomes vulnerable to seizure of their breadwinner's wages, the family bank account, the family car, their home, and, in many states, their household goods. These pressures make states' exemption laws —protections against debt collectors' seizure of a family's income and property—all the more important.

**Household debt has soared to historic levels—over $18 trillion as of September 2025. Credit card balances rose by $24 billion just from June to September.**

One protection in particular—a protection against cleaning out a family's bank account—looms especially large. In states without such a protection, seizure of a family's bank account can mean that the money for rent, food, transportation to work, and utility bills is gone. If the breadwinner's paycheck was directly deposited, it may be gone in its entirety, even though state and federal laws prevent an employer from being required to turn over more than a certain percentage of a worker's pay to a debt collector.

Happily, many states provide an exemption for some amount in a bank account. However, these laws vary greatly from state to state, with some states providing just a minimal protection, such as $300.

Moreover, in many states the protection exists only on paper. In many states the procedures and forms that a person must navigate to claim the exemption are so obscure, complicated, burdensome, and poorly explained that few families ever succeed in obtaining the protection. And, even if they ultimately succeed in claiming the protection, in the meantime their account is frozen, making it impossible for them to pay expenses and causing any outstanding checks to bounce.

These barriers are entirely unnecessary. This report shows that states can, and should, create an automatic, self-executing protection for a family's bank account. All states should require banks to automatically protect a certain amount (we recommend $3,000) in a bank account regardless of its source and without the need for any action on the part of the account holder–a self-executing bank account protection. So far, 13 states (CA, CT, DE, MA, MD, NM, NV, NY, OH, OR, PA, WA, WI) have adopted a self-executing protection for some dollar amount in a bank account, demonstrating that this approach is reasonable, doable, and effective.

This report first describes bank account garnishment, how it works, and the role that debt, collection suits, and seizure of debtors' income and property play in perpetuating and widening the racial wealth divide. After outlining its methodology, the report then:

- **Analyzes the many problems with the states' existing bank account garnishment procedures** that NCLC found through its research, a 50-state questionnaire, and interviews,
- **Discusses the benefits of making state bank account exemptions self-executing,**
- **Details the laws, rules, and court forms in thirteen states that currently achieve this goal**, and
- **Provides tips on drafting court forms and a set of recommendations for the states.**

Appendices provide the verbatim language of state laws that make a bank account exemption self executing; several samples of court forms; and a 50-state set of summaries of state bank account exemption statutes and procedures.

**Our key recommendation is a simple flat amount that is automatically protected in every bank account.**

Our key recommendation is **a simple flat amount that is automatically protected in every bank account.** To replace the hodgepodge of complex laws that all too often do not benefit the average worker and frustrate banks that struggle to comply, states should enact a protection with three key elements:

- **A FLAT AMOUNT SUFFICIENT TO COVER RENT AND OTHER NECESSITIES:** While the optimal number may vary from state to state, $3,000 is a good starting point to make sure families are not driven into homelessness by an old debt and can continue to eat and pay for medicine.
- **SELF EXECUTING:** Because the current laws are complex and many people do not even know they are being sued until their wages or bank accounts are emptied, the protection must be applied automatically, so banks know not to freeze or garnish any amount under $3,000 in an account.
- **FUTURE PROOF BY INDEXING TO INFLATION:** As the affordability crisis has made clear, prices can be expected to increase over time. An effective bank account protection must go up periodically to continue to protect the rent money and funds for other necessities.


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# II. WHAT IS BANK ACCOUNT GARNISHMENT AND HOW DOES IT WORK?

## What is Garnishment?

Garnishment is a process that a creditor can invoke if it has gone to court and won a ruling that someone owes money to it. The creditor is then termed a ***judgment creditor***, because it has won a judgment against the debtor, and the debtor is termed a ***judgment debtor***.

Once the creditor has won that judgment, it has the right to use the court system to seize income and property belonging to the judgment debtor. In many states this is referred to as executing on the judgment. When the property is in the control of a third party, as is the case with an account at a bank or credit union (referred to generically as a "bank account" in this report), the execution procedure used is usually called ***garnishment*** (although some states refer to that procedure as trustee process, attachment, levy, or some other term). While garnishment can be used to collect some other types of debt, such as family support obligations and taxes, those debts are often governed by other laws, and this report focuses just on garnishment to repay consumer debts.

## How Bank Account Garnishments Are Initiated

How a judgment creditor institutes a bank account garnishment varies from state to state. In some states, the judgment creditor petitions the court to issue a garnishment order. In other states, the judgment creditor does not need a court order, but can simply instruct the sheriff to issue garnishment papers to the bank. In yet other states, the judgment creditor itself can institute the garnishment procedure just by giving notice to the bank, without involving the court or a sheriff at all.

## Immediate Freeze on Judgment Debtor's Bank Account, with a Narrow Exception for Recently-Deposited Federal Benefits

Once a bank or other financial institution receives garnishment papers, this report refers to it as a ***garnishee bank***. State law generally requires a garnishee bank to freeze the judgment debtor's account immediately upon receipt of the garnishment papers, preventing the judgment debtor from accessing these funds. This is so even in the states that provide that some part of the deposited amount is exempt. Freezing the account can be disastrous for a family, with outstanding checks and debits bouncing and no access to money to pay for transportation, food, rent, or child care.

Federal law requires the bank to protect two months of electronically deposited Social Security, Supplemental Security Income, and VA benefits, and allow the judgment debtor uninterrupted access to these deposits. However, it does not require the bank to protect benefits that were deposited more than two months before the bank received the garnishment order. Nor does federal law require the bank to protect any other type of deposit, including, for example, a working family's wages or a pension other than Social Security.

### Complex and Burdensome Procedures for Judgment Debtors

Most states require the judgment debtor to be informed about the garnishment soon after the bank freezes the account. If state law provides that some amount in a bank account is exempt from garnishment, the notice to the judgment debtor may provide some information about how to assert this exemption. However, as described later in this report, the complexity, the burdensome nature, and the short time limits for asserting an exemption mean that in many states few judgment debtors succeed in doing so.

## III. WEAK EXEMPTION LAWS EXACERBATE THE RACIAL WEALTH DIVIDE

Weak exemption laws exacerbate existing inequities in debt, entrench the racial wealth divide, and enable predatory behavior by debt collectors. A study by the Urban Institute based on extensive credit report data shows that communities of color (defined as zip codes where at least 50 percent of the population is "African American, Hispanic, Asian or Pacific Islander, American Indian or Alaska Native, another race other than white, or multiracial") are disproportionately burdened by debt and have more debt in collections when compared to majority non-Hispanic white communities.

The rate of filing collection lawsuits shows the same pattern. For example, a 2022 Michigan study showed that the rate of filing debt collection cases against people living in majority Black communities was two to three times higher than case filings against people living in majority non-Hispanic white communities. While the filing rate decreased with increasing income for people living in majority white communities, the filing rate remained fairly consistent across incomes for people living in majority Black communities.

As a 2019 study in St. Louis found, the number of debt collection judgments is also disproportionately higher in majority Black neighborhoods. In that study, the 40% increase in numbers of debt collection judgments in majority Black neighborhoods persisted even after controlling for differences in incomes and credit scores.


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Not only are there more judgments against residents of Black communities, but the Michigan study mentioned above documented that there were also more garnishments issued per judgment in Black than white neighborhoods. Specifically, it showed that garnishments (of all types, including both wages and bank accounts) were issued on eligible judgments 15% more frequently in majority Black neighborhoods than in majority white neighborhoods. Another study, focused only on wage garnishment, supports the same conclusion.

## IV. METHODOLOGY

The National Consumer Law Center (NCLC) began this project by reviewing, analyzing, and summarizing the laws, court rules, and court forms in each state that would impact whether a state had a general, self-executing bank account exemption. However, what a statute protects on its face can be very different from how the statute operates on the ground, in light of court rules, court forms, and local practice.

We therefore identified at least one local advocate—an attorney with a legal services program or in private practice who was representing consumers in debt collection cases and was familiar with the state's execution laws—in each state and sent a questionnaire to that person. The questionnaire asked about the accuracy of our summary of the state's laws, court rules, and court forms. It also asked several questions about the use of bank account garnishment in the state and the extent to which judgment debtors were succeeding in claiming bank account exemptions:

- **How frequently do you find creditors target debtors' bank accounts compared to their wages or other assets?**
- **In your experience, how often do debtors file a claim of exemption for a bank account?**
- **Have you seen specific problems that impede debtors' ability to claim an exemption for a bank account without legal assistance?**

We received responses from advocates in 45 states and the District of Columbia–all states except Hawaii, Louisiana, Oklahoma, Utah, and Wyoming.

NCLC followed up with local advocates by phone or email as necessary to ensure that we understood the way that bank account garnishment worked in the state and the issues with it. Our questions ranged from what an arcane term like "service in hand" meant, to what the fees charged by the courts were, to whether or not a process to levy on a bank account even existed in a state. We also asked a number of local advocates to review revisions we made to our summaries.

We also interviewed staff from two banks – one a leading nationwide bank and the other a smaller community bank that operates in Pennsylvania and Maryland – who are responsible for implementing bank account garnishments they receive for depositors' accounts. We explored with them what difficulties they encounter in implementing bank account garnishments; what court rules, forms, or procedures make the process work better or worse from the bank's point of view; and their perspectives on making bank account exemptions self executing .

## V. THE MANY PROBLEMS WITH STATE BANK ACCOUNT GARNISHMENT PROCEDURES

Our research, our questionnaire, and our interviews revealed a host of problems with state bank account garnishment rules and procedures.

### Short Deadlines

One problem identified by a number of respondents was short deadlines for responding to a bank garnishment. A Kansas respondent commented that "debtors only have 14 days to request a hearing, which is a very short amount of time to try to find an attorney or get in touch with us." (Kansas also does not have any sort of exemption that can be used for general funds in a bank account, making it particularly difficult for debtors to evaluate their options without professional advice). A Colorado respondent commented that consumers get notice "too close to the end" of that state's 14-day response period. They "[r]arely understand [the notice] or miss 14 days by [the] time they get notice."

Nebraska's deadlines are particularly harsh. Nebraska Form CC 3:8B, Notice to Judgment Debtor, states that the judgment debtor "must file a claim of exemptions and request for hearing with the court within 3 business days of receiving this notice," and that a judgment debtor who fails to do so may lose the right to claim the exemption. This deadline is particularly onerous since Nebraska is one of the states that requires a judgment debtor to list all their assets and their value (and designate which ones the judgment debtor claims as exempt). A legal services attorney in the state reported, "the 3-day objection makes it very hard for clients to object timely. It is sometimes hard to even schedule an appointment with an attorney within 3 business days."

Making a bank account exemption self-executing would largely moot the problem of an overly short deadline, since there would be no need to file a claim to obtain the exemption. A state would still probably need to give the judgment debtor a deadline for claiming any exemption that applied to funds in excess of the automatically protected amount, but there would be no need for a short deadline.


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## Insufficient Instructions for the Judgment Debtor

Court forms with incomplete or outdated instructions about how to assert an exemption also impair the judgment debtor's ability to assert exemptions in many states. For example, the Alabama court system provides a standard form that *pro se* judgment debtors (i.e., those who have no legal representation) can use to assert exemptions. However, the Alabama exemption that is most likely to be applicable to a bank account is a $9,400 "wildcard" exemption—one that is not limited to a particular category of property but can be used to protect property of the judgment debtor's choice. The form includes a set of checkboxes that list reasons a judgment debtor can assert to stop a bank account garnishment, but it does not mention this exemption. According to an Alabama advocate, the result is that, unless they consult an attorney, most people do not know they can claim up to $9,400. Similarly, the Arizona court system provides a form and instructions for judgment debtors facing garnishment, but neither document identifies the $5,400 exemption for a bank account.

## Overly Complicated Forms, Written in Legalese

Failure to use simple English is also a problem. For example, a respondent from Colorado reported that judgment debtors "rarely understand" the notice they receive, including failure to realize that a "depository account" is a bank account. This problem was echoed by respondents in a number of other states: Alaska ("the paperwork is too complicated"); Montana ("not understanding the exemption claim"); North Dakota ("Lack of easy-to-use forms, information, and knowledge to navigate"); South Dakota ("lack of instructions to debtors, lack of *pro se* forms"); Vermont ("no clear procedures/instructions/court practices"); Virginia (the forms that must be filed "are nearly impossible for nonlawyers"); Washington ("the process is overall very confusing for consumers and rarely used").

A significant advantage of a self-executing bank account exemption is that, while forms instructing the bank how to proceed will still be necessary, it will be possible to simplify the forms instructing the judgment debtor how to claim exemptions. In many cases, a low-balance bank account will be entirely protected, making it unnecessary to give the judgment debtor any instructions at all (although it still may be helpful to explain to the judgment debtor why their account was exempt). In other cases, the judgment debtor will only need instructions about how to assert exemptions beyond the automatically protected amount. Not only will

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judgment debtors be assured of receiving the protection that the legislature created, but the judicial system will also save time and money by not having to adjudicate judgment debtors' entitlement to the exemption.

## Complex, Burdensome Procedures

The lack of clear, simple instructions for claiming exemptions is only part of the problem. In many states, the procedures for claiming exemptions are so complex and burdensome in and of themselves that it would be difficult to write clear and simple instructions. Many of the state advocates who responded to our questionnaire cited the complexity of exemption procedures and a general lack of knowledge about the bank account garnishment rules as impediments to judgment debtors. For example, a respondent from Nevada stated "Most debtors (around 90%) do not file claims of exemption. … Awareness is the biggest problem. Most debtors don't know they can claim an exemption." Respondents even cited instances when banks gave judgment debtors incorrect information.

One of the most striking examples of unnecessarily complex and burdensome procedures are forms that several states require judgment debtors to file, listing and valuing all their property, in order to assert an exemption. These states include Nebraska (Neb. Rev. Stat. § 25-1552), North Dakota (N.D. Cent. Code § 32-09.1-22), South Dakota (S.D. Codified Laws § 21-19-10), Tennessee (Tenn. Code Ann. § 26-2-114), and West Virginia (W. Va. Code § 38-8-3).

North Dakota illustrates how burdensome such a requirement can be. Demonstrating the minuscule level of detail that is expected, a form created by the state legal services program includes six pages of instructions and eight pages for the judgment debtor to list personal property and the claimed value of each item, including "area rugs," "cooking utensils," "night stands," and "children's toys." West Virginia makes its requirement even more burdensome by requiring the document to be notarized.

A 2025 report regarding debt collection in Hamilton County, Tennessee observes:

> The consumer receives a copy of the [Writ of Garnishment form] only after the bank has withheld the funds in the account. This court form contains dense legal text on both sides, providing only a short notice to the debtor about potential exemptions. The form does not tell the consumer how to request any exemptions or where to find the "Protected Income and Assets (Affidavit of Claim Exemptions)" form.
>
> Consumers who are aware of this $10,000 protection need to navigate a complex process to properly complete the form. At the outset, they need to identify the correct form, which can be found at the courthouse or on the court's website. They then


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need to read through detailed single-spaced instructions and obtain copies of all unpaid judgments entered against them. After the form is complete, the consumer needs to have it notarized by a notary or clerk, make copies, file the original with the clerk, and mail a copy to each creditor with a judgment against them.

Requirements like these are likely to prevent a high percentage of judgment debtors from obtaining the protection that the exemption law appears to promise. Indeed, the 2025 report shows that fewer than 1% of judgment debtors in Hamilton County filed the form (a "Sworn Denial" form) necessary to claim the wildcard exemption.

Making a state's bank account exemption automatic would make these complex procedures unnecessary, and would ensure that judgment debtors and their families obtained the benefit the legislature intended when it created the exemption. It would also relieve the judicial system of the obligation to resolve exemption claims.

## Advance Filing Requirements

In most states, there is a deadline for filing an exemption claim that runs from the date the judgment debtor is notified of the garnishment. In at least one state, Tennessee, the opposite is true. Under Tenn. Code Ann. § 26-2-114, a judgment debtor must exercise the state's $10,000 wildcard exemption by filing the required list of all the items the judgment debtor chooses to declare as exempt *before* any garnishment or other execution is served. This is a harsh, burdensome, and unnecessary procedure. It is no wonder that so few judgment debtors in Tennessee succeed in claiming this important exemption.

Requiring the filing to occur in advance also means that, when a garnishment is actually served, the judgment debtor's exemption claim is almost certain to be out of date—the judgment debtor's car has likely depreciated in value or been repossessed, the judgment debtor may have discarded or replaced old household goods, and the amount in the judgment debtor's bank account is likely to have changed.

Making an exemption self-executing would mean that a judgment debtor no longer had to file documents–whether in advance or at the time of the garnishment–to assert the protection. It would also relieve courts of the burden of accepting advance filings. Many of these advance filings probably end up serving no purpose even in when filed. For example, if the judgment creditor collects the debt by wage garnishment rather than by seizing a bank account or some other asset that an exemption would protect, the exemption filing never ends up serving any purpose.

## Requirement to Attend Hearings

In states without a self-executing protection for general funds in a bank account, attendance at a hearing is typically required if the judgment creditor does not agree with the judgment debtor's exemption claim. And in some states, such as Illinois, a judgment debtor can claim an exemption only by appearing at a hearing.

Having to attend a hearing can put an enormous burden on a financially struggling debtor. For example, a Virginia advocate stated, "Elders and others with mobility concerns or low-income people with limited transportation access struggle to get to court to claim their exemptions." A Nebraska respondent cited "transportation to the court house" as one of the many burdens that impede judgment debtors' ability to claim exemptions in that state. An Illinois advocate stated "most debtors do not show up to the citation hearing unless they have legal aid." These observations are consistent with the many studies that have shown that debt collectors obtain default judgments against a majority of the individuals they sue for debts.

Remote participation in hearings by video creates its own barriers. Barely half of low-income individuals—a group that is particularly likely to be subject to debt collection—have access to broadband at home. Thirty percent of adults aged 65 or older, 30% of Black adults, 29% of Hispanic adults, and 29% of adults in rural areas do not have broadband at home.

Making a bank account exemption self-executing is likely to eliminate the need for judgment debtors to request or attend hearings to claim the exemption. The result will be a fairer system that removes a significant burden from struggling debtors. To the extent that judgment debtors were succeeding in navigating the process to claim exemptions, this reform may also relieve overcrowded court dockets.

## Filing Fees

Another problem that exacerbates dysfunction in a state's system for protecting judgment debtors' basic income and assets is a requirement in some jurisdictions that a judgment debtor pay a filing fee to file an exemption claim. For example, the District of Columbia court system provides a Motion for Claim of Exemption and Request for Hearing that states that the judgment debtor must pay a $10 fee to file the motion. A form that the Tennessee court system makes available for judgment debtors to move to quash a garnishment or assert exemption rights states that the judgment debtor may have to pay a filing fee. As an example, the fee schedule for Shelby County (Memphis) lists a $54 fee for filing this motion. Among the many obstacles in Virginia, an advocate cited "you have to prepare [the exemption claim] without a form, you must pay a fee and file it where deeds are filed, you must get proof it was filed, and you must go to court with your proof on the court date."


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In some of these jurisdictions, the judgment debtor who is unable to pay may be able to petition for a waiver of the fee, but there is no excuse for even requiring such a fee in the first place. Fees of this sort stand in the way of justice.

Fees for filing exemption claims are just part of a larger problem of requiring alleged debtors to pay fees to defend themselves in court. For example, until October 1, 2025, Illinois courts required defendants in small claims cases to pay appearance fees simply to appear and defend against the claim. The alleged debtor had to go through a separate petition process to seek a waiver of the fee. And the fees were not insignificant – the appearance fee was $150 in Cook County (Chicago), $109 in Adams County, and $109 in Madison County. In April 2025, the state supreme court banned these fees, effective October 1, 2025 – an example that other states should follow.

A self-executing bank account exemption would relieve the court of any obligation to resolve judgment debtors' exemption claims, making it unnecessary for the judgment debtor to pay fees.

## VI. THE SOLUTION: A SELF-EXECUTING BANK ACCOUNT EXEMPTION

The problems and barriers cited above show that, all too often, protections for a basic amount in a family's bank account exist only on paper. Recognizing this, in recent years a number of states have moved to make this protection self-executing. These reforms have been initiated not just by state legislatures, but also by the court system itself—demonstrating the broad recognition of their benefit both for judgment debtors and for the administration of justice.

The federal government, too, has recognized the necessity of making protections for judgment debtors' bank accounts self-executing. In 2011, a group of federal agencies led by the U.S. Department of the Treasury announced a new rule creating an automatic protection for certain federal benefits, such as Social Security, that are direct-deposited into a judgment debtor's bank account. Even though federal law makes Social Security and other similar federal benefits immune from seizure for most purposes except child support, the agency had found that creditors were invoking court procedures to seize those funds once they were deposited. Upon receipt of the garnishment order, the bank would freeze the judgment debtor's access to the funds. Many beneficiaries were left with no income to live on, and all their outstanding checks and debits—for rent or anything else—would bounce. To reverse the freeze and keep the funds from being turned over permanently to the debt collector, the judgment debtor had to navigate the court system and prove the source of the funds—a daunting process in many states.

However, the Treasury rule only protects accounts that recently received electronically deposited exempt federal benefits such as Social Security and then only protects two months of those deposits. It provides no protection for electronically deposited wages, state pension payments, tax refunds, or any other kinds of funds in a bank account. It does not even protect Social Security funds in an account if they were not electronically deposited–for example, if the benefits were electronically deposited into a checking account and the judgment debtor then transferred them to a savings account. It is up to the states to follow the Treasury Department's lead and create self-executing protections for a specified dollar amount in a bank account, without regard to the source of the funds.

Making a bank account protection self-executing ensures that the exemption will achieve its purpose of protecting the judgment debtor. It relieves banks of the need to do complicated accounting or assist the judgment debtor in tracing the source of the funds, and gives them a simple-bright line rule that is easy to follow. A self-executing protection also reduces the burden on courts as debt collection lawsuits surge to pre-pandemic heights. If banks automatically implement the state's bank account exemption, courts will be relieved of the duty to receive exemption claims, hold hearings, and issue rulings.

The problems that judgment debtors face in obtaining the bank account protections that state laws offer illustrate why all exemptions should be self-executing to the greatest extent possible. For exemptions that cannot be made self-executing, clear, simply phrased forms for all aspects of the process–particularly for judgment debtors–are essential. States should also invest in ways for judgment debtors to obtain individualized advice and assistance, either through the court system or through legal services programs.

## VII. THREE AVENUES TO MAKE A BANK ACCOUNT EXEMPTION SELF-EXECUTING: LEGISLATION, COURT RULES, AND COURT FORMS

Advocates in the states have focused on legislative approaches to create self-executing bank levy protections. But legislative change is not the only avenue. Some states have effectuated such a protection by amending court rules or by revising forms that the judicial system requires a party to use when seeking to seize a judgment debtor's bank account. In a state where legislative change is difficult, the second or third path–working with the state supreme court to change court rules or with the judicial system to change an existing form–may be productive.

The judicial system may be particularly open to a rule change or a revision to court forms because either way of making the exemption self-executing would mean that most of the work that bank account exemption claims impose on increasingly overworked courts would


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be unnecessary. Receiving and recording a judgment debtor's exemption claim, receiving and recording the judgment creditor's response to it, scheduling a hearing, holding the hearing, issuing a ruling on the exemption claim, and notifying the parties of the ruling all consume judicial resources. Requiring these steps makes no sense when the garnishee bank could simply be instructed to subtract the exempt amount from the amount it reports as available.

Revising court rules and forms takes time, but many states have a standing committee or some other ongoing system for these tasks. There may be a tradition of non-partisanship in these efforts. There may be costs to changing forms, but often a state's garnishment forms have to be updated periodically anyway, to reflect new exemption amounts or other changes in the law.

Litigation may be another possible avenue to make an exemption self-executing. For example, in *Branham v. Varble*, 952 N.E.2d 744 (Ind. 2011), the Indiana Supreme Court held that a small claims court could not order unrepresented judgment debtors to pay a debt out of exempt wages and Supplemental Security Income, even though they had not asserted the exemption at the hearing. The small claims judge thus had the duty to ensure that the exemptions for these two forms of income were recognized. While the decision does not deal with bank account garnishment or the role of the garnishee bank, it demonstrates the possible role of litigation in securing a self-executing protection of a bank account, or at least in bringing the need for revision of court rules to the state supreme court's attention.

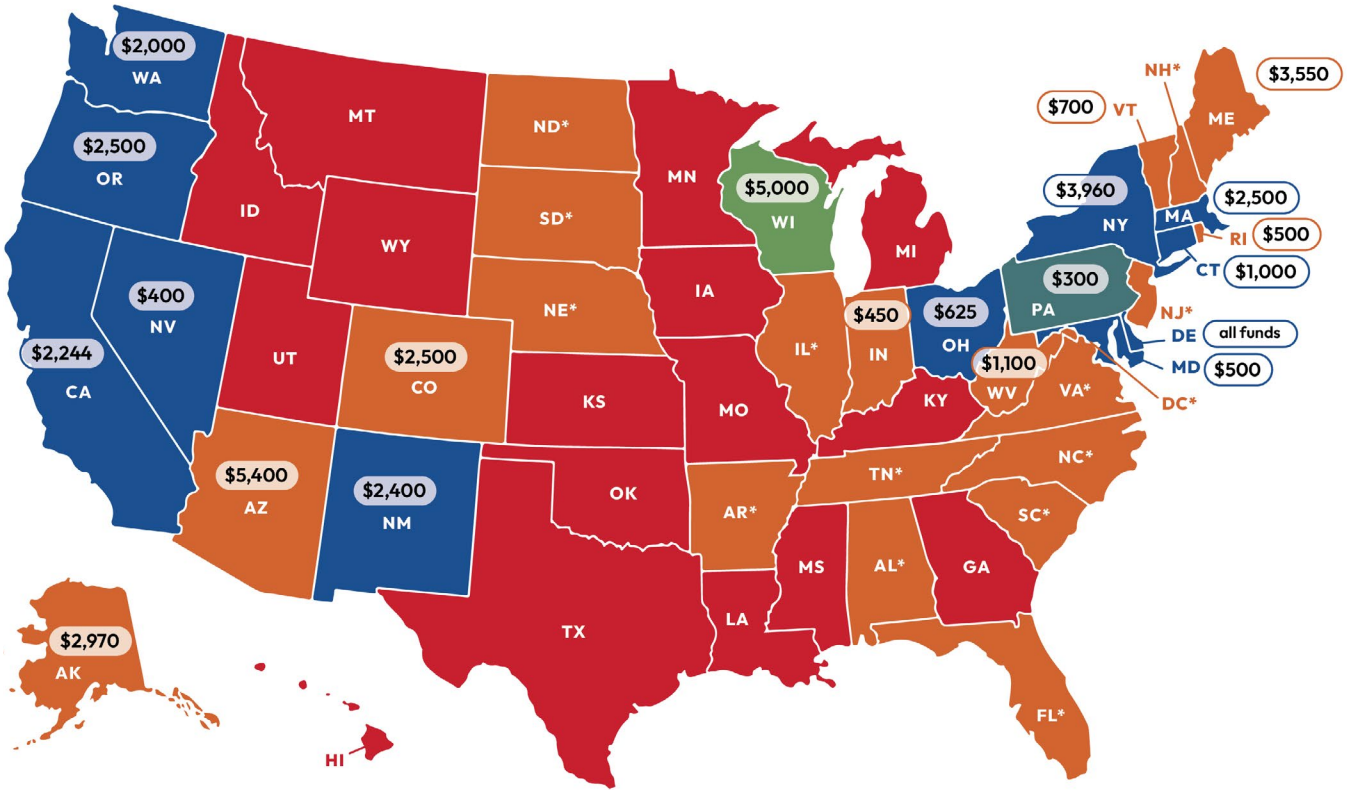
## Thirteen States Provide a Self-Executing Protection for an Exempt Amount in a Bank Account

Thirteen states provide a self-executing protection for an exempt amount in a bank account. In 11 of these states, a statute mandates that the exemption be self-executing. In one state, Pennsylvania, the exemption is self-executing by court rule, and in Wisconsin an exemption form created by the court system makes the exemption self-executing.

The statutes and court rules that make the exemption self-executing in these 13 states are summarized below, and are reproduced in full in Appendix A. Appendix C summarizes the relevant statutes, court rules, and court forms of all 50 states and the District of Columbia.

In addition to these 13 states, we learned through our questionnaire that there have been at least some instances in the past where banks in Arizona asserted the judgment debtor's earmarked bank account exemption in the answer they filed with the court in response to a garnishment. This suggests that, in some states, the garnishment procedures may be flexible enough to allow banks to assert whatever exemption the state grants the judgment debtor.

## Does the State Have a Self-Executing Protection for an Exempt Amount in a Bank Account?




- **State statute creates a self-executing protection** (CA, CT, DE, MD, MA, NV, NM, NY, OH, OR, WA)
- **Court rule makes protection self-executing** (PA)
- **Court form makes protection self-executing** (WI)
- **State has a protection, but it is not self-executing**
- **State provides no way for judgment debtor to protect a general amount in a bank account**

**This state does not have an exemption that is earmarked for a bank account, but has a "wildcard" exemption that the judgment debtor can choose to use to protect a bank account or other types of property. States vary widely in whether they have a wildcard exemption, its amount, and whether it can be used to protect a bank account. If a state has both an earmarked exemption for a bank account and a wildcard, only the amount of the earmarked exemption is shown.*

*Nevada provides a $10,000 "wildcard" exemption that can be applied to a bank account but is not self-executing, in addition to the $400 self-executing protection shown.*

*For details about state exemptions, see NCLC's 2025 No Fresh Start Report. Exemption amounts are current as of late 2025.*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### *Eleven States Have Created a Self-Executing Protection by Statute*

The majority of states that have created a self-executing bank account protection have done so by statute. These 11 states are described below.

A **CALIFORNIA** statute requires banks to protect $2,244 in a judgment debtor's bank account, regardless of its source. The amount is adjusted annually. The statute, Cal. Civ. Proc. Code § 704.220(a), is explicit that the amount "is exempt without making a claim," and another statute, Cal. Code Civ. Proc § 699.540(c)(3) refers to the exemption as "automatic."

A **CONNECTICUT** statute, Conn. Gen. Stat. § 52-367b(c)(2), requires a financial institution to "leave in the judgment debtor's account … the lesser of the account balance or one thousand dollars in the aggregate."

A **DELAWARE** statute, Del. Code Ann. tit. 10, § 3502(b), provides that banks, trust companies, and savings institutions and loan associations are not subject to the state's attachment laws (except for a wage attachment against an employee of the institution). As a result, a judgment creditor cannot collect a judgment by seizing funds held by the judgment debtor's bank. *See Tekstrom, Inc. v. Savla*, 2007 WL 3231632, at *3 (Del. Com. Pleas Oct. 25, 2007).

**MARYLAND** provides a statutory exemption for "up to $500 in a deposit account or other account of the debtor held by a depository institution, without election of the debtor." Md. Code Ann., Cts. & Jud. Proc. 11-504(b)(5). The statute also requires a writ of garnishment to instruct the bank that "it is to garnish only the amount exceeding the amount exempted without election of the debtor."

A **MASSACHUSETTS** statute, Mass. Gen. Laws c. 246, § 28A, creates a self-executing protection by providing that $2,500 in a banking institution is exempt, and that the bank is to report only the amount exceeding $2,500 as subject to attachment.

A **NEVADA** statute requires a bank to protect $400 in a judgment debtor's personal bank account, unless a separate provision for protection of up to $2,000 in exempt federal benefits electronically deposited by the U.S. Treasury applies. The statute provides that the $400 "is not subject to execution and must remain accessible to the judgment debtor." Nev. Rev. Stat. § 21.105(2). The state also provides a $10,000 wildcard exemption that can be applied to protect a bank account or other property. Nev. Rev. Stat. § 21.090(1)(z).

A **NEW MEXICO** statute, N.M. Stat. Ann. § 42-10-1(A)(14), creates a self-executing protection for $2,400 in a depository or investment account. A second statute, N.M. Stat. Ann. § 35-12-18, requires a writ of garnishment in a magistrate court to state: "If you are a financial institution, the defendant who is an individual or sole proprietor has an exemption

totaling two thousand four hundred dollars ($2,400) in depository and investment accounts. This writ attaches only to money in excess of two thousand four hundred dollars ($2,400).” Court rules similarly provide that “it shall not be necessary for a judgment debtor to assert an exemption to the first two thousand four hundred dollars ($2,400.00) held in a depository or investment account.” N.M. R. Metro Ct. RCP Rule 3-802(I); N.M. R. Dist. Ct. RCP Rule 1-065.2(E); N.M. R. Mag. Ct. RCP Rule 2-801.

A **NEW YORK** statute, N.Y. C.P.L.R. 5222(i), provides that a bank account deposit up to 240 times the state or federal minimum hourly wage, whichever is higher, is exempt except as to “such part thereof as a court determines to be unnecessary for the reasonable requirements of the judgment debtor and his or her dependents.” The amount was $3,960 in the New York City area at the time of the research for this report, but increased to $4,050 on January 1, 2026, as a result of a minimum wage increase. The exemption is self-executing, as the statute makes a “restraining notice” (the document that initiates a bank account garnishment) simply inapplicable to the exempt amount, thereby requiring the garnishee bank to protect that amount.

In **OHIO**, Ohio Rev. Code Ann. § 2329.66(A)(3), provides an earmarked exemption for $400 in a bank account. This amount is adjusted every three years for inflation and is currently $625. Ohio Rev. Code Ann. § 2716.13(B) makes this protection self-executing, by providing that the order of garnishment “shall bind the property *in excess of four hundred dollars* … of the judgment debtor in the possession of the garnishee at the time of service” (emphasis added).

An **OREGON** statute, Or. Rev. Stat. § 18.785, provides an automatic self-executing protection for $2,500 in a judgment debtor’s account. It requires a financial institution to give the judgment debtor “full customary access” to that amount on deposit. If the judgment debtor’s accounts have more than $2,500, the financial institution must give the judgment debtor full customary access to $2,500 (or to the amount of certain federal or state benefit payments that were direct-deposited within the past two months, if this exceeds $2,500), and turn over to the judgment creditor only the amount that exceeds this sum.

A **WASHINGTON** statute, Wash. Rev. Code § 6.15.010(1)(d)(iii)(A)(3), provides a $3,000 wildcard, of which, in the case of consumer debt, $2,000 may consist of bank accounts, savings and loan accounts, stocks, bonds, or other securities, which “shall be automatically protected.”

### *Pennsylvania Has Made an Exemption Self-Executing By Court Rule*

One state, **PENNSYLVANIA**, has adopted a court rule that makes an exemption self-executing. By statute (42 Pa. Cons. Stat. Ann. § 8123), the state gives a judgment debtor a $300 wildcard exemption that can be applied to protect a bank account (or any other


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type of property). A court rule, Pa. R. Civ. P. 3111.1, makes this modest protection self-executing, stating that a writ served upon a bank or other financial institution shall not attach "the funds on deposit, not including any otherwise exempt funds, that do not exceed" the $300 exemption.

### *Wisconsin Has Made an Exemption Self-Executing By Adopting a Court Form*

**WISCONSIN** has made a statutory bank account protection self-executing through a court form. A Wisconsin statute, Wis. Stat. § 815.18(3)(k), provides an earmarked exemption for depository accounts in the aggregate value of $5,000, and Wis. Stat. § 812.11(4) allows a garnishee bank to assert this exemption when it responds to the garnishment. The answer form that the court system requires the bank to use makes this protection a reality by requiring the garnishee to subtract the exempt amount and identify only the remainder as subject to garnishment. Advocates in the state report that most financial institutions list $5,000 as exempt when they file their answer.

## VIII. DRAFTING COURT FORMS TO SIMPLIFY IMPLEMENTATION OF A SELF-EXECUTING BANK ACCOUNT EXEMPTION

### Existing Bank Garnishment Forms

As part of this project, NCLC staff gathered and examined garnishment forms that states with self-executing bank account exemptions have created to be sent to banks to implement a bank account garnishment. Our goal was to evaluate the clarity of the instructions that states give financial institutions about protecting the exempt amount, identify any language that could be used as a model in other states, and provide recommendations for advocates and courts to use when seeking to revise court forms to make exemptions self-executing.

We found forms in California, Connecticut, Maryland, Nevada, New Mexico, Ohio, Oregon, Pennsylvania, Washington, and Wisconsin —10 of the 13 states that have self-executing protections. For Massachusetts, we only found a form for use in the federal district courts. We did not find a form to be sent to banks in New York. We also did not find a form for use in Delaware, but a bank account garnishment form would be superfluous there since the state bans bank account garnishment altogether.

Clear, prominent instructions for banks are important not only as a way to ensure that a self-executing bank account exemption is implemented, but also to ease the burden on banks. Bank employees we interviewed described their difficulties deciphering garnishment

forms and determining how to comply with them. These difficulties were multiplied in states that did not mandate a standard form, as banks had to re-evaluate each garnishment form they received. The bank employees emphasized how difficult it often was to analyze what the bank's legal duties were, when the forms were varied, confusing, and sometimes even handwritten. In a state that has a self-executing protection, bank employees appreciate a form that states the amount the bank should protect, rather than citing a statute that the employee has to look up. Clear, centrally-drafted forms, mandated for use in all courts throughout the state, with as little technical language as possible, will simplify this process and make it more efficient.

## Three Examples of Forms With Useful Language

While we did not find any single form that we would recommend a state adopting wholesale, three states, discussed below, had elements that are worth highlighting and adopting. Appendix B reproduces the forms in these three states.

**OHIO** is an example of clear, simple language that makes its $400 exemption (now increased to $625 due to inflation adjustments) self-executing. Instead of explaining the exemption and instructing the bank how to implement it, Ohio makes it part of an answer form that the bank is required to fill out:

**SECTION B. ANSWER OF GARNISHEE**

Now comes ..... the garnishee, who says:

1. That the garnishee has more than $400 in money, property, or credits, other than personal earnings, of the judgment debtor under the garnishee's control and in the garnishee's possession.

_____ _____ _____

yes no if yes, amount over $400

The form then goes on to instruct the bank that if the answer is that the judgment debtor does not have more than $400 in the account, the bank should not turn over any money to the court, but just sign and return the form: “If the answer to line 1 is ‘no,’ sign and return this form to the clerk of this court.” The statute requires the garnishment order sent to the bank to be in substantially this form. This language is a good model for adaptation by other states.

**NEW MEXICO** also offers language that could be a model for other states. A state statute, N.M. Stat. § 35-12-18, requires a writ of garnishment to have a section entitled “FINANCIAL INSTITUTION WRITS” that states, among other things:


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> If you are a financial institution, the defendant who is an individual or sole proprietor has an exemption totaling two thousand four hundred dollars ($2,400) in depository and investment accounts. This writ attaches only to money in excess of two thousand four hundred dollars ($2,400).

This language is clear, straightforward, and simple, and has been incorporated into a form promulgated by the state supreme court in late 2024.

The state supreme court has also promulgated an Answer form for the garnishee to fill out. Unlike Ohio's form, it does not reiterate the requirement to protect the exempt amount or work it into questions and checkboxes. To make the instructions clearer, and easier for banks to follow, we recommend that states that use New Mexico's language as a model also create an answer form along the lines of Ohio's.

One other state, **OREGON**, is worth mentioning. Or. Rev. Stat. Ann. § 18.838, specifies very detailed step-by-step instructions that a bank must be given about how to implement the state's automatic $2,500 exemption, including how the state law exemption relates to the federal Treasury Rule's requirement that banks automatically exempt two months of certain direct-deposited federal benefits. For a state that wants to address both provisions, Oregon's set of instructions is a good starting point. The instructions would be improved if they were not combined with voluminous instructions about wage garnishment, which the statute also mandates, and if they were accompanied by a form with blanks for the bank to fill in for each step.

## Other Best Practices for Garnishment Forms

We have several suggestions for court forms in addition to the recommendations based on the Ohio, New Mexico, and Oregon forms noted above.

1. **Clearly labeled single-purpose forms:** In several states the court system has created a multi-purpose form for use for several different types of collection procedures. For example, the form might be intended for use for both wage garnishment and bank account garnishment, or for those plus seizure of the judgment debtor's personal property. A bank employee may have to read through pages of instructions about how to calculate a wage garnishment before coming upon instructions about how to implement a bank account garnishment. Creating clearly labeled single-purpose forms is likely to ease compliance, reduce mistakes, and simplify the process for banks and litigants.
2. **Identification of exemption amounts:** It is helpful for a garnishment form to state the dollar amount that a bank is to protect. In states that automatically adjust exemption amounts to reflect inflation–a policy we strongly support–this could mean redoing the form after every adjustment. We suggest that court systems in these states create

a separate sheet that states the exemption amounts and that is revised after each adjustment. The garnishment form should then refer to that sheet, and that sheet should be provided to the bank along with the garnishment form.

3. **Process to draft and update forms:** A final question is who should draft these forms. We initially thought that we would recommend against embedding the language of a form in a statute. One reason was that a statutory amendment then becomes necessary if the form has to be updated. We also thought that the forms that are embedded in statutes would reflect awkward compromises and hasty drafting due to legislative deadlines. When we looked at the forms, however, to our surprise we found that the garnishment forms with the clearest language were ones that were part of a statute. Perhaps the legislative process brings more stakeholders together who can vet forms for clarity.

Regardless of what entity has the initial responsibility for drafting a form, we recommend that state judicial systems have the responsibility and authority to update and modify it. For example, as electronic filing becomes more widespread, a state judicial system may want to automate a form. Or a form may refer to a federal law that is subject to amendment. We also recommend that state judicial systems convene working groups, including bank employees, creditors' attorneys, consumer and bankruptcy attorneys, and ordinary citizens, to review forms for clarity from their point of view and to advise the judicial system.

**Regardless of what entity has the initial responsibility for drafting a form, we recommend that state judicial systems have the responsibility and authority to update and modify it.**

## IX. RECOMMENDATIONS

States create exemptions from execution to protect families and individuals from destitution. An exemption that exists in the statute books but is not actually applied in practice does not achieve this goal.

To ensure that struggling families and individuals are not reduced to destitution and that state exemptions for judgment debtors' bank accounts serve their purpose and operate in a way that minimizes the burden on banks and the judicial system, we make the following recommendations:

- States that already have an exemption for money in a bank account should:
  - Make that exemption self-executing by adopting a statute, court rule, or court form that requires the bank to protect the exempt amount automatically.


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  - Increase the amount of the exemption to at least $3,000, to be adjusted for inflation every three years. This recommendation is based on a 2022 study by the Center for Responsible Lending, which determined that $12,000 in a bank account "represents an average of approximately two to three months' worth of basic expenses." While a higher amount would be preferable, the study suggests that $3,000 is likely to be enough for a family to pay for food, rent, utilities, transportation, and child care expenses for at least two or three weeks.
- States that do not currently have an exemption for money in a bank account should enact a self-executing exemption of at least $3,000, to be adjusted for inflation every three years.
- The judicial system should:
  - Convene a working group, including bank employees, creditors' attorneys, consumer and bankruptcy attorneys, and ordinary citizens, to review garnishment forms for clarity from their point of view and advise the judicial system.
  - Create a simplified writ of garnishment form that clearly states the bank's duties and the amount it should protect.
  - Mandate use of the form in all courts in the state.
  - Simplify procedures, create plain English forms, and minimize obstacles that prevent judgment debtors from benefiting from the exemptions that states have created for them–both for bank accounts and for other types of assets and income.

Comprehensive recommendations for exemptions can be found in NCLC's Model Family Property and Income Protection Act.

## Suggested Statutory Language for a Self-Executing Exemption for $3,000 in a Bank Account:

The following language is suggested as a starting point for drafting a self-executing protection of $3,000 in a bank account. This language is based on Sections 103, 106, 113, and 116 of NCLC's Model Family Property and Income Protection Act. States will need to adapt the language to conform to their own post-judgment garnishment system.

## Establishing the Exemption:

The judgment debtor's interest in the following property shall be exempt: . . .

**Money on Deposit or Cash.** In addition to the funds exempt under other provisions of this Act or other law, $3,000 in cash or an equivalent value in a deposit account or other asset account of the judgment debtor, without the need for the judgment debtor to assert a claim.

This exemption shall apply per account of the judgment debtor.

## Making the Exemption Self-Executing:

**(a) Content of the Garnishment Order form.** A court order to a financial institution to garnish a judgment debtor's deposit account or other asset account shall be on a Garnishment Order form prescribed by [state supreme court or court rules committee]. The Garnishment Order form shall instruct the garnishee that it is to:

**(1)** Protect the amount exempted by section [the section creating the $3,000 exemption] automatically, without the need for any claim or other action on the part of the judgment debtor,

**(2)** Ensure that the judgment debtor has full and customary access to and the right to retain or use the amount exempted by [the section creating the $3,000 exemption],

**(3)** Suspend the judgment debtor's access to non-exempt funds at the time of review,

**(4)** Delay turning over any suspended funds to the [court or the judgment creditor] until further order of court,

**(5)** Fill out a Notice of Account Garnishment form, and

**(6)** Provide a copy of the Garnishment Order form and the filled-out Notice of Account Garnishment form to the judgment debtor and the judgment creditor within 24 hours of reviewing the funds in the deposit account or other asset account.

**(b) Content of Notice of Account Garnishment form.** The Notice of Account Garnishment form required by subsection (a)(5) shall be a form prescribed by [state supreme court or court rules committee] that:

**(1)** informs the parties that all funds in the account are exempt, or

**(2)** identifies the amount to which the judgment debtor's access has been suspended, and informs the judgment debtor about the procedure for asserting additional exemptions.

**(c) Delivery of notices to judgment debtor and judgment creditor.** The garnishee shall provide a copy of the Garnishment Order form and the filled-out Notice of Account Garnishment form to the judgment debtor and the judgment creditor within 24 hours of reviewing the funds in the deposit account or other asset account.


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## Definition of "Deposit or Other Asset Account":

"Deposit account or other asset account" means an asset account that holds or is capable of holding funds, including but not limited to:

**(1)** a demand deposit (checking), savings, or other deposit account;

**(2)** a prepaid account or other asset account whose primary function is to conduct transactions with multiple, unaffiliated merchants for goods or services, or at automated teller machines, or to conduct person-to-person transfers;

**(3)** a payroll card account directly or indirectly established through an employer or another entity that pays earnings and to which transfers of the employee or person's wages, salary, compensation (such as commissions), or other earnings are made, whether the account is operated or managed by the employer or other entity that pays earnings, a third-party payroll processor, a depository institution, or any other person;

**(4)** an electronic benefit transaction account or other account for distributing needs-tested benefits; or

**(5)** any account as defined by the Electronic Fund Transfer Act, 15 U.S.C. § 1693 et seq., and regulations thereunder.

## Keying the Exempt Amount to Inflation:

**(a) Adjusting exemptions using the Consumer Price Index.** The dollar amounts in this Act change, as provided in this section, according to and to the extent of changes in the Consumer Price Index for All Urban Consumers, compiled by the Bureau of Labor Statistics, United States Department of Labor.

**(b) Timing of inflationary adjustments.** On April 1, ____ [insert a year that is a multiple of 3 years later than 1998], and at each 3-year interval ending on April 1 thereafter, each dollar amount in this Act in effect immediately before such April 1 shall be adjusted—

**(1)** to reflect the changes in the Consumer Price Index for All Urban Consumers, published by the United States Department of Labor, for the most recent 3-year period ending on December 31 of the immediately preceding year, and

**(2)** to round to the nearest $10 the dollar amount that represents such change.

**(c) Announcing changes.** The [appropriate state official] shall announce the changes in dollar amounts required by subsection (a) on or before March 1 of each year in which dollar amounts are to change.

**(d) Publishing updated dollar amounts.** All forms required by this Act for use in bank account garnishment proceedings and all printed and on-line versions of this statute published or distributed by any agency or department of the state shall be updated to include the new amounts no later than their effective date.

**(e) Application of adjusted amounts.** When an amount has been adjusted, the adjusted amount shall apply to every execution issued on or after the date the adjustment became effective.

**(f)** If the United States Department of Labor ceases publication of the Consumer Price Index for All Urban Consumers, the [insert name of state agency or judicial body] shall designate the most closely comparable index as a substitute, along with any adjustments that need to be made to it so that it continues to provide a measure of inflation that is consistent with the Consumer Price Index for All Urban Consumers.


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# APPENDIX A: STATUTORY LANGUAGE MAKING BANK ACCOUNT EXEMPTIONS SELF-EXECUTING

*including state statutes, rules, and court forms, and the Treasury Rule*

September 2025


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## California

**Cal. Civ. Proc. Code § 704.220:**

**§ 704.220. Money amount equal to or less than minimum basic standard of adequate care; exemption; construction with additional exemptions; application of exemption; obligations of financial institution**

(a) Money in the judgment debtor's deposit account in an amount equal to or less than the minimum basic standard of adequate care for a family of four for Region 1, established by Section 11452 of the Welfare and Institutions Code and as annually adjusted by the State Department of Social Services pursuant to Section 11453 of the Welfare and Institutions Code, is exempt without making a claim.

(b)(1) Subdivision (a) does not preclude or reduce a judgment debtor's right to any other exemption provided by state or federal law.

(2) If the financial institution holding the judgment debtor's deposit account has actual knowledge that the judgment debtor is entitled to one or more exemptions that the financial institution is required to apply pursuant to federal law or state law other than that set forth in subdivision (a), the following shall apply:

(A) If the sum of the amount of money in the deposit account that would be exempt from levy under the additional exemptions is less than or equal to the amount set forth in subdivision (a), the additional exemptions described in this paragraph shall be considered encompassed within the exemption set forth in subdivision (a) and subdivision (a) shall apply.

(B) If the sum of the amount of money in the deposit account that would be exempt from levy under the additional exemptions is greater than the amount set forth in subdivision (a), subdivision (a) shall not apply and instead money in the deposit account equal to or less than the sum of the additional exemptions is exempt without making a claim.

…

(e)(1) The exemption applies per debtor, not per account.

(2) If a judgment debtor holds an interest in multiple accounts at a single financial institution, the judgment creditor or judgment debtor may file an ex parte application in the superior court in which the judgment was entered for a hearing to establish how and to which account the exemption should be applied. Subject to a service of an order issued in that hearing, if any, the financial institution may determine how and to which account the exemption should be applied. This paragraph does not create a cause of action against a judgment creditor who executes a levy or against a financial institution that complies with a levy pursuant to the court's determination.


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(3) If a judgment debtor holds an interest in multiple accounts at two or more financial institutions, the judgment creditor shall, and the judgment debtor may, file an ex parte application in the superior court in which the judgment was entered for a hearing to establish how and to which account the exemption should be applied. Subject to a service of an order issued in that hearing, if any, the financial institutions shall comply with the levy subject to the exemption. This paragraph does not create a cause of action against a judgment creditor who executes a levy or against a financial institution which complies with a levy pursuant to the court's determination.

## Connecticut

**Conn. Gen. Stat. § 52-367b (excerpts)**

(b) (1) **Issuance and service of execution.** … The serving officer shall not serve more than one financial institution execution per judgment debtor at a time, including copies thereof. After service of an execution on one financial institution, the serving officer shall not serve the same execution or a copy thereof upon another financial institution until receiving confirmation from the preceding financial institution that the judgment debtor had insufficient funds at the preceding financial institution available for collection to satisfy the execution, provided any such additional service is made not later than forty-five days from the receipt by the serving officer of such execution. The financial institution shall provide the serving officer a response to the service of such execution in accordance with subdivision (2) of this subsection. After service of an execution on a financial institution, the serving officer shall not subsequently serve the same execution or a copy thereof upon such financial institution if an electronic direct deposit that is readily identifiable as exempt from execution was made to the judgment debtor's account during the look-back period, as described in subsection (c) of this section. If no such deposit was made, the serving officer may subsequently serve the same execution or a copy thereof upon such institution, provided such execution has not expired or otherwise become unenforceable.

(c) …

(2) [This begins with provisions to protect electronically deposited exempt benefits and wages]. If no such deposits have been made to the judgment debtor's account during the look-back period, or if such readily identifiable funds are less than one thousand dollars, the financial institution shall leave in the judgment debtor's account as exempt pursuant to subdivision (18) of section 52-352b the lesser of the account balance or one thousand dollars in the aggregate. To the extent that such funds are left in the judgment debtor's account as exempt pursuant to subdivision (18) of section 52-352b, the provisions of said subsection shall not be the basis for a claim of exemption pursuant to this subsection in response to a levy of execution.

(3) Nothing in this subsection shall be construed to limit a financial institution's right or obligation to remove such funds from the judgment debtor's account if required by any other provision of law or by a court order. The judgment debtor shall have full and customary access to such funds left in the judgment debtor's account pursuant to this subsection. The financial institution may notify the judgment creditor that funds have been left in the judgment debtor's account pursuant to this subsection. …

…

(2) Upon receipt of notice from the financial institution pursuant to subsection (c) of this section, a judgment creditor may, on an ex parte basis, present to a judge of the Superior Court an affidavit sworn under oath by a competent party demonstrating a reasonable belief that such judgment debtor's account contains funds which are not exempt from execution and the amount of such nonexempt funds. Such affidavit shall not be conclusory but is required to show the factual basis upon which the reasonable belief is based. If such judge finds that the judgment creditor has demonstrated a reasonable belief that such judgment debtor's account contains funds which are not exempt from execution, such judge shall authorize the judgment creditor to submit a written application to the clerk of the court for a hearing on the exempt status of funds left in the judgment debtor's account pursuant to subsection (c) of this section. The judgment creditor shall promptly send a copy of the application and the supporting affidavit to the judgment debtor and to any secured party shown on a secured party claim notice sent to the judgment creditor pursuant to subdivision (1) of this subsection. Upon receipt of such application, the clerk of the court shall promptly schedule the matter for a hearing and shall give written notice to the judgment creditor, the judgment debtor and any secured party shown on a secured party claim notice received by the clerk of the court. The notice to the judgment creditor pursuant to subsection (c) of this section shall be prima facie evidence at such hearing that the funds in the account are exempt funds. The burden of proof shall be upon the judgment creditor to establish the amount of funds which are not exempt.

## Delaware

**Del. Code Ann. tit. 10, § 3502(b)**

**§ 3502. Corporations subject to attachment and garnishment**

(b) Banks, trust companies, savings institutions and loan associations, except only as to a wage attachment against the wages of an employee of the bank, trust company, savings institution or loan association, shall not be subject to the operations of the attachment laws of this State.


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## Maryland

**Md. Code Ann., Cts. & Jud. Proc. 11-504 (excerpts):**

(b) The following items are exempt from execution on a judgment:

…

(5) Subject to subsection (c)(3) of this section, up to $500 in a deposit account or other account of the debtor held by a depository institution, without election of the debtor.

…

(c)(2)(i) A writ of garnishment issued for a deposit account or other account held by a depository institution shall instruct the garnishee that, subject to additional exemptions, it is to garnish only the amount exceeding the amount exempted without election of the debtor.

…

(c)(3)(i) A depository institution shall, on receipt of a writ of garnishment or other levy or attachment, answer the writ of garnishment or other levy or attachment and, if the debtor maintains any deposit accounts with the depository institution, state:

1. That the total amount does not exceed $500; or

2. The amount of funds in excess of $500 that has been held pending further order of court.

(ii) For any funds in excess of $500, the depository institution shall follow all other customary procedures for handling a writ of garnishment or other levy or attachment, including freezing of funds.

## Massachusetts

**Mass. Gen. Laws Ch. 235, § 34(15): Mass. Gen. Laws Ch. 246, § 28A**

**Mass. Gen. Laws Ch. 235, § 34(15)**

The following property of the debtor shall be exempt from seizure on execution:

…

Fifteenth, $2,500 in cash or savings or other deposits in a banking or investment institution…

**Mass. Gen. Laws Ch. 246, § 28A. Monies held by banks or similar institutions; exemption; limitations**

Twenty-five hundred dollars of any natural person in an account in a trust company, savings bank, cooperative bank, credit union, national banking association or other banking institution doing business in the commonwealth shall be exempt from attachment by trustee process. A trustee summons served on any such institution shall describe the exemption with reference to this section. Upon service of a trustee summons, the trustee shall answer as subject to attachment only so much money of the defendant that exceeds $2,500.

No business, trust or organization shall be entitled to the exemption in this section and no natural person shall be entitled to more than a $2,500 exemption at any one time. In any action, the plaintiff may apply to the court for further attachments upon proof by certified records of a trustee that the defendant has received an exemption not authorized under this section or that the $2,500 exemption of the defendant has been in whole or in part exhausted or exceeded.

## Nevada

**Nev. Rev. Stat. 21.105:**

**21.105. Certain amount in personal bank account not subject to execution; claim of exemption for additional amount; determination of exemption; immunity from liability for financial institution**

1. If a writ of execution or garnishment is levied on the personal bank account of the judgment debtor and money has been deposited into the account electronically within the immediately preceding 45 days from the date on which the writ was served which is reasonably identifiable as exempt from execution, notwithstanding any other deposits of money into the account, $2,000 or the entire amount in the account, whichever is less, is not subject to execution and must remain accessible to the judgment debtor. …

2. If a writ of execution or garnishment is levied on the personal bank account of the judgment debtor and the provisions of subsection 1 do not apply, $400 or the entire amount in the account, whichever is less, is not subject to execution and must remain accessible to the judgment debtor, unless the writ of execution or garnishment is for the recovery of money owed for the support of any person.

3. If a judgment debtor has more than one personal bank account with the bank to which a writ is issued, the amount that is not subject to execution must not in the aggregate exceed the amount specified in subsection 1 or 2, as applicable.

…


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## New Mexico

**N.M. Stat. Ann. §§ 35-12-18, 42-10-1(A)(14):**

**N.M. Stat. Ann. § 35-12-18. Garnishment; form of writ**

Requires a writ of garnishment to a financial institution to state:

If you are a financial institution, the defendant who is an individual or sole proprietor has an exemption totaling two thousand four hundred dollars ($2,400) in depository and investment accounts. This writ attaches only to money in excess of two thousand four hundred dollars ($2,400). You may rely on the representations of the person executing this writ as to whether the exemption amount has already been satisfied with other accounts held by other financial institutions. This provision shall not prevent the individual or sole proprietor from claiming that additional money in depository or investment accounts is exempt under any other available exemption provided by law.

**N.M. Stat. Ann. § 42-10-1. Exemptions**

A. The following shall be exempt from receivers or trustees in bankruptcy or other insolvency proceedings, fines, attachment, execution, garnishment, levy or foreclosure by a judgment creditor:

…

(14) a person's aggregate interest, not exceeding fifteen thousand dollars ($15,000), in any personal property, tangible or intangible, not otherwise specified in this subsection, including any deposits in financial or investments accounts or personal property that exceeds the monetary limits set forth in this section; provided that for an individual or sole proprietor who is a defendant in any action except a bankruptcy action, the maximum cumulative amount that a defendant may claim as exempt in a depository or investment account is two thousand four hundred dollars ($2,400), plus any money derived from the sources set forth in Paragraphs (6) through (11) of this subsection.

## New York

**N.Y. C.P.L.R. §§ 5222 (excerpts), 5222-a:**

**N.Y. C.P.L.R. § 5222. Restraining notice**

…

(c) Subsequent notice. Leave of court is required to serve more than one restraining notice upon the same person with respect to the same judgment or order. A judgment creditor

shall not serve more than two restraining notices per year upon a natural person's banking institution account. …

…

(i) Effect of restraint on judgment debtor's banking institution account. A restraining notice issued pursuant to this section shall not apply to an amount equal to or less than the greater of two hundred forty times the federal minimum hourly wage prescribed in the Fair Labor Standards Act of 19381 or two hundred forty times the state minimum hourly wage prescribed in section six hundred fifty-two of the labor law as in effect at the time the earnings are payable (as published on the websites of the United States department of labor and the state department of labor) except such part thereof as a court determines to be unnecessary for the reasonable requirements of the judgment debtor and his or her dependents. … Nothing in this subdivision shall be construed to limit a banking institution's right or obligation to restrain or remove such funds from the judgment debtor's account if required by 42 U.S.C. § 659 or 38 U.S.C. § 5301 or by a court order. Where a judgment debtor's account contains an amount equal to or less than ninety percent of the greater of two hundred forty times the federal minimum hourly wage prescribed in the Fair Labor Standards Act of 1938 or two hundred forty times the state minimum hourly wage prescribed in section six hundred fifty-two of the labor law as in effect at the time the earnings are payable (as published on the websites of the United States department of labor and the state department of labor), the account shall not be restrained and the restraining notice shall be deemed void, except as to those funds that a court determines to be unnecessary for the reasonable requirements of the judgment debtor and his or her dependents. Nothing in this subdivision shall alter the exempt status of funds which are exempt from execution, levy, attachment or garnishment, under section fifty-two hundred five of this article or under any other provision of state or federal law, or the right of a judgment debtor to claim such exemption.

(j) Fee for banking institution's costs in processing a restraining notice for an account. In the event that a banking institution served with a restraining notice cannot lawfully restrain a judgment debtor's banking institution account, or a restraint is placed on the judgment debtor's account in violation of any section of this chapter, the banking institution shall charge no fee to the judgment debtor regardless of any terms of agreement, or schedule of fees, or other contract between the judgment debtor and the banking institution.

(k) The provisions of subdivisions (h), (i) and (j) of this section do not apply when the state of New York, or any of its agencies or municipal corporations is the judgment creditor, or if the debt enforced is for child support, spousal support, maintenance or alimony, provided that the restraining notice contains a legend at the top thereof, above the caption, in sixteen point bold type with the following language: "The judgment creditor is the state of New York, or


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any of its agencies or municipal corporations, AND/OR the debt enforced is for child support, spousal support, maintenance or alimony.”.

**N.Y. C.P.L.R. § 5222-a. Service of notice and forms and procedure for claim of exemption**

(a) Applicability. Any person authorized under subdivision (a) of section fifty-two hundred twenty-two of this article issuing a restraining notice affecting a natural person's account at a banking institution pursuant to such subdivision must comply with this section, in addition to the general provisions set forth in such section. Any sheriff levying against a natural person's account at a banking institution pursuant to section fifty-two hundred thirty-two of this article must comply with this section, in addition to the general provisions set forth in section fifty-two hundred thirty-two of this article. The procedures set forth in subdivisions (b), (c), (d), (e), (f) and (g) of this section shall not apply where pursuant to subdivision (h) and/or (i) of section fifty-two hundred twenty-two or subdivision (e) of section fifty-two hundred thirty-two of this article, no funds in the account are restrained or levied upon.

(b) Service of exemption notice and exemption claim form. 1. Service with restraining notice upon banking institution. The person issuing the restraining notice pursuant to subdivision (a) of section fifty-two hundred twenty-two of this article shall provide the banking institution with the restraining notice, a copy of the restraining notice, an exemption notice and two exemption claim forms with sections titled “ADDRESS A” and “ADDRESS B” completed. The exemption notice and exemption claim forms shall be in the forms set forth in paragraph four of this subdivision. The notice and the forms shall be served on the banking institution together with the restraining notice and copy of the restraining notice. Service must be accomplished in accordance with subdivision (a) or (g) of section fifty-two hundred twenty-two of this article. Failure to serve the notice and forms together with the restraining notice renders the restraining notice void, and the banking institution shall not restrain the account.

2. Service of execution by levy upon a garnishee banking institution. When serving an execution pursuant to subdivision (a) of section fifty-two hundred thirty-two of this article, the sheriff shall provide the banking institution with an exemption notice and two exemption claim forms, which shall be in the forms set forth in paragraph four of this subdivision. The sheriff shall serve both the exemption notice and the exemption claim forms on the banking institution together with the execution notice. Service must be accomplished in accordance with subdivision (a) of section fifty-two hundred thirty-two of this article. Failure to serve the notice and forms renders the execution void, and the banking institution shall not levy upon the account.

3. Service upon judgment debtor. Within two business days after receipt of the restraining notice or execution, exemption notice and exemption claim forms, the banking institution

shall serve upon the judgment debtor the copy of the restraining notice, the exemption notice and two exemption claim forms. The banking institution shall serve the notice and forms by first class mail to the last known address of the judgment debtor. The inadvertent failure by a depository institution to provide the notice required by this subdivision shall not give rise to liability on the part of the depository institution.

4. Content of exemption notice and exemption claim form. a. The exemption notice shall be in the following form:

“EXEMPTION NOTICE

as required by New York Law

YOUR BANK ACCOUNT IS RESTRAINED OR “FROZEN”

The attached Restraining Notice or notice of Levy by Execution has been issued against your bank account. You are receiving this notice because a creditor has obtained a money judgment against you, and one or more of your bank accounts has been restrained to pay the judgment. A money judgment is a court's decision that you owe money to a creditor. You should be aware that FUTURE DEPOSITS into your account(s) might also be restrained if you do not respond to this notice.

You may be able to “vacate” (remove) the judgment. If the judgment is vacated, your bank account will be released. Consult an attorney (including free legal services) or visit the court clerk for more information about how to do this.

Under state and federal law, certain types of funds cannot be taken from your bank account to pay a judgment. Such money is said to be “exempt.”

DOES YOUR BANK ACCOUNT CONTAIN ANY OF THE FOLLOWING TYPES OF FUNDS?

1. Social security;

2. Social security disability (SSD);

3. Supplemental security income (SSI);

4. Public assistance (welfare);

5. Income earned while receiving SSI or public assistance;

6. Veterans benefits;

7. Unemployment insurance;

8. Payments from pensions and retirement accounts;


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9. Disability benefits;

10. Income earned in the last 60 days (90% of which is exempt);

11. Workers' compensation benefits;

12. Child support;

13. Spousal support or maintenance (alimony);

14. Railroad retirement;

15. Black lung benefits; and/or

16. COVID-19 stimulus relief for individuals and families with children.

If YES, you can claim that your money is exempt and cannot be taken. To make the claim, you must

(a) complete the EXEMPTION CLAIM FORM attached;

(b) deliver or mail the form to the bank with the restrained or “frozen” account; and

(c) deliver or mail the form to the creditor or its attorney at the address listed on the form.

You must send the forms within 20 DAYS of the postmarked date on the envelope holding this notice. You may be able to get your account released faster if you send to the creditor or its attorney written proof that your money is exempt. Proof can include an award letter from the government, an annual statement from your pension, pay stubs, copies of checks, bank records showing the last two months of account activity, or other papers showing that the money in your bank account is exempt. If you send the creditor's attorney proof that the money in your account is exempt, the attorney must release that money within seven days. You do not need an attorney to make an exemption claim using the form.”

b. The exemption claim form shall be in the following form:

[Case Caption]

Directions: To claim that some or all of the funds in your account are exempt, complete both copies of this form, and make one copy for yourself. Mail or deliver one form to ADDRESS A and one form to ADDRESS B within twenty days of the date on the envelope holding this notice. **If you have any documents, such as an award letter, an annual statement from your pension, paystubs, copies of checks or bank records showing the last two months of account activity, include copies of the documents with this form. Your account may be released more quickly.

I state that my account contains the following type(s) of funds (check all that apply):

_____Social security

_____Social security disability (SSD)

_____Supplemental security income (SSI)

_____Public assistance

_____Wages while receiving SSI or public assistance

_____Veterans benefits

_____Unemployment insurance

_____Payments from pensions and retirement accounts

_____Income earned in the last 60 days (90% of which is exempt)

_____Child support

_____Spousal support or maintenance (alimony)

_____Workers' compensation

_____Railroad retirement or black lung benefits

_____COVID-19 stimulus relief for individuals and families with children

_____Other (describe exemption): _____

I request that any correspondence to me regarding my claim be sent to the following address:

(FILL IN YOUR COMPLETE ADDRESS)

I certify under penalty of perjury that the statement above is true to the best of my knowledge and belief.

DATE

SIGNATURE OF JUDGMENT DEBTOR

(c) Claim of exemption. 1. To claim an exemption pursuant to the procedures in this section, the judgment debtor shall complete the exemption claim forms, sign them under penalty of perjury, and serve them within twenty days of the date postmarked on the correspondence containing the notice and forms. The judgment debtor shall serve one completed exemption


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claim form on the banking institution and the other on the attorney for the judgment creditor. In the event that there is no attorney for the judgment creditor, then the exemption claim form must be served directly on the judgment creditor. The judgment debtor may serve the exemption claim forms in person or by first-class mail.

2. Where the banking institution receives an exemption claim form, it shall notify the judgment creditor forthwith of the date on which the funds will be released pursuant to paragraph three of this subdivision.

3. The banking institution shall release all funds in the judgment debtor's account eight days after the date postmarked on the envelope containing the executed exemption claim form mailed to the banking institution or the date of personal delivery of the executed exemption claim form to the banking institution, and the restraint shall be deemed void, except where the judgment creditor interposes an objection to the exemption within that time.

4. Where the executed exemption claim form sent to the judgment creditor is accompanied by information demonstrating that all funds in the account are exempt, the judgment creditor shall, within seven days of the postmark on the envelope containing the exemption claim form and accompanying information, instruct the banking institution to release the account, and the restraint shall be deemed void. Where the account contains some funds from exempt sources, and other funds from unknown sources, the judgment creditor shall apply the lowest intermediate balance principle of accounting and, within seven days of the postmark on the envelope containing the exemption claim form and accompanying information, shall instruct the banking institution to release the exempt money in the account. The provisions of paragraph two of subdivision (b) of rule twenty-one hundred three of this chapter shall not enlarge the judgment creditor's time to move pursuant to this section. Information demonstrating that funds are exempt includes, but is not limited to, originals or copies of benefit award letters, checks, check stubs or any other document that discloses the source of the judgment debtor's income, and bank records showing the last two months of account activity. If the judgment creditor fails to act in accordance with this subdivision, the judgment creditor shall be deemed to have acted in bad faith and the judgment debtor may seek a court award of the damages, costs, fees and penalties provided for in subdivision (g) of this section.

5. If no claim of exemption is received by the banking institution within twenty-five days after the notice and forms are mailed to the judgment debtor, the funds remain subject to the restraining notice or execution. Failure of the judgment debtor to deliver the executed exemption claim form does not constitute a waiver of any right to an exemption.

(d) Objection to exemption claim and request for hearing. A judgment creditor may object to the claim of exemption by moving for an order pursuant to section fifty-two hundred forty

of this article. The judgment creditor must serve the banking institution and the judgment debtor with its motion papers within eight days after the date postmarked on the envelope containing the executed exemption claim form or the date of personal delivery of the executed exemption claim form to the banking institution, and the provisions of paragraph one of subdivision (b) of rule twenty-one hundred three of this chapter shall not enlarge the judgment creditor's time to move pursuant to this section. The judgment debtor shall be served at the address provided on the exemption claim form. The affirmation or affidavit in support of the motion shall demonstrate a reasonable belief that such judgment debtor's account contains funds that are not exempt from execution and the amount of such nonexempt funds. The executed exemption claim form shall be attached to the affirmation or affidavit. The affirmation or affidavit shall not be conclusory, but is required to show the factual basis upon which the reasonable belief is based. The hearing to decide the motion shall be noticed for seven days after service of the moving papers. The executed exemption claim form shall be prima facie evidence at such hearing that the funds in the account are exempt funds. The burden of proof shall be upon the judgment creditor to establish the amount of funds that are not exempt. The court shall, within five days of the hearing, issue an order stating whether or not funds in the account are exempt and ordering the appropriate relief. The judgment creditor or its attorney must serve the order on the banking institution and the judgment debtor no later than two business days after the court issues the order.

(e) Duties of banking institution if objection is made to exemption claim. Upon receipt of a written objection pursuant to subdivision (d) of this section from the judgment creditor or its attorney within the specified eight-day period, the banking institution shall retain the funds claimed to be exempt for twenty-one days unless otherwise ordered by the court. If the period of twenty-one days expires and the banking institution has not been otherwise ordered by the court, the banking institution shall release the funds to the judgment debtor.

(f) Release of funds. At any time during the procedure specified in this section, the judgment debtor or the judgment creditor may, by a writing dated after the service of the restraining notice, direct the banking institution to release the funds in question to the other party. Upon receipt of a release, the banking institution shall release the funds as directed.

(g) Proceedings; bad faith claims. Where the judgment creditor objects to a claim of exemption pursuant to subdivision (d) of this section and the court finds that the judgment creditor disputed the claim of exemption in bad faith, as provided in paragraph four of subdivision (c) of this section, the judgment debtor shall be awarded costs, reasonable attorney fees, actual damages and an amount not to exceed one thousand dollars.


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(h) Rights of judgment debtor. Nothing in this section shall in any way restrict the rights and remedies otherwise available to a judgment debtor, including but not limited to, rights to property exemptions under federal and state law.

(i) The provisions of this section do not apply when the state of New York, or any of its agencies or municipal corporations is the judgment creditor, or if the debt enforced is for child support, spousal support, maintenance or alimony, provided that the restraining notice contains a legend at the top thereof, above the caption, in sixteen point bold type with the following language: “The judgment creditor is the state of New York, or any of its agencies or municipal corporations, AND/OR the debt enforced is for child support, spousal support, maintenance or alimony.”.

## Ohio

**Ohio Rev. Code § 2716.13 Proceeding in garnishment of property other than personal earnings**

(A) Upon the filing of a proceeding in garnishment of property, other than personal earnings, under section 2716.11 of the Revised Code, the court shall cause the matter to be set for hearing within twelve days after that filing.

(B) Upon the scheduling of a hearing relative to a proceeding in garnishment of property, other than personal earnings, under division (A) of this section, the clerk of the court immediately shall issue to the garnishee three copies of the order of garnishment of property, other than personal earnings, and of a written notice that the garnishee answer as provided in section 2716.21 of the Revised Code and the garnishee's fee required by section 2716.12 of the Revised Code. The copies of the order and of the notice shall be served upon the garnishee in the same manner as a summons is served and the clerk shall also mail a copy of the order and notice of garnishment to the garnishee by ordinary or regular mail service. The copies of the order and of the notice shall not be served later than seven days prior to the date on which the hearing is scheduled. The order shall bind the property in excess of four hundred dollars, other than personal earnings, of the judgment debtor in the possession of the garnishee at the time of service. Any garnishee that garnishes the property, other than personal earnings, of a judgment debtor in good faith reliance upon the order and notice of garnishment received by ordinary or regular mail service shall not be liable for damages in any civil action.

The order of garnishment of property, other than personal earnings, and notice to answer shall be in substantially the following form:

“ORDER AND NOTICE OF GARNISHMENT OF PROPERTY OTHER THAN PERSONAL EARNINGS AND ANSWER OF GARNISHEE

Docket No. .....

Case No. .....

In the ..... Court

....., Ohio

The State of Ohio

County of ....., ss

....., Judgment Creditor

vs.

....., Judgment Debtor

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT

To: ....., Garnishee

The judgment creditor in the above case has filed an affidavit, satisfactory to the undersigned, in this Court stating that you may have money, property, or credits, other than personal earnings, in your hands or under your control that belong to the judgment debtor.

You are therefore ordered to complete the “ANSWER OF GARNISHEE” in section (B) of this form. Return one completed and signed copy of this form to the clerk of this court together with the amount determined in accordance with the “ANSWER OF GARNISHEE” by the following date on which a hearing is tentatively scheduled relative to this order of garnishment: ..... Deliver one completed and signed copy of this form to the judgment debtor prior to that date. Keep the other completed and signed copy of this form for your files.

The total probable amount now due on this judgment is $..... The total probable amount now due includes the unpaid portion of the judgment in favor of the judgment creditor, which is $.....; interest on that judgment and, if applicable, prejudgment interest relative to that judgment at the rate of .....% per annum payable until that judgment is satisfied in full; and court costs in the amount of $.....

You also are ordered to hold safely anything of value that belongs to the judgment debtor and that has to be paid to the court, as determined under the “ANSWER OF GARNISHEE”


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in section (B) of this form, but that is of such a nature that it cannot be so delivered, until further order of the court.

Witness my hand and the seal of this court this ..... day of ....., .....

.....
Judge

SECTION B. ANSWER OF GARNISHEE

Now comes ..... the garnishee, who says:

1. That the garnishee has more than $400 in money, property, or credits, other than personal earnings, of the judgment debtor under the garnishee's control and in the garnishee's possession.

| | | |
|---|---|---|
| ..... | ..... | ..... |
| yes | no | if yes, amount over $400 |

2. That property is described as:

3. If the answer to line 1 is “yes” and the amount is less than the probable amount now due on the judgment, as indicated in section (A) of this form, sign and return this form and pay the amount of line 1 to the clerk of this court.

4. If the answer to line 1 is “yes” and the amount is greater than that probable amount now due on the judgment, as indicated in section (A) of this form, sign and return this form and pay that probable amount now due to the clerk of this court.

5. If the answer to line 1 is “yes” but the money, property, or credits are of such a nature that they cannot be delivered to the clerk of the court, indicate that by placing an “X” in this space: ..... Do not dispose of that money, property, or credits or give them to anyone else until further order of the court.

6. If the answer to line 1 is “no,” sign and return this form to the clerk of this court.

I certify that the statements above are true.

.....
(Print Name of Garnishee)

.....
(Print Name and Title of Person Who Completed Form)

Signed.....
(Signature of Person Completing Form)

Dated this ..... day of ....., ....."

Section A of the form described in this division shall be completed before service. Section B of the form shall be completed by the garnishee, and the garnishee shall file one completed and signed copy of the form with the clerk of the court as the garnishee's answer. The garnishee may keep one completed and signed copy of the form and shall deliver the other completed and signed copy of the form to the judgment debtor.

If several affidavits seeking orders of garnishment of property, other than personal earnings, are filed against the same judgment debtor in accordance with section 2716.11 of the Revised Code, the court involved shall issue the requested orders in the same order in which the clerk received the associated affidavits.

(C)(1) At the time of the filing of a proceeding in garnishment of property, other than personal earnings, under section 2716.11 of the Revised Code, the judgment creditor also shall file with the clerk of the court a praecipe instructing the clerk to issue to the judgment debtor a notice to the judgment debtor form and a request for hearing form. Upon receipt of the praecipe and the scheduling of a hearing relative to an action in garnishment of property, other than personal earnings, under division (A) of this section, the clerk of the court immediately shall serve upon the judgment debtor, in accordance with division (D) of this section, two copies of the notice to the judgment debtor form and of the request for hearing form. The copies of the notice to the judgment debtor form and of the request for hearing form shall not be served later than seven days prior to the date on which the hearing is scheduled.

(a) The notice to the judgment debtor that must be served upon the judgment debtor shall be in substantially the following form:

"(Name and Address of the Court)

(Case Caption) ..... Case No. .....

NOTICE TO THE JUDGMENT DEBTOR

You are hereby notified that this 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 money in excess of four hundred dollars, property, or credits, other than personal earnings, that now may be in the possession of (name and address of garnishee), the garnishee in this proceeding, be used to satisfy your debt to the judgment creditor. This


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order was issued on the basis of the judgment creditor's judgment against you that was obtained in (name of court) in (case number) on (date). Upon your receipt of this notice, you are prohibited from removing or attempting to remove the money, property, or credits until expressly permitted by the court. Any violation of this prohibition subjects you to punishment for contempt of court.

The law of Ohio and the United States provides that certain benefit payments cannot be taken from you to pay a debt. Typical among the benefits that cannot be attached or executed upon by a creditor are the following:

(1) Workers' compensation benefits;

(2) Unemployment compensation payments;

(3) Cash assistance payments under the Ohio works first program;

(4) Benefits and services under the prevention, retention, and contingency program;

(5) Disability financial assistance administered by the Ohio department of job and family services;

(6) Social security benefits;

(7) Supplemental security income (S.S.I.);

(8) Veteran's benefits;

(9) Black lung benefits;

(10) Certain pensions.

There may be other benefits not included in the above list that apply in your case.

If you dispute the judgment creditor's right to garnish your property and believe that the judgment creditor should not be given your money, property, or credits, other than personal earnings, now in the possession of the garnishee because they are exempt or if you feel that this order is improper for any other reason, you may request a hearing before this court by disputing the claim in the request for hearing form, appearing below, or in a substantially similar form, and delivering the request for hearing to this court at the above address, at the office of the clerk of this court no later than the end of the fifth business day after you receive this notice. You may state your reasons for disputing the judgment creditor's right to garnish your property in the space provided on the form; however, you are not required to do so. If you do state your reasons for disputing the judgment creditor's right, you are not prohibited from stating any other reason at the hearing. If you do not state your reasons,

it will not be held against you by the court, and you can state your reasons at the hearing. NO OBJECTIONS TO THE JUDGMENT ITSELF WILL BE HEARD OR CONSIDERED AT THE HEARING. If you request a hearing, the hearing will be limited to a consideration of the amount of your money, property, or credits, other than personal earnings, in the possession or control of the garnishee, if any, that can be used to satisfy all or part of the judgment you owe to the judgment creditor.

If you request a hearing by delivering your request for hearing no later than the end of the fifth business day after you receive this notice, it will be conducted in ..... courtroom ....., (address of court), at ..... m. on ....., ..... You may request the court to conduct the hearing before this date by indicating your request in the space provided on the form; the court then will send you notice of any change in the date, time, or place of the hearing. If you do not request a hearing by delivering your request for a hearing no later than the end of the fifth business day after you receive this notice, some of your money, property, or credits, other than personal earnings, will be paid to the judgment creditor.

If you have any questions concerning this matter, you may contact the office of the clerk of this court. If you want legal representation, you should contact your lawyer immediately. If you need the name of a lawyer, contact the local bar association.

.....
Clerk of the Court

.....
Date”

(b) The request for hearing form that must be served upon the judgment debtor shall have attached to it a postage-paid, self-addressed envelope or shall be on a postage-paid self-addressed postcard, and shall be in substantially the following form:

“(Name and Address of Court)

Case Number ..... Date .....

REQUEST FOR HEARING

I dispute the judgment creditor's right to garnish my money, property, or credits, other than personal earnings, in the above case and request that a hearing in this matter be held

.....
(Insert “on” or “earlier than”)

the date and time set forth in the document entitled “NOTICE TO THE JUDGMENT


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DEBTOR" that I received with this request form.

I dispute the judgment creditor's right to garnish my property for the following reasons:

.....
(Optional)

.....

.....

I UNDERSTAND THAT NO OBJECTIONS TO THE JUDGMENT ITSELF WILL BE HEARD OR CONSIDERED AT THE HEARING.

.....
(Name of Judgment Debtor)

.....
(Signature)

.....
(Date)

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, YOU WAIVE YOUR RIGHT TO A HEARING AND SOME OF YOUR MONEY, PROPERTY, OR CREDITS, OTHER THAN PERSONAL EARNINGS, NOW IN THE POSSESSION OF (GARNISHEE'S NAME) WILL BE PAID TO (JUDGMENT CREDITOR'S NAME) TO SATISFY SOME OF YOUR DEBT TO (JUDGMENT CREDITOR'S NAME)."

(2) The judgment debtor may receive a hearing in accordance with this division by delivering a written request for hearing to the court within five business days after receipt of the notice provided pursuant to division (C)(1) of this section. The request may set forth the judgment debtor's reasons for disputing the judgment creditor's right to garnish the money, property, or credits, other than personal earnings; however, neither the judgment debtor's inclusion of nor failure to include those reasons upon the request constitutes a waiver of any defense of the judgment debtor or affects the judgment debtor's right to produce evidence at the hearing. If the request is made by the judgment debtor within the prescribed time, the hearing shall be limited to a consideration of the amount of money, property, or credits, other than personal earnings, of the judgment debtor in the hands of the garnishee, if any, that can be used to satisfy all or part of the debt owed by the judgment debtor to the judgment creditor. If a request for a hearing is not received by the court within the prescribed time, the

hearing scheduled pursuant to division (A) of this section shall be canceled unless the court grants the judgment debtor a continuance in accordance with division (C)(3) of this section.

(3) If the judgment debtor does not request a hearing in the action within the prescribed time pursuant to division (C)(2) of this section, the court nevertheless may grant a continuance of the scheduled hearing if the judgment debtor, prior to the time at which the hearing was scheduled, as indicated on the notice to the judgment debtor required by division (C)(1) of this section, establishes a reasonable justification for failure to request the hearing within the prescribed time. If the court grants a continuance of the hearing, it shall cause the matter to be set for hearing as soon as practicable thereafter. The continued hearing shall be conducted in accordance with division (C)(2) of this section.

(4) The court may conduct the hearing on the matter prior to the time at which the hearing was scheduled, as indicated on the notice to the judgment debtor required by division (C)(1) of this section, upon the request of the judgment debtor. The parties shall be sent notice, by the clerk of the court, by regular mail, of any change in the date, time, or place of the hearing.

(5) If the scheduled hearing is canceled and no continuance is granted, the court shall issue an order to the garnishee to pay all or some of the money, property, or credits, other than personal earnings, of the judgment debtor in the possession of the garnishee at the time of service of the notice and order into court if they have not already been paid to the court. This order shall be based on the answer of the garnishee filed pursuant to this section. If the scheduled hearing is conducted or if it is continued and conducted, the court shall determine at the hearing the amount of the money, property, or credits, other than personal earnings, of the judgment debtor in the possession of the garnishee at the time of service of the notice and order, if any, that can be used to satisfy all or part of the debt owed by the judgment debtor to the judgment creditor, and issue an order, accordingly, to the garnishee to pay that amount into court if it has not already been paid to the court.

(D) The notice to the judgment debtor form and the request for hearing form described in division (C) of this section shall be sent by the clerk by ordinary or regular mail service unless the judgment creditor requests that service be made in accordance with the Rules of Civil Procedure, in which case the forms shall be served in accordance with the Rules of Civil Procedure. Any court of common pleas that issues an order of garnishment of property, other than personal earnings, under this section has jurisdiction to serve process pursuant to this section upon a garnishee who does not reside within the jurisdiction of the court. Any county court or municipal court that issues an order of garnishment of property, other than personal earnings, under this section has jurisdiction to serve process pursuant to this section upon a garnishee who does not reside within the jurisdiction of the court.


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## Oregon

**Or. Rev. Stat. §§ 18.785, 18.838**

**Or. Rev. Stat. § 18.785. Garnishment account review; definitions; debts arising out of child support or spousal support obligations; writ of garnishment including Notice of Right to Garnish Federal Benefits**

(1) As used in this section:

(a) "Base protected account balance" means the amount not subject to garnishment calculated under subsection (2)(j) of this section.

(b) "Garnishment account review" means the review conducted under subsection (2)(c) of this section.

(c) "Lookback period" means the period described in subsection (2)(d) of this section.

(2)(a)(A) If a financial institution receives a writ of garnishment for a debtor that has an account with the financial institution, the financial institution shall first determine whether the writ of garnishment includes a Notice of Right to Garnish Federal Benefits from the United States Government or from a state child support enforcement agency, as provided in 31 C.F.R. part 212, or is attached to an attestation that a debt arises out of a child support or spousal support obligation or a judgment that contains a money award of restitution.

(B) If the writ of garnishment includes a Notice of Right to Garnish Federal Benefits, the provisions of paragraphs (b) to (j) of this subsection do not apply to the writ of garnishment and the financial institution shall proceed on the garnishment as provided in ORS 18.600 to 18.850.

(C) If the writ of garnishment is attached to an attestation that a debt arises out of a child support or spousal support obligation or a judgment that contains a money award of restitution, paragraphs (b), (c)(A), (e), (f) and (j) of this subsection do not apply to the writ of garnishment and the financial institution shall conduct a garnishment account review as provided in paragraphs (c)(B), (d) and (g) to (i) of this subsection.

(D) If the writ of garnishment does not include a Notice of Right to Garnish Federal Benefits or is not attached to an attestation that a debt arises out of a child support or spousal support obligation or a judgment that contains a money award of restitution, the financial institution shall immediately calculate and establish the total amount in all of the accounts the debtor has with the financial institution.

(b) If the total of the amounts in all of a debtor's accounts with the financial institution does not exceed the base protected account balance, the financial institution shall provide full customary access to the amounts in the debtor's accounts with the financial institution.

(c) If a financial institution finds under paragraph (a)(C) of this subsection that the total amount in all of a debtor's accounts with the financial institution exceeds the base protected account balance, the financial institution shall:

(A) Provide full customary access to the base protected account balance; and

(B) Conduct a garnishment account review to determine whether one or more of the payments listed in this subparagraph were made to any of the debtor's accounts by direct deposit or electronic transfer within the lookback period. The payments a financial institution must look for during a garnishment account review are:

(i) Federal benefit payments;

(ii) Payments from a public or private retirement plan as defined in ORS 18.358;

(iii) Public assistance payments or medical assistance, as defined in ORS 414.025, from the State of Oregon or an agency of the State of Oregon;

(iv) Unemployment compensation payments from the State of Oregon or an agency of the State of Oregon;

(v) Black lung benefits payments from the United States Department of Labor; and

(vi) Workers' compensation payments from a workers' compensation carrier.

(d) The lookback period during which a financial institution must determine whether a payment listed in paragraph (c) of this subsection was made to a debtor's account with the financial institution:

(A) Ends on the day before the day on which the financial institution conducts the garnishment account review; and

(B) Begins:

(i) On the day in the second calendar month preceding the month in which the financial institution conducts the garnishment account review that has the same number as the day on which the lookback period ends; or

(ii) On the last day of the second calendar month preceding the month in which the financial institution conducts the garnishment account review, if the day described in sub-subparagraph (i) of this subparagraph does not exist.


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(e)(A) If a financial institution determines after conducting a garnishment account review that a payment listed in paragraph (c)(B) of this subsection was made by direct deposit or electronic transfer to an account the debtor has with the financial institution within the lookback period, the financial institution shall provide the debtor with full customary access to the sum of the following amounts, which are not subject to garnishment:

(i) The base protected account balance; and

(ii) The amount by which the sum of all payments listed in paragraph (c) of this subsection that were made by direct deposit or electronic transfer to the debtor's accounts with the financial institution within the lookback period exceeds the base protected account balance.

(B) The amounts in subparagraph (A) of this paragraph are calculated as of the effective date and time of the garnishment, but before the financial institution conducts the garnishment account review, and are not affected by withdrawals of funds by the debtor after the effective date and time of the garnishment.

(f) A financial institution that conducts a garnishment account review under paragraph (c) of this subsection shall proceed to deliver to the garnishor under ORS 18.600 to 18.850 any amount that exceeds an amount not subject to garnishment described in paragraph (e) of this subsection.

(g) If the writ of garnishment is attached to an attestation that a debt arises out of a child support or spousal support obligation or a judgment that contains a money award of restitution, the financial institution shall conduct a garnishment account review and provide the debtor with full customary access to all payments listed in paragraph (c)(B) of this subsection that were made by direct deposit or electronic transfer to an account the debtor has with the financial institution within the lookback period.

(h) A financial institution shall perform a garnishment account review only one time for a specific garnishment. If the same writ of garnishment is served on a financial institution more than once, the financial institution may not perform a garnishment account review or take any other action relating to the garnishment based on the second and any subsequent service of the writ of garnishment.

(i) The provisions of this subsection do not affect a debtor's ability to claim any exemption that otherwise is available to the debtor under law for any amounts in an account in a financial institution.

(j) The initial base protected account balance is the combined total of $2,500 in all of a debtor's accounts in the financial institution. The State Court Administrator shall index the base protected account balance amount each year on or before July 1 to reflect increases

or decreases in the cost of living for the previous calendar year, based on changes in the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statistics of the United States Department of Labor or a successor agency. The State Court Administrator shall publish the adjusted exemption on the Judicial Department website. In adjusting the exempted amount, the State Court Administrator shall round to the nearest $100, but shall use the unrounded adjusted amount to calculate the exempted amount for the succeeding year. The new exempted amount becomes effective on July 1 of the year in which the State Court Administrator makes the adjustment and becomes the amount that the State Court Administrator must adjust in the succeeding year.

(3) A financial institution that conducts the garnishment account review described in subsection (2)(c) of this section shall, within three business days after conducting the garnishment account review, notify the debtor, or a fiduciary that administers the debtor's accounts and receives communications on behalf of the debtor, of the financial institution's actions. The financial institution shall provide the notice in substantially the form specified in ORS 18.847 and must send the notice to the debtor or fiduciary separately, not as part of any communications unrelated to the garnishment that the financial institution provides to the debtor or fiduciary.

(4) A financial institution must perform the calculations described in subsection (2)(c) of this section for each of the debtor's accounts with the financial institution, but may issue a single notice under subsection (3) of this section for multiple accounts of the same account holder.

(5) Issuing a notice under subsection (3) of this section does not constitute giving legal advice. A financial institution is not obligated to provide legal advice by reason of issuing a notice under subsection (3) of this section.

(6) The provisions of subsection (2)(c), (d), (e) and (f) of this section apply only to payments that a financial institution can identify, from information the payer transmits to the financial institution, as one of the types of payments listed in subsection (2)(c)(B) of this section.

**Or. Rev. Stat. § 18.838. Form of instructions to garnishee**

Instructions to garnishees must be in substantially the following form:

…

SPECIAL INSTRUCTIONS FOR BANKS AND OTHER FINANCIAL INSTITUTIONS

(1)(a) If you receive a writ of garnishment for a Debtor who has an account with your institution, you must first determine whether a Notice of Right to Garnish Federal Benefits from the United States Government or from a state child support enforcement agency, as provided in 31 C.F.R. part 212, accompanies the writ of garnishment.


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(b) If a Notice of Right to Garnish Federal Benefits accompanies the writ of garnishment, you must proceed with the garnishment in the normal manner.

(c) If the writ of garnishment is attached to an attestation that a debt arises out of a child support or spousal support obligation or a judgment that contains a money award of restitution, the base protected account balance does not apply and you should not perform the calculation provided by (1)(d), (2), (3), (5) and (6) below, but you must perform a garnishment account review as provided in (4) and (7) below.

(d) If a Notice of Right to Garnish Federal Benefits does not accompany the writ of garnishment or the writ of garnishment is not attached to an attestation that a debt arises out of a child support or spousal support obligation or a judgment that contains a money award that includes restitution, you must immediately determine the total amount in all of the accounts the Debtor has with your institution.

(2)(a) If, after making the determination in (1)(d) above, you find that the total amount in all of the Debtor's accounts with your institution is less than or equal to the base protected account balance, as defined in ORS 18.785 (1)(a), shown on the Oregon Judicial Department website as exempt from garnishment:

(A) The Debtor's accounts are not subject to garnishment.

(B) You must provide full customary access to the Debtor's accounts.

(b) As of the effective date of this 2024 Act, the amount that is not subject to garnishment is $2,500, but this amount is indexed to the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statistics of the United States Department of Labor or a successor agency, and may vary from year to year.

(3) If, after making the determination in (1)(d) above, you find that the total amount in all of the Debtor's accounts with your institution exceeds the base protected account balance shown on the Oregon Judicial Department website as exempt from garnishment:

(a) The base protected account balance is not subject to garnishment.

(b) You must provide full customary access to the base protected account balance shown on the Oregon Judicial Department website as exempt from garnishment.

(c) You must conduct a garnishment account review.

(4) In a garnishment account review, you must determine whether any of the following payments were made by direct deposit or electronic transfer to any of the Debtor's accounts with your institution within the lookback period described in ORS 18.785 (2)(d) (the period

that begins on the date preceding the date of your garnishment account review and that ends on the corresponding date of the month two months earlier, or on the last day of the month two months earlier if the corresponding date does not exist):

(a) Federal benefit payments as defined in ORS 18.600 (benefit payments from the United States Social Security Administration, the United States Department of Veterans Affairs, the United States Office of Personnel Management or the Railroad Retirement Board);

(b) Payments from a public or private retirement plan as defined in ORS 18.358;

(c) Public assistance payments or medical assistance, as defined in ORS 414.025, from the State of Oregon or an agency of the State of Oregon;

(d) Unemployment compensation payments from the State of Oregon or an agency of the State of Oregon;

(e) Black lung benefits payments from the United States Department of Labor; or

(f) Workers' compensation payments from a workers' compensation carrier.

(5) If in the garnishment account review you determine that any of the payments listed in (4) above were made by direct deposit or electronic transfer to any of the Debtor's accounts with your institution within the lookback period, you may not garnish, and must provide full customary access to, the sum of:

(a) The base protected account balance shown on the Oregon Judicial Department website as exempt from garnishment; and

(b) The amount by which the sum of all payments described in (4) above exceeds the base protected account balance.

(6) Any amount in the Debtor's accounts that exceeds the amounts described in (5) above is subject to garnishment and you must proceed with garnishment in the ordinary manner.

(7) If the writ of garnishment is attached to an attestation that a debt arises out of a child support or spousal support obligation or a judgment that contains a money award of restitution, you must provide the Debtor with full customary access to all payments listed in (4) above that were made by direct deposit or electronic transfer to an account within the lookback period the Debtor has with your institution.

If the Garnishor fails to pay the search fee required by ORS 18.790 and you do not employ the Debtor, you are not required to deliver a Garnishee Response and you may deal with any property of the Debtor as though the garnishment had not been issued.


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If the Debtor owes a debt to you that was due at the time you received the writ of garnishment, you may be able to offset the amount of that debt. *See* ORS 18.795. You must note that you have made the offset in Part I of the Garnishee Response (under "Other") and specify the amount that was offset.

Before making a payment under the writ, you may first deduct any processing fee that you are allowed under ORS 18.790. If you are required to conduct a garnishment account review, you may not charge or collect a processing fee against any amount that is not subject to garnishment, and may not charge or collect a garnishment processing fee against any amounts in the account after the date that you conduct the review.

You need not deliver any property contained in a safe deposit box unless the Garnishor pays you in advance for the costs that will be incurred in gaining entry to the box. *See* ORS 18.792.

If you are required to conduct a garnishment account review and you determine from the review that one or more of the payments listed in ORS 18.785 (2)(c)(B) have been deposited into the Debtor's account by direct deposit or electronic payment during the lookback period described in ORS 18.785 (2)(d), and that there is a positive balance in the account, you must issue a notice to the account holder in substantially the form set forth in ORS 18.847. The notice must be issued directly to the account holder or to a fiduciary who administers the account and receives communications on behalf of the account holder. The notice must be sent separately to the account holder and may not be included with other materials being provided to the account holder that do not relate to the garnishment. You must send the notice to the account holder within three business days after you complete the garnishment account review. You may issue one notice with information related to multiple accounts of a single account holder.

## Pennsylvania

**Pa. R. Civ. P. 3252. Writ of Execution–Money Judgments**

(a) The writ of execution shall include a notice to the defendant, a summary of major exemptions, and a claim for exemption, and shall be substantially in the following form:

(Caption)

WRIT OF EXECUTION

NOTICE

This paper is a Writ of Execution. It has been issued because there is a judgment against you. It may cause your property to be held or taken to pay the judgment. You may have legal rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

The law provides that certain property cannot be taken. Such property is said to be exempt. There is a debtor's exemption of $300. There are other exemptions which may be applicable to you. Attached is a summary of some of the major exemptions. You may have other exemptions or other rights.

If you have an exemption, you should do the following promptly: (1) Fill out the attached claim form and demand for a prompt hearing. (2) Deliver the form or mail it to the Sheriff's Office at the address noted.

You should come to court ready to explain your exemption. If you do not come to court and prove your exemption, you may lose some of your property.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

_____

(Name)

_____

(Address)

_____

(Telephone Number)

WRIT OF EXECUTION

Commonwealth of Pennsylvania

County of

To the Sheriff of _____ County:

To satisfy the judgment, interest and costs against _____ (Name of Defendant), defendant,


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(1) you are directed to levy upon the property of the defendant and to sell the defendant's interest therein;

(2) you are also directed to attach the property of the defendant not levied upon in the possession of _____ (Name of Garnishee), as garnishee, _____ (Specifically describe property) and to notify the garnishee that

(a) an attachment has been issued;

(b) except as provided in paragraph (c), the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof;

(c) the attachment shall not include

(i) the first $10,000 of each account of the defendant with a bank or other financial institution containing any funds which are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law.

(ii) each account of the defendant with a bank or other financial institution in which funds on deposit exceed $10,000 at any time if all funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law.

(iii) any funds in an account of the defendant with a bank or other financial institution that total $300 or less. If multiple accounts are attached, a total of $300 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42 Pa.C.S. § 8123.

(3) if property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify such other person that he or she has been added as a garnishee and is enjoined as above stated.

Amount due

$_____

Interest from _____

$_____

Costs to be added

$_____

(Name of Prothonotary (Clerk) )

Seal of the Court

By

(Deputy)

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

1. $300 statutory exemption

2. Bibles, school books, sewing machines, uniforms and equipment

3. Most wages and unemployment compensation

4. Social Security benefits

5. Certain retirement funds and accounts

6. Certain veteran and armed forces benefits

7. Certain insurance proceeds

8. Such other exemptions as may be provided by law

(Caption)

CLAIM FOR EXEMPTION

To the Sheriff:

I, the above-named defendant, claim exemption of property from levy or attachment:

(1) From my personal property in my possession which has been levied upon,

(a) I desire that my $300 statutory exemption be

Empty Checkbox (i) set aside in kind (specify property to be set aside in kind):

Empty Checkbox (ii) paid in cash following the sale of the property levied upon; or

(b) I claim the following exemption (specify property and basis of exemption): .

(2) From my property which is in the possession of a third party, I claim the following exemptions:

(a) my $300 statutory exemption: Empty Checkbox in cash; Empty Checkbox in kind (specify property): ;


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(b) other (specify amount and basis of exemption):

I request a prompt court hearing to determine the exemption. Notice of the hearing should be given to me at _____ (Address), _____ (Telephone Number).

I verify that the statements made in this Claim for Exemption are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

(Defendant)

THIS CLAIM TO BE FILED WITH THE
OFFICE OF THE SHERIFF OF
_____ COUNTY:

_____
(Address)

_____
(Telephone Number)

Note: Under paragraphs (1) and (2) of the writ, a description of specific property to be levied upon or attached may be set forth in the writ or included in a separate direction to the sheriff.

Under paragraph (2) of the writ, if attachment of a named garnishee is desired, the garnishee's name should be set forth in the space provided.

Under paragraph (3) of the writ, the sheriff may add as a garnishee any person not named in this writ who may be found in possession of property of the defendant. *See* Rule 3111(a). For limitations on the power to attach tangible personal property, *see* Rule 3108(a).

(b) Each court shall by local rule designate the officer, organization or person to be named in the notice.

## Washington

**Wash. Rev. Code § 6.15.010(1)(d)(iii)**

(d) To each individual or, as to community property of spouses maintaining a single household as against a creditor of the community, to the community, provided that each spouse is entitled to his or her own exemptions in this subsection (1)(d):

(i) All household goods, appliances, furniture, and home and yard equipment, not to exceed $6,500 in value for the individual, said amount to include provisions and fuel for comfortable maintenance;

(ii) In a bankruptcy case, any other personal property, except personal earnings as provided under RCW 6.15.050(1), not to exceed $10,000 in value. The value shall be determined as of the date the bankruptcy petition is filed;

(iii)(A) Other than in a bankruptcy case as described in (d)(ii) of this subsection, other personal property, except personal earnings as provided under RCW 6.15.050(1), not to exceed $3,000 in value, of which not more than:

(I) For all debts except private student loan debt and consumer debt, $500 in value may consist of bank accounts, savings and loan accounts, stocks, bonds, or other securities. The maximum exemption under this subsection (1)(d)(iii)(A)(I) shall be automatically protected and may not exceed $500, regardless of the number of existing separate bank accounts, savings and loan accounts, stocks, bonds, or other securities.

(II) For all private student loan debt, $2,500 in value may consist of bank accounts, savings and loan accounts, stocks, bonds, or other securities. $1,000 in value shall be automatically protected. The maximum exemption under this subsection (1)(d)(iii)(A)(II) may not exceed $2,500, regardless of the number of existing separate bank accounts, savings and loan accounts, stocks, bonds, or other securities.

(III) For all consumer debt, $2,000 in value may consist of bank accounts, savings and loan accounts, stocks, bonds, or other securities. The maximum exemption under this subsection (1)(d)(iii)(A)(III) shall be automatically protected and may not exceed $2,000, regardless of the number of existing separate bank accounts, savings and loan accounts, stocks, bonds, or other securities.

## Wisconsin

**Wis. Stat. § 812.11. Garnishee answer** (excerpt)

The garnishee shall, within 20 days from the service of a garnishee summons and complaint, exclusive of the day of service, serve upon the attorney for the plaintiff, and file with the clerk of court, an answer in which the garnishee shall state: …

(4) The garnishee may state any claim of exemption from execution on the part of the defendant or other objection, known to the garnishee, against the right of the plaintiff to apply upon the plaintiff's demand the debt or property disclosed.

(The mandatory form is reprinted in Appendix B).

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**TREASURY RULE: 31 C.F.R. § 212.6(a)**

**§ 212.6 Rules and procedures to protect benefits.**

The following provisions apply if an account review shows that a benefit agency deposited a benefit payment into an account during the lookback period.

(a) Protected amount. The financial institution shall immediately calculate and establish the protected amount for an account. The financial institution shall ensure that the account holder has full and customary access to the protected amount, which the financial institution shall not freeze in response to the garnishment order. An account holder shall have no requirement to assert any right of garnishment exemption prior to accessing the protected amount in the account.

# APPENDIX B: STATE GARNISHMENT FORMS

This appendix provides copies of the three garnishment forms that our report cites as having elements that would be good models or starting points for other states.

**New Mexico** ..... 61

**Ohio** ..... 65

**Oregon** ..... 67

## New Mexico

A New Mexico statute, N.M. Stat. Ann. § 35-12-18, specifies the language that a writ of garnishment served on a bank to seize a judgment debtor's bank account must contain. The following is a laid-out version of the form, found on a state judicial system website:

**4-806. Writ of garnishment.**

[For use with Rules 1-065.2, 2-802 and 3-802 NMRA]

STATE OF NEW MEXICO
COUNTY OF _____
[IN THE [MAGISTRATE] [METROPOLITAN] COURT]
[_____ JUDICIAL DISTRICT]

_____, Plaintiff,

v. No. _____

_____, Defendant.

Balance Due Upon Application for Writ: $_____
Includes Interest at _____%
Through _____, _____ (date)

**WRIT OF GARNISHMENT**

THE STATE OF NEW MEXICO to _____, garnishee.

_____ is the judgment debtor in this case and owes the amount set out above to the judgment creditor, _____, whose address is _____.


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The above judgment creditor believes that you hold or control money or property that belongs to the judgment debtor.

YOU ARE ORDERED to file a written answer with the _____ court located at _____ within twenty (20) days from the day you receive this writ. Your answer must be under oath and on the attached form (*answer by garnishee*).

YOU ARE FURTHER ORDERED, as follows:

1. If you owe the judgment debtor any money (other than wages), or become indebted to the judgment debtor before filing your answer, you must keep a sufficient amount of that money to satisfy the judgment and all costs and attorney fees due as a result of service of this writ and not pay it to the judgment debtor, unless this court enters an order releasing this writ of garnishment.

2. If the judgment debtor is an employee of yours, unless the debt is for child or spousal support, YOU SHALL PAY YOUR EMPLOYEE, THE JUDGMENT DEBTOR, whichever amount is greater, one of the following:

    A. seventy-five percent (75%) of the debtor's disposable earnings (salary less social security, federal and state withholdings, and any other deduction required by law) for any pay period;

OR

    B. an amount each week equal to forty (40) times the federal minimum hourly wage rate.

If the debt is for child support or spousal support payments, you shall pay the judgment debtor fifty percent (50%) of the debtor's disposable earnings (*salary less social security, federal, and state withholding*).

If employee's wages or salary are subject to more than one garnishment or wage withholding proceeding, the writs shall be satisfied in the order they have been served on you.**1**

In no event may you withhold from your employee's net disposable earnings more than fifty percent (50%) of the employee's net disposable earnings if one of the writs is for child or spousal support or more than twenty-five percent (25%) if none of the garnishments is for child or spousal support.**2**

Any wages you owe the employee in excess of that amount or that you may come to owe the employee in excess of that amount must be kept by you until further order of this

court. (*A table giving equivalent exemptions for pay periods of other than one (1) week may be obtained from the Financial Institutions Division of the Regulation and Licensing Department, 725 St. Michaels Drive, Santa Fe, New Mexico 87503.*)

3. If you have any property that belongs to the judgment debtor, including any rights, credits, bonds, bills, notes, drafts, and other rights to property or money that belongs to the judgment debtor, or if you acquire any such property, money, or rights to property or money before filing your answer, you must keep a sufficient amount of that property to satisfy the existing judgment and costs and not turn it over to the judgment debtor unless the court enters an order releasing the property or money.

4. If you hold property or money belonging to the judgment debtor, within four (4) business days after service of this writ, you are to mail or deliver a copy of this writ and the application for writ provided by the judgment creditor. If you hold property or money of the judgment debtor's other than wages and the debtor is a natural person, you shall also mail or deliver to the judgment debtor, the attached notice of right to claim exemptions and a copy of the attached claim of exemption forms to each person identified as a judgment debtor. You shall also send or deliver a copy of your answer to this writ to the judgment debtor and to the judgment creditor.

5. The court will be asked to enter an order awarding $_____ for the judgment creditor's costs relative to the service of the writ of garnishment and $_____ for judgment creditor's attorney fees in connection with the writ of garnishment in addition to $_____, the "Balance Due Application for Writ."

**THIS IS A COURT ORDER.** If you fail to file the answer, or if you disobey any of these orders, a judgment may be entered against you for the full amount of the unpaid judgment in this case.

(*Seal*)

_____

Judge or clerk

**RETURN**

STATE OF NEW MEXICO )
) ss.
COUNTY OF _____ )

**RETURN FOR COMPLETION BY SHERIFF OR DEPUTY:**

I certify that I served this writ in said county on the _____ day of _____, _____, by delivering a copy of the writ, a copy of the application for writ, a copy of


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a form for answer by garnishee, a copy of a notice of right to claim exemptions for each judgment debtor, and a copy of the claim of exemption form for each judgment debtor to _____, garnishee.

(***For garnishment of wages, serve only copies of the application for writ of garnishment, writ of garnishment, and answer form. For garnishment other than wages, if the judgment debtor is a natural person, serve the application for writ of garnishment, the writ of garnishment, a copy of the notice of right to claim exemptions, a copy of the claim of exemption form, and a copy of the answer by garnishee. Judgment debtors who are not natural persons are not entitled to garnishment exemptions.***)

By _____
Name

_____
Title

Fees:

SHERIFF OF _____
COUNTY, State of New Mexico
By _____
Deputy

**RETURN FOR COMPLETION BY OTHER PERSON MAKING SERVICE:**

I, being duly sworn, on oath, say that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this writ in said county on the _____ day of _____, _____, by delivering a copy of the writ, a copy of the application for writ, a copy of a form for answer by garnishee, a copy of a notice of right to claim exemptions for each judgment debtor, and a copy of the claim of exemption form for each judgment debtor to _____ garnishee.

By _____
Name

_____
Title

_____
Signature of private person
making service

Subscribed and sworn to before me this
_____ day of _____, _____

_____
Judge, notary, or other officer
authorized to administer oaths

_____
Official title

USE NOTE

1. Section 35-12-9 NMSA 1978 provides that if an employee's wages are subject to more than one garnishment proceeding, the writs shall be satisfied in the order in which they are served on the garnishee.

2. Section 35-12-7(C) NMSA 1978 provides that the maximum amount that may be taken from a person's disposable earnings is fifty percent (50%) of the employee's disposable earnings.

[As amended, effective June 15, 1986; January 1, 1987; July 1, 1992; January 1, 1996; December 3, 2001; as amended by Supreme Court Order No. 12-8300-030, effective for all cases filed or pending on or after January 7, 2013.]

## Ohio

An Ohio statute, Ohio Rev. Code Ann. § 2716.13, specifies the language of the form that a bank must fill out in response to an order of garnishment of a judgment debtor's bank account. The following is a laid-out version of the form, based on a version found on the Erie County website:

SECTION B. ANSWER OF GARNISHEE (Answer All Pertinent Quesetions)

Now comes _____ the garnishee herein who says:

1. That the Garnishee has more than $400.00 in money, property, or credits other than personal earnings of the Judgment Debtor under the Garnishee's control and in the Garnishee's possession. ☐ YES ☐ NO

   If yes Amount (amount over $400.00) _____

2. That property is described as: _____
   _____
   _____


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3. If the answer to line 1 is "yes" and the amount is less than the probable amount now due on the judgment, as indicated in Section (A) of this form, sign and return this form and pay the amount of line 1 to the Clerk of this Court.

4. If the answer to line 1 is "yes" and the amount is greater than the probable amount now due on the Judgment, as indicated in Section (A) of this form, sign and return this form and pay that probable amount now due to the Clerk of this Court.

5. If the answer to line 1 is "yes" but the money, property, or credits are of such a nature that they cannot be delivered to the Clerk of the Court, indicate that by placing an "X" in this space ☐. Do not dispose of that money, property, or credits or give them to anyone else until further order of the court.

6. If the answer to line 1 is "no", sign and return this form to the Clerk of this Court.

I certify that the statements above are true.

_____
(Print Name of Garnishee)

_____
(Print Name and Title of Person Who Completed Form)

Signed _____
(Signature of Person Completing Form)
(Sign all copies)

Copy delivered to Judgment Debtor this _____ day of _____, _____

SECTION A SHALL BE FILLED IN BEFORE SERVICE, SECTION B SHALL BE FILLED IN BY THE GARNISHEE AND THE ORIGINAL FILED WITH THE COURT AS HIS ANSWER. THE GARNISHEE MAY KEEP ONE COMPLETED COPY AND SHALL DELIVER THE OTHER COMPLETED TO THE JUDGMENT DEBTOR.

TO: SHERIFF, CONSTABLE, BAILIFF

You are hereby directed to serve three (3) copies of this order of Garnishment of property other than personal earnings, together with the Garnishee's fee as provided for in O.R.C. 2716.12 with a written notice that the Garnishee answer as provided in O.R.C. 2716.21 on the Garnishee named herein.

_____
(Clerk - Deputy Clerk)

RETURN OF SERVICE

Received _____, _____

_____

(Sheriff - Bailiff - Constable)

Returned and filed _____, _____

I certify this to be a true copy of the original Order and Notice with all indorsements theron.

_____

On the _____ day of _____, _____

I served this writ on the within named by

☐ personal service

☐ other (O.R.C. 2716.21) _____

_____

**FEES**

Service and return _____

Mileage _____

_____

(Sheriff - Bailiff - Constable)

By _____

Deputy

## Oregon

Or. Rev. Stat. § 18.874 specifies the language of the notice that the financial institution must send the judgment debtor about the garnishment. According to a state judicial website, a laid-out version of the form is available for purchase at stationery stores, and we did not find a laid-out version online. The text of the garnishment form's instructions regarding bank account garnishment, as set forth in the statute, is:

SPECIAL INSTRUCTIONS FOR BANKS
AND OTHER FINANCIAL INSTITUTIONS

Unless a Notice of Right to Garnish Federal Benefits from the United States Government or from a state child support enforcement agency is attached to or included in the garnishment, you must conduct a garnishment account review for each account that you hold for the debtor. If a Notice of Right to Garnish Federal Benefits from the United States Government or from a state child support enforcement agency is attached to or included in the garnishment, you should not conduct a garnishment account review, and should proceed upon the garnishment in the normal manner.

If you hold an account for the debtor, and any of the payments listed below has been deposited in the account by direct deposit or electronic payment during the lookback period described in ORS 18.784 (2) (the period that begins on the date preceding the date of your garnishment account review and that ends on the corresponding date of the month two months earlier, or on the last day of the month two months earlier if the corresponding date


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does not exist), an amount equal to the lesser of the sum of those payments or the total balance in the debtor's account is not subject to garnishment, and you may not deliver that amount to the garnishor:

(a) Federal benefit payments as defined in ORS 18.600 (payments from the United States Social Security Administration, the United States Department of Veterans Affairs, the United States Office of Personnel Management or the Railroad Retirement Board);

(b) Payments from a public or private retirement plan as defined in ORS 18.358;

(c) Public assistance or medical assistance, as defined in ORS 414.025, payments from the State of Oregon or an agency of the State of Oregon;

(d) Unemployment compensation payments from the State of Oregon or an agency of the State of Oregon;

(e) Black lung benefits payments from the United States Department of Labor; and

(f) Workers' compensation payments from a workers' compensation carrier.

If the Garnishor fails to pay the search fee required by ORS 18.790 and you do not employ the Debtor, you are not required to deliver a Garnishee Response and you may deal with any property of the Debtor as though the garnishment had not been issued.

If the Debtor owes a debt to you that was due at the time you received the writ of garnishment, you may be able to offset the amount of that debt. *See* ORS 18.795. You must note that you have made the offset in Part I of the Garnishee Response (under "Other") and specify the amount that was offset.

Before making a payment under the writ, you may first deduct any processing fee that you are allowed under ORS 18.790. If you are required to conduct a garnishment account review, you may not charge or collect a processing fee against any amount that is not subject to garnishment, and may not charge or collect a garnishment processing fee against any amounts in the account after the date that you conduct the review.

You need not deliver any property contained in a safe deposit box unless the Garnishor pays you in advance for the costs that will be incurred in gaining entry to the box. *See* ORS 18.792.

If you are required to conduct a garnishment account review and you determine from the review that one or more of the payments listed in ORS 18.784 (3) have been deposited into the debtor's account by direct deposit or electronic payment during the lookback period described in ORS 18.784 (2), and that there is a positive balance in the account, you must

issue a notice to the account holder in substantially the form set forth in ORS 18.847. The notice must be issued directly to the account holder or to a fiduciary who administers the account and receives communications on behalf of the account holder. The notice must be sent separately to the account holder and may not be included with other materials being provided to the account holder that do not relate to the garnishment. You must send the notice to the account holder within three business days after you complete the garnishment account review. You may issue one notice with information related to multiple accounts of a single account holder.


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# APPENDIX C: SUMMARIES OF STATE BANK ACCOUNT GARNISHMENT STATUTES AND PROCEDURES

This Appendix summarizes state laws that provide a general exemption–one that is not dependent on the source of the money or other factors–for an amount in a judgment debtor's bank account. It focuses in particular on whether whatever protection the state requires is self-executing, *i.e.* whether the bank is required to protect the exempt amount only if the judgment debtor files or submits some document asserting it, as opposed to protecting it automatically.

These summaries do not address state bank account protections that are limited to funds that come from a particular source, such as Social Security benefits, or special protections for certain kinds of bank accounts, such as college savings accounts. They also do not address other procedures that judgment creditors may use to collect judgment debts, such as wage garnishment, liens on real property, or seizure of personal property. They assume a bank account that is just in the judgment debtor's name. (In some states, if the account is in two persons' names, both may be able to assert an exemption, or other protections may apply). It does not include any special exemptions that apply only to debtors in bankruptcy cases.

A creditor who has recovered a money judgment against a person is known as a "judgment creditor," and the person against whom the judgment was entered is a "judgment debtor." The process by which a judgment creditor can seize all or part of a judgment debtor's bank account to pay the judgment is known by various names, such as "trustee process," "supplemental process," "attachment," or "levy," but the most common term is "garnishment." An "exemption" is an amount that is protected from seizure.

The summaries first identify whether the state provides an exemption for money in a bank account, and the amount of the exemption. This may be an earmarked protection for a certain amount in a bank account, or a "wildcard" in a specified amount that a judgment debtor can use to protect a bank account or other property.

The summaries then list the grade awarded to that state for its bank account protection by NCLC's report No Fresh Start: Will States Protect Families from Wage and Asset Seizures as Debt Levels Soar? (December 2025), with an explanation of the grade. If the state's exemption for a bank account is a wildcard, the grade is based on certain assumptions about how the debtor would allocate that wildcard between a bank account and other property. A more detailed description of the grading system can be found in an appendix to that report.

The summaries then analyze whether the state's exemption is self-executing, looking at the statute, any court rules, and court forms. They conclude with an entry about whether

the exemption procedures are uniform across all the courts in the state, and whatever information we were able to find about filing fees and service fees for bank account garnishments in the state. Filing fee information was particularly difficult to track down, as the fee schedules we could find online were sometimes unclear about exactly what procedures the fees apply to, and sometimes appeared not to have been updated recently.

After preparing these summaries, we had them reviewed internally for accuracy. We also asked at least one practitioner in each state to check them for accuracy, and obtained responses from almost all the states. If there are any errors in these summaries, please bring them to our attention.

These summaries were prepared for the purposes of comparing states' bank account garnishment policies, not as a practice guide. Anyone dealing with a bank account garnishment should research their own state's laws and local procedures rather than relying on these summaries.


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## Alabama

1. **Statute:** No earmarked exemption in statute. The state provides a $9,400 statutory wildcard (Ala. Code § 6-10-6), adjusted for inflation every three years pursuant to Ala. Code. § 6-10-12, and a $1,000 constitutional wildcard (Ala. Const. Art. X, § 204) that a debtor can use to protect a bank account. The wildcards provide the only available protection for the debtor's car, bank account, household goods, and most other assets.
2. **No Fresh Start:**
    a) **Grade:** C
    b) **Explanation of Grade:** For grading purposes, No Fresh Start assumes that the debtor would first apply the wildcards to protect a car worth $9,400, and then apply the $1,000 remainder to a bank account. In *In re* Lively, 583 B.R. 534 (Bankr. M.D. Ala. 2017), the court treated the statutory wildcard as available to protect a sum of money that a state court was holding for the debtor, so it appears that it can be used to protect a bank account.
3. **Is the Bank Account Protection Self Executing?:** No, Alabama does not have a self-executing exemption for a bank account. The pertinent court forms make plain that it is the debtor's responsibility to establish the right to an exemption. Unless and until a debtor takes the required steps to claim the exemption, a judgment creditor can garnish the account.
4. **Court Procedure:** No relevant rule, but court forms detailed below make clear that there is not a self-executing bank levy protection in Alabama.
5. **Court Forms:** List of Unified Judiciary Forms HERE
6. **Unified Judiciary Form:**
    a) C-21Process of Garnishment HERE. This is the form that practitioners most often see. It includes the notice to defendants in form C-24D below.
    b) C-24D Notice to Defendant of Right to Claim Exemption From Garnishment HERE. This form contemplates that local courts may create Process of Garnishment Forms, and form C-24D must be sent with those local forms, though local practitioners have never seen a local form and in practice the C-21 form which includes the C-24D notice on the back is the form used.
7. **Language Requiring Consumer to File for an Exemption:** "If you do not file a claim of exemption, your property may be turned over to the court and paid to the plaintiff on the judgment against you."

8. **Are Rules Consistent Across Courts?:** Yes, Rule 1 of the Alabama Rules of Civil Procedure provides that Rule 64A, which directs the creation of the Notice to Defendant of Right to Claim Exemption From Garnishment Form, applies to all courts.
9. **Cost of Garnishment:** Wage or bank is $30.


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## Alaska

1. **Statute:** Alaska Stat. §§ 09.38.030, 09.38.050(b): for individual who does not receive earnings either weekly, semi-monthly, or monthly, state exempts cash and other liquid assets available in any month of up to $1,400 ($2970 if debtor submits an affidavit that they are sole support of household), all amounts adjusted for inflation every two years, per Alaska Stat. § 09.38.115.
2. **No Fresh Start:**
    a) **Grade:** C
    b) **Explanation of Grade:** This is an earmarked exemption, but is not self-executing. The report gives a C grade to a bank account exemption between $1000 and $4999 that is not self-executing.
3. **Is the Bank Account Protection Self Executing?:** No. Two booklets provided by the court system, CIV-550 Judgment Creditor Booklet and CIV-511 Judgment Debtor Booklet, state that the debtor has to fill out a form to claim an exemption, and if the debtor does not do so the exemption will not be recognized. The latter booklet states, at p. 2, "Even though the law says you are entitled to an exemption, you will not be given the exemption unless you claim it. You must claim your exemptions or you will lose them."
4. **Court Procedure:** Alaska R. 69 - Execution specifies the procedures for garnishment but does not address whether the exemption is automatic or must be claimed by the debtor.
5. **Court Forms:** CIV-510 Notice of Levy and Notice of Right to Exemptions is a form that is to be given to the judgment debtor. It instructs the debtor how to claim the exemptions, and says that they are not automatic. CIV-515 Claim of Exemptions is the form the debtor is to fill out to claim an exemption. It does not address whether the exemptions are automatic (and also seems poorly designed to claim the bank account exemption).
6. **Are Rules Consistent Across Courts?:** Rule 1 of Alaska's rules of civil procedure provides that they apply in both the superior court and, "as far as applicable," in the district court. The court forms are captioned for either the superior court or the district court.
7. **Cost of Garnishment:** Alaska R. Admin. 11 Fees provides:
    a) (a)(1)(ii): "For service of any warrant, attachment, notice of levy, intent to levy or garnishment, execution or other writ: $45."
    b) (9): "Fee paid to the court under Rule 9(e)(1) for issuing a writ of execution: $25."

## Arizona

1. **Statute:** Ariz. Rev. Stat. Ann. § 33-1126(9): exempts $5400 in one bank account (as of the annual inflation adjustment that took effect on January 1, 2025, pursuant to Ariz. Rev. Stat. § 11-3301). Ariz. Rev. Stat. Ann. § 12-1580 provides that a judgment debtor who claims an exemption may file a written objection and request for hearing within 10 days after receipt of the bank's answer to the garnishment. Ariz. Rev. Stat. Ann. § 12-1574(D) requires the garnishee bank to deliver a notice and request for hearing form to the judgment debtor, along with other papers. Ariz. Rev. Stat. Ann. § 12-1584 provides that, if the judgment debtor has not filed a timely objection, the court is to order the bank to pay the funds to the judgment creditor.
2. **No Fresh Start:**
    a) **Grade:** B
    b) **Explanation of Grade:** The report gives a B grade to a bank account exemption between $5000 and $11,999 that is not self-executing.
3. **Is the Bank Account Protection Self Executing?:** State law, court rules, and forms do not instruct banks to protect the exempt amount. However, advocates in the state report that on at least some occasions banks have filed answers asserting the exemption on behalf of the judgment debtor.
4. **Court Procedure:** Rule 69 of the Arizona Rules of Civil Procedure addresses enforcement of judgments but does not specify the procedures. Rule 147 of the Arizona Justice Court rules provides for a writ of garnishment, but simply says that the procedure for the writ will be as provided by law.
5. **Court Forms:** A state judicial system website provides a series of forms for use in bank account garnishment. Form 3 Instructions to Garnishee (Non-Earnings) states that the judgment debtor may object to a garnishment or file a claim of exemption by requesting a hearing with the court if the debtor believes that the funds are exempt. This form is specified by statute, Ariz. Rev. Stat. Ann. § 12-1596 Forms. Similarly, a form that the garnishee bank may use to respond to the garnishment, Form 4 Garnishee's Answer, does not include any instruction to the bank to protect the exempt amount. Nonetheless, advocates in the state report that sometimes a garnishee bank will assert the bank account exemption in its answer.
6. **Are Rules Consistent Across Courts?:** Yes. Form 3 is captioned for all courts in the state.
7. **Cost of Garnishment:**
   Justice Court Filing Fees: Issuance of writs = $33.
   Superior Court Filing Fees: Issuance of any writ = $35.


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## Arkansas

1. **Statute:** In Arkansas, the only exemption for a bank account or any other personal property outside bankruptcy is found in Art. 9, § 2 of the Arkansas Constitution. It provides a $500 wildcard for the head of a household, but this wildcard is also the only protection for a judgment debtor's car and household goods.
2. **No Fresh Start:**
    a) **Grade:** F
    b) **Explanation of Grade:** For grading purposes, No Fresh Start assumes that the debtor would first apply a wildcard exemption to protect a car worth up to $15,400, and then apply the $1,000 remainder to a bank account. Given the small amount of the exemption, this assumption means that none of it would be available to protect a bank account. The report gives an F grade to any state that protects less than $500 in a bank account.
3. **Is the Bank Account Protection Self Executing?:** No.
4. **Court Procedure:** Court rules do not address the procedure for bank account garnishments, but a statute, Ark. Code Ann. § 16-110-402, provides that the judgment debtor may claim an exemption by filing an exemption claim with the clerk of court. If the judgment creditor files a statement contesting the exemption, the court must hold a hearing on the claim.
5. **Court Forms:** There do not appear to be uniform statewide forms for garnishments. A form from one county, Craighead County Writ, explains what exemptions are and states that the judgment debtor has "the right to ask for a hearing to claim these or other exemptions," making it clear that the $500 exemption is not self-executing.
6. **Are Rules Consistent Across Courts?:** We found nothing in the statutes or court rules regarding garnishment that differentiates between courts. However, it appears that court forms for garnishment are created county-by-county.
7. **Cost of Garnishment:** Ark. Code Ann. § 16-17-126 specifies that a district court clerk is to charge a $10 fee for issuing a writ of garnishment. However, the filing fee for a writ of garnishment in Pulaski County, the most populous county in the state, appears to be $20 (+$50 if delivered by the sheriff or process server).

## California

1. **Statute:** Cal. Civ. Proc. Code § 704.220(a): "Money in the judgment debtor's deposit account in an amount equal to or less than the minimum basic standard of adequate care for a family of four for Region 1, established by Section 11452 of the Welfare and Institutions Code and as annually adjusted by the State Department of Social Services pursuant to Section 11453 of the Welfare and Institutions Code, is exempt without making a claim." Amount is $2,244 as of July 1, 2025, and is adjusted annually. *See* EJ-156 Current Dollar Amounts of Exemptions.
2. **No Fresh Start:**
    a) **Grade:** B
    b) **Explanation of Grade:** The report gives a B grade to a self-executing protection for $1000 to $2999 in a bank account. (It also gives a B grade to an exemption between $5000 and $11,999 that is not self-executing).
3. **Is the Bank Account Protection Self Executing?:** Yes. Statute is explicit that the amount is exempt without the need for a claim. In addition, Cal. Code Civ. Proc § 699.540(c)(3) refers to the exemption as "automatic."
4. **Court Procedure:** The procedures for bank account garnishment are set by statute, as part of the California Code of Civil Procedure. Cal. Code Civ. Proc. §§ 700.010 and 700.140 govern service of the writ of execution and notice of levy on the judgment debtor and any third party in whose name the account stands. The California Rules of Civil Procedure, which are adopted by the Judicial Council of California, do not address the procedures for garnishment.
5. **Court Forms:**
    a) EJ-150 Notice of Levy (containing instructions for the garnishee and informing the judgment debtor that "there are automatic exemptions that financial institutions should apply to a deposit account").
    b) EJ-152 Memorandum of Garnishee (form for garnishee to fill out and return)
    c) EJ-156 Current Dollar Amounts of Exemptions
    d) EJ-157 Ex Parte Application for Order on Deposit Exemption (form for judgment creditor to seek an ex parte hearing about what account to levy on when a debtor has multiple accounts).
6. **Are Rules Consistent Across Courts?:** Yes. The statute does not differentiate between different courts.


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7. **Cost of Garnishment:** A self-help guide issued by the Judicial Branch of California states that a judgment creditor seeking to garnish a bank account must obtain a Writ of Execution for a fee of $40, and pay the sheriff a fee, usually $40, to serve the writ.

## Colorado

1. **Statute:** Colo. Rev. Stat. § 13-54-102(1)(w): "The following property is exempt from levy and sale under writ of attachment or writ of execution…[u]p to two thousand five hundred dollars cumulative in a depository account or accounts in the name of the debtor."
2. **No Fresh Start:**
    a) **Grade:** C
    b) **Explanation of Grade:** This is an earmarked exemption, but is not self-executing. The report gives a C grade to a bank account exemption between $1000 and $4999 that is not self-executing.
3. **Is the Bank Account Protection Self Executing?** No. The pertinent court forms make plain that it is the debtor's responsibility to establish the right to an exemption. Unless and until a debtor takes the required steps to claim the exemption, a judgment creditor can garnish the account. A court brochure about garnishment makes it clear that the exemption is lost if the judgment debtor does not claim it by filing a form within 14 days.
4. **Court Procedure:** Rule 103(6)(b)(1) of the Colorado Rules of Civil Procedure provides that a judgment debtor who claims an exemption must file a claim of exemption within 14 days. Rule 103(2)(g)(2) allows the court to order the bank to turn over the garnished amount if the debtor does not file a claim of exemption within 14 days. Rule 403 of the Colorado Rules of County Court Civil Procedure is substantively identical.
5. **Court Forms:** The Writ of Garnishment with Notice of Exemption and Pending Levy form informs the debtor of the bank account exemption, and says "[i]f the money or property which is being withheld from you includes any "exempt property," you must file within 14 days of receiving this notice a written Claim of Exemption with the Clerk of the Court describing what money or property you think is "exempt property" and the reason that it is exempt. YOU MUST USE THE APPROVED FORM attached to this Writ or a copy of it. When you file the claim, you must immediately deliver, by certified mail, return receipt requested, a copy of your claim to the Garnishee (person/place that was garnished) and to the Judgment Creditor's attorney, or if none, to the Judgment Creditor at the address shown on this Writ with Notice." The attached form in question, the Claim of Exemption,

prompts the debtor to describe the property being held, its value, the amount that they claim to be exempt, and a space that begins, "I claim the Property is Exempt because (Please write the Exemption(s) listed in the Writ of Garnishment with Notice, if applicable):..."

6. **Are Rules Consistent Across Courts?:** Yes. The general rules of civil procedure and the rules for county courts are substantively identical.
7. **Cost of Garnishment:** This document states that the fee for a garnishment is $45. It does not break down the amount based on whether it is a wage or bank account garnishment. It appears to be applicable to all courts in the state.

## Connecticut

1. **Statute:** Conn. Gen. Stat. §§ 52-352b(18), 52-367b(c)(2), (n), (o).
   a) § 52-352b(18): "The following property of any natural person shall be exempt:... Any interest of the exemptioner in any property not to exceed in value one thousand dollars."
   b) Conn. Gen. Stat. § 52-367b(c)(2): "the financial institution shall leave in the judgment debtor's account (A) the full amount of electronic direct deposits that are readily identifiable as exempt federal veterans' benefits, Social Security benefits, [SSI, Railroad Retirement benefits, unemployment compensation, and certain child support payments] …and (B) the amount of electronic direct deposits, not to exceed one thousand dollars, that are readily identifiable as wages, provided such deposits were made to the judgment debtor's account during the look-back period of two months preceding the date that the execution was served on the financial institution, or, with regard to federal benefits, such greater period as required by federal law. If no such deposits have been made to the judgment debtor's account during the look-back period, or if such readily identifiable funds are less than one thousand dollars, the financial institution shall leave in the judgment debtor's account as exempt pursuant to subdivision (18) of section 52-352b the lesser of the account balance or one thousand dollars in the aggregate."
2. **No Fresh Start:**
   a) **Grade:** B
   b) **Explanation of Grade:** The report gives a B grade to a bank account exemption with a self-executing protection for $1000 to $2999. (It also gives a B grade to an exemption between $5000 and $11,999 that is not self-executing.)


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3. **Is the Bank Account Protection Self Executing?:** Yes.
4. **Court Procedure:** Neither the general civil rules for the Superior Court and for the Superior Court's small claims division sets forth procedures for execution on judgments. *See* Connecticut Rules for the Superior Court,§ 17-52, Executions ("Pursuant to the General Statutes, the judgment creditor or the attorney for the judgment creditor may file a written application with the court for an execution to collect an unsatisfied money judgment. Both refer instead to Connecticut's statutes."); Conn. Small Claims Rules, § 24-32, Execution in Small Claims Actions ("Pursuant to the General Statutes, the judgment creditor or the representative of the judgment creditor may file with the court a written application on forms prescribed by the Office of the Chief Court Administrator for an execution to collect an unsatisfied money judgment.").
5. **Court Forms:** JD-CV-24 Financial Institution Execution Proceedings - Judgment Debtor Who is a Natural Person, Application and Execution, ¶3, instructs the financial institution to leave $1000 in the judgment debtor's bank account.
6. **Are Rules Consistent Across Courts?:** Yes. The relevant statute, Conn. Gen. Stat. § 52-367b(c)(2), is not written to be limited to a specific court. Question 24 on a court-created webpage instructs holders of small claims judgments to use the same form for executing on a bank account as the general branch of the Superior Court.
7. **Cost of Garnishment:** $105 (specified by Conn. Gen. Stat. § 52-367b(b)(1)). In addition, if the execution is successful, the judgment creditor must pay the officer serving the execution 15% of the amount collected or $50, whichever is greater. Conn. Gen. Stat. § 52-261(a)(F).

## Delaware

1. **Statute:** Del. Code Ann. tit. 10, § 3502(b) ("Banks, trust companies, savings institutions and loan associations, except only as to a wage attachment against the wages of an employee of the bank, trust company, savings institution or loan association, shall not be subject to the operations of the attachment laws of this State."). Court decisions confirm this conclusion: *see, e.g., Tekstrom, Inc. v. Savla*, 2007 WL 3231632, at *3 (Del. Com. Pleas Oct. 25, 2007) ("Both [parties] are correct in their assertion that '[the judgment creditor] cannot attach any funds held by PNC Bank to satisfy the judgment.'").
2. **No Fresh Start:**
    a) **Grade:** A
    b) **Explanation of Grade:** The report gives an A grade to a state that protects $12,000 or more or has a self-executing protection for at least $3,000. Since Delaware bans bank account garnishment, it qualifies for an A.
3. **Is the Bank Account Protection Self Executing?:** Yes. Bank account garnishments are banned altogether.
4. **Court Procedure:** There are no court rules providing for garnishment of a bank account.
5. **Court Forms:** Superior Court Rules of Civil Procedure, Forms 38 (Levy Fieri Facias) and 45 (Attachment Fieri Facias (Garnishment), are generic forms for attachment and garnishment of property, but do not mention bank accounts. The Delaware court system has issued a guide describing steps a judgment creditor can take to collect a judgment issued by the Justice of the Peace Courts, but does not mention the possibility of garnishing the judgment debtor's bank account.
6. **Are Rules Consistent Across Courts?:** Yes. The prohibition of bank account garnishment is written to apply to all banks and is not confined to any particular court.
7. **Cost of Garnishment:** N/A.


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## District of Columbia

1. **Statute:** There is no earmarked exemption for general funds in a bank account, but D.C. Code § 15-501(a)(3) provides two wildcard exemptions for "the debtor's aggregate interest in any property, not to exceed $850 in value, plus up to $8,075 of any unused amount of the exemption provided under" the homestead exemption.
2. **No Fresh Start:**
   a) **Grade:** C
   b) **Explanation of Grade:** For grading purposes, No Fresh Start assumes that the debtor would first apply $7925 of these wildcards to supplement an earmarked protection of $2575 for a car, and then apply the $1000 remainder to a bank account. The report gives a C to a state that exempts $1000 to $4999 or has a self-executing protection of at least $500, so the District of Columbia rates a C.
3. **Is the Bank Account Protection Self Executing?:** No.
4. **Court Procedure:** Civil Rule 69-1 requires the bank to protect certain direct-deposited exempt benefits, but does not require the bank to take any steps to protect general funds in the judgment debtor's account. Instead, the rule provides that a party may raise a claim that funds are exempt from attachment by filing a motion claiming an exemption and requesting a hearing.
5. **Court Forms:** The court system provides a Superior Court form Motion for Claim of Exemption and Request for Hearing and a similar small claims form. Both the small claims form and a set of instructions that the court system provides for filling out the Superior Court form state that the judgment debtor must pay a fee (waivable if the debtor is unable to pay) to file the motion. The small claims form states that the fee is $10. The Superior Court version does not state the amount but it is probably the $20 fee for a motion listed on the District's fee schedule.
6. **Are Rules Consistent Across Courts?:** Yes. The Superior Court is the trial court of general jurisdiction in D.C. and is governed by Civil Rule 69-1, discussed above. Rule 2 of the D.C. Superior Court Rules for the Small Claims and Conciliation Branch provides that Superior Court Civil Rule 69-1 applies equally in the small claims branch.
7. **Cost of Garnishment:** The fee for filing a writ of attachment is $20 in superior court and $10 in the small claims branch.

## Florida

1. **Statute:** No earmarked exemption, but two wildcard exemptions: Fla. Const. art. X, § (4)(a)(2); Fla. Stat. § 222.25.
2. **No Fresh Start:**
   a) **Grade:** C
   b) Explanation of Grade: Florida does not provide an earmarked exemption for a bank account. Instead, it provides two wildcard exemptions that can be used for a bank account: the state constitution provides a $1,000 exemption in any personal property, and a state statute provides an additional $4,000 exemption in personal property to a debtor who does not claim or receive the benefits of the state homestead exemption. For grading purposes, No Fresh Start assumes that the debtor would first apply $4,000 of these wildcards to supplement an earmarked protection of $5,000 for a car, and then apply the $1,000 remainder to a bank account. The report gives a C to a state that exempts $1,000 to $4,999 or has a self-executing protection of at least $500, so Florida rates a C.
3. **Is the Bank Account Protection Self Executing?:** No.
4. **Court Procedure:**
   a) Rule 1.570 of the Florida Rules of Civil Procedure, Enforcement of Final Judgments, states that enforcement shall be "by execution, writ of garnishment, or other appropriate process or proceedings," but does not otherwise specify the procedure.
   b) Rule 1.560 of the Florida Rules of Civil Procedure. Discovery in Aid of Execution, allows a judgment creditor to obtain an order requiring a judgment debtor to fill out form 1.977, listing the judgment debtor's assets and income in detail.
5. **Court Forms:** Fla. Stat. § 77.041 requires a notice of a garnishment to be mailed to the judgment debtor, and specifies its language, which confirms that the wildcard exemptions are not self-executing: "IF AN EXEMPTION FROM GARNISHMENT APPLIES TO YOU AND YOU WANT TO KEEP YOUR WAGES, MONEY, AND OTHER PROPERTY FROM BEING GARNISHED, OR TO RECOVER ANYTHING ALREADY TAKEN, YOU MUST COMPLETE A FORM FOR CLAIM OF EXEMPTION AND REQUEST FOR HEARING AS SET FORTH BELOW AND HAVE THE FORM NOTARIZED. IF YOU HAVE A VALID EXEMPTION, YOU MUST FILE THE FORM WITH THE CLERK'S OFFICE WITHIN 20 DAYS AFTER THE DATE YOU RECEIVE THIS NOTICE OR YOU MAY LOSE IMPORTANT RIGHTS. " For a sample of this form, *see* Miami-Dade CT. 862 - Claim of


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Exemption. The statute also provides that, if the judgment creditor does not file a sworn statement answering the debtor's claim of exemption, the clerk must automatically dissolve the writ of garnishment, and no hearing on the claim of exemption is required.

6. **Are Rules Consistent Across Courts?:** The constitutional and statutory exemption provisions are consistent across courts. The constitutional exemption applies to "any court," and the statutory exemption states that the specified types of property are exempt, without limiting the scope of the statute to any particular court.
7. **Cost of Garnishment:**
    a) Filing Fees: Garnishment, attachment, replevins and distress - $85.
    b) Plus Miami-Dade Sheriff's Office Service Fee: $40.
    c) Plus $100 deposit for garnishee and $3 Clerk Fee.

## Georgia

1. **Statute:** Georgia does not have an earmarked exemption for a bank account. It has a $5000 wildcard exemption, but it is unclear whether any part of it can be used to protect a bank account. Ga. Code Ann. § 44-13-1.
2. **No Fresh Start:**
    a) **Grade:** F
    b) **Explanation of Grade:** Georgia has a $5,000 wildcard exemption - an exemption that a judgment debtor can apply to protect any "real or personal property" of the debtor's choice. This language might be broad enough to allow the debtor to apply the exemption to protect money in a bank account, but we could not find any cases in Georgia doing so, and some language in the statute suggests that it may apply only to tangible property that can be sold. In addition, it is not included on a list of garnishment exemptions posted by the state attorney general. If this wildcard were available, under our grading criteria we would assume that a debtor would apply $4000 of it to protect a car, and only the remaining $1000 to protect a bank account.
3. **Is the Bank Account Protection Self Executing?:** No. Nothing in the state's exemption statutes states that it is self-executing. Ga. Code Ann. § 18-4-15 states that a judgment debtor may file a claim to assert an exemption, and, Ga. Code Ann. § 18-4-20 provides that, if no claim has been filed within a stated time limit, the garnished money is to be distributed to the judgment creditor.
4. **Court Procedure:** The procedures for garnishment are set forth by statute, Ga. Code Ann. §n 18-4-1 to 18-4-26, discussed above..
5. **Court Forms:** Court forms are created by statute. A form titled "Notice to Defendant of Right Against Garnishment of Money, Including Wages, and Other Property," specified by Ga. Code Ann. § 18-4-82, states that a judgment debtor "must" file a claim form to protect property from garnishment, and may lose the right to claim an exemption if the claim form is not filed within the time allowed.
6. **Are Rules Consistent Across Courts?:** Yes. The statutes governing exemptions and garnishment procedures in Georgia are not phrased as applying just to particular levels of the court system.
7. **Cost of Garnishment:** The filing fee for wage or bank garnishment in Fulton County, the state's most populous county, is $60 plus $13 for marshal service.


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## Hawaii

1. **Statute:** Hawaii does not provide any exemption that can be used to protect general funds in a bank account. Haw. Rev. Stat. § 651-121, the state's main exemption statute, provides modest exemptions for household goods, clothing, jewelry, a motor vehicle, tools, a burial plot, insurance proceeds, and recently-paid wages, and the state also has a minimal homestead exemption, but there is no exemption that can be applied to a bank account.
2. **No Fresh Start:**
    a) **Grade:** F
    b) **Explanation of Grade:** Hawaii is graded F because it does not provide any exemption that will protect general funds in a bank account.
3. **Is the Bank Account Protection Self Executing?:** There is no protection, whether self-executing or otherwise.
4. **Court Procedure:** N/A
5. **Court Forms:** N/A
6. **Are Rules Consistent Across Courts?:** Yes–there is no protection, and this is consistent across courts.
7. **Cost of Garnishment:** $30 for Sheriff to serve Garnishee Summons.

## Idaho

1. **Statute:** Idaho does not provide any exemption that can be used for general funds in a bank account. Idaho Code Ann. §§ 11-601 to 11-609 lists the available exemptions and does not include an earmarked exemption for money or a bank account. The state provides a $1,500 wildcard exemption, but it can be used only to protect "tangible personal property." Idaho Code Ann. § 11-605(10). The Notice of Exemptions that must be served on the judgment debtor at the time of a garnishment includes a list of available exemptions, and that list does not identify any exemption that is available to protect a bank account.
2. **No Fresh Start:**
    a) **Grade:** F
    b) **Explanation of Grade:** The state does not provide any exemption that can be used to protect general funds in a bank account.
3. **Is the Bank Account Protection Self Executing?:** There is no protection, whether self-executing or otherwise.
4. **Court Procedure:** N/A
5. **Court Forms:** The Notice of Exemptions that must be served on the judgment debtor at the time of a garnishment, explaining how to object to a garnishment, allows the judgment debtor to assert that funds being garnished are exempt. It includes a form that lists four types of funds that are exempt because of their source (e.g., public assistance and Social Security benefits), but does not list any general exemption for money in a bank account that a debtor could assert. It warns the debtor, "If you fail to return a Claim of Exemption Form to the sheriff within fourteen (14) days of the mailing/service of this notice, your wages, money, benefits and personal property will be released to pay the judgment," making it clear that Idaho law treats even the protections for these types of benefits as non-self-executing.
6. **Are Rules Consistent Across Courts?:** Yes–there is no protection, and this is consistent across courts.
7. **Cost of Garnishment:** Garnishment fees in Idaho appear to be set county-by-county. The fee for regular service of a writ of garnishment on a financial institution by first class mail in Ada County, the state's most populous county, is $55.


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## Illinois

1. **Statute:** No earmarked exemption, but state provides a $4000 wildcard. 735 Ill. Comp. Stat. § 5/12-1001.
2. **No Fresh Start:**
   a) **Grade:** C
   b) **Explanation of Grade:** For grading purposes, No Fresh Start assumes that the debtor would first apply most of a wildcard exemption to protect a car (up to $15,000), but, as long as the wildcard is $3000 or more, would set aside $1000 to protect a bank account. Applying this standard to Illinois, after applying $3000 of the $4000 wildcard to protect a car, the debtor would be able to apply $1000 to protect a bank account. The report gives a C to a state that exempts $1,000 to $4,999 or has a self-executing protection of at least $500, so Illinois rates a C.
3. **Is the Bank Account Protection Self Executing?:** No. The debtor must request a court hearing to assert an exemption to protect a bank account. As of January 1, 2026, a new law provides that $1000 of the $4000 wildcard exemption is to be automatically applied to a bank account, but only until the return date of the garnishment, at which time the judgment debtor must claim the exemption or lose it.
4. **Court Procedure:** 735 Ill. Comp. Stat. § 5/12-711 provides that the judgment debtor "may request a hearing … to seek exemptions" by notifying the clerk of court.
5. **Court Forms:** In Illinois, each county adopts its own court forms. The Garnishment Summons for Cook County, the state's most populous county, states that the debtor must go to court to tell the judge that money in the bank account is exempt, and, if the debtor does not, the money will be turned over to the creditor.
6. **Are Rules Consistent Across Courts?:** Neither 735 Ill. Comp. Stat. § 5/12-1001, which provides the $4000 wildcard, nor 735 Ill. Comp. Stat. § 5/12-711, which provides that the judgment debtor may request a hearing to assert an exemption, is limited to any particular level of the state court system.
7. **Cost of Garnishment:** In Cook County, the cost is $2 to the clerk of court, plus $60 to Cook County Sheriff's Office for service of the garnishment summons.

## Indiana

1. **Statute:** Ind. Code § 34-55-10-2(c)(3) exempts cash or a deposit account up to $450 (originally $300, but adjusted for inflation on a six-year schedule, as required by Ind. Code Sec. 34-55-10-2.5 and reported at 750 Ind. Admin. Code § 1-1-1).
2. **No Fresh Start:**
    a) **Grade:** F
    b) **Explanation of Grade:** Indiana is graded F because it provides an exemption of less than $500 that is not self-executing.
3. **Is the Bank Account Protection Self Executing?:** No. Under Ind. Code § 28-9-4-2, the bank is required to send the depositor a notice one day after placing a hold on the judgment debtor's bank account. Ind. Code § 28-9-3-4(d)(3) specifies that the form must state that a judgment debtor who believes that some or all of the funds in the deposit account on which a hold may have been placed are exempt is entitled to a prompt hearing for the purpose of presenting evidence to establish exemptions and seek removal of the hold. It also requires the notice to include a detachable form to request a hearing. *See also* Ind. Code § 28-9-3-5 (providing a form notice). The reference to requesting a hearing and establishing an exemption make it fairly clear that a judgment debtor must act affirmatively to assert an exemption.
4. **Court Procedure:** The relevant procedures are set out by statute rather than court rule. *See* Ind. Code §§ 28-9-3-4, 28-9-3-4(d)(3), and 28-9-4-2 (discussed above).
5. **Court Forms:** Ind. Code § 28-9-3-5 (providing a form notice), discussed above.
6. **Are Rules Consistent Across Courts?:** The exemption statute and the statutory procedures are not written in a way that would limit them to a particular level of the court system.
7. **Cost of Garnishment:** There is no fee for service on the first three garnishee defendants, but after that there is a $10 fee for each additional garnishee. Ind. Code § 33-37-5-28; Indiana Trial Court Fee Manual.


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## Iowa

1. **Statute:** Iowa Code 627.6(14) provides a $1000 wildcard that can be used to protect cash, a bank account, or any personal property).
2. **No Fresh Start:**
    a) **Grade:** F
    b) **Explanation of Grade:** For grading purposes, No Fresh Start assumes that a debtor would use a wildcard exemption of less than $3000 to protect a car (up to $15,000). Although Iowa provides a $1000 wildcard exemption that can be used to protect a bank account, No Fresh Start assumes that the debtor would use it to protect a car, leaving no protection for money in a bank account and therefore earning an F grade.
3. **Is the Bank Account Protection Self Executing?:** No. An Iowa statute, and a court-created form, require the debtor to file papers in court to claim an exemption.
4. **Court Procedure:** An Iowa statute, Iowa Code § 642.14A, requires the debtor to be given notice of the garnishment. The notice must state that the debtor "has the right to claim funds or other property exempt from execution or garnishment and a right to request and have a timely hearing before a judge to claim such exemptions." It also must state that, if the debtor does not file a motion or other appropriate pleading to claim and exemption, the debtor may lose such rights.
5. **Court Forms:** The Iowa court system provides Form 3.19 - Notice of Garnishment for use in the state's small claims courts. It states that, to assert an exemption, the debtor must file a Motion to Quash Garnishment Form 3.20), an Affidavit of Property Exempt from Execution (Form 3.21), an Answer, or other appropriate pleading within 10 days, and that, if the debtor does not do so, a court order will be entered condemning the funds and the funds will be applied against the judgment.
6. **Are Rules Consistent Across Courts?:** Both the statute creating the wildcard exemption and the statute requiring the debtor to file papers in court to claim the exemption are written in a way that would apply to all levels of the judicial system. The court forms are specific to cases in the state trial courts' small claims divisions, however.
7. **Cost of Garnishment:** Sheriff's Fee of $67.68 (for Polk County, Iowa's most populous county).

## Kansas

1. **Statute:** The state does not provide any exemption that can be used to protect general funds in a bank account.
2. **No Fresh Start:**
    a) **Grade:** F
    b) **Explanation of Grade:** Kansas provides neither an earmarked exemption for a bank account nor a wildcard exemption that could be used to protect general funds in a bank account.
3. **Is the Bank Account Protection Self Executing?:** There is no protection, whether self-executing or otherwise.
4. **Court Procedure:** The basic procedures for bank account garnishment are set by statute in Kansas rather than by court rule. A judgment debtor must be given a notice stating that the judgment debtor has the right to request a hearing to assert exemptions and bears the burden to prove that any funds in the bank account are exempt. Kan. Stat. Ann. §§ 60-735 (applicable to district courts), 61-3508 (similar procedure for limited actions, including small claims cases, in district courts).
5. **Court Forms:** The Kansas Judicial Council provides a Notice to Judgment Debtor (nonearnings) for civil cases and a similar form for limited actions. Both state that a debtor who wishes to claim an exemption for any funds in an account may file a request for a hearing with the court. The forms also state that the burden is on the judgment debtor to prove that any funds in the bank account qualify as exempt. The forms list certain kinds of deposits, such as Black Lung benefits, that are exempt, but does not identify any way to exempt general deposits. These forms and the statutes cited above make it clear that Kansas law treats even the protections for these types of benefits as non-self-executing.
6. **Are Rules Consistent Across Courts?:** Kansas statutes address garnishment procedures in limited actions (Chapter 61) cases (including small claims cases) separately from the procedure in general civil (Chapter 60) cases (see above), but the garnishment procedures are substantively the same.. Individual judicial districts also set their own rules, but a spot check of those rules did not reveal any that made exemptions self-executing.
7. **Cost of Garnishment:** Order of Garnishment: $20 under Chapter 60, $12.50 under Chapter 61; Sheriff's Fee: $15.


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## Kentucky

1. **Statute:** Kentucky does not provide any exemption that can be used to protect general funds in a bank account. There is a $1,000 wildcard exemption, but it applies only when the debtor has filed for bankruptcy, Ky. Rev. Stat. Ann. § 427.160, and there is no earmarked exemption for a bank account.
2. **No Fresh Start:**
    a) **Grade:** F
    b) **Explanation of Grade:** Kentucky is graded F because it does not provide any exemption that will protect general funds in a bank account.
3. **Is the Bank Account Protection Self Executing?:** There is no protection, self-executing or otherwise.
4. **Court Procedure.** A Kentucky statute, Ky. Rev. Stat. Ann. § 425.501, states that, in the case of a garnishment, "[t]he judgment debtor may appear and claim the exemption of any property … that is exempt from execution." An Order of Garnishment form identifies certain types of funds, such as Social Security and workers compensation benefits, that are exempt, and instructs the debtor that "you must claim and prove any applicable exemption," making it clear that Kentucky law treats even the protections for these types of benefits as non-self-executing.
5. **Court Forms:** *See* the Order of Garnishment form, discussed above. The Kentucky court system has also published an Affidavit to Challenge Garnishment form for the judgment debtor to use to claim an exemption.
6. **Are Rules Consistent Across Courts?:** Yes–there is no protection, and this is consistent across courts.
7. **Cost of Garnishment:** Ky. Rule of Civil Procedure 3.02(2)(i) provides that the fee for issuing garnishments is $15. Ky. Rev. Stat. Ann. § 64.080 states that the sheriff may charge $5 for summoning a garnishee. In addition, Ky. Rev. Stat. Ann. § 425.501(3) requires the judgment creditor to pay the bank a $10 fee for processing the garnishment.

## Louisiana

1. **Statute:** Louisiana does not provide any exemption that can be used to protect general funds in a bank account. It provides neither an earmarked exemption nor a wildcard that can be used to protect an amount in a bank account.
2. **No Fresh Start:**
    a) **Grade:** F
    b) **Explanation of Grade:** Louisiana is graded F because it does not provide any exemption that will protect general funds in a bank account.
3. **Is the Bank Account Protection Self Executing?:** There is no protection, self-executing or otherwise.
4. **Court Procedure:** N/A
5. **Court Forms:** The Louisiana Supreme Court has a document entitled Uniform Forms Committee for Louisiana City and Parish Courts but it does not appear to include forms for garnishment of a bank account.
6. **Are Rules Consistent Across Courts?:** Yes–there is no protection, and this is consistent across courts.
7. **Cost of Garnishment:** The costs for a Petition for Garnishment appear to vary by city and parish. For instance, in Baton Rouge City Court, located in the most populous parish in the state, the fee for a Petition for Garnishment is $205 and the fee for a Garnishment Judgment is $25. The filing fee for a Petition for Garnishment in the Civil District Court for Orleans Parish (which covers the City of New Orleans) is $289.50.

## Maine

1. **Statute:** Me. Rev. Stat. Ann. tit. 14, § 4422(17), "Cash; bank account," exempts "[t]he debtor's interest in cash or in deposit accounts or other accounts of a financial institution, equal to any amount in cash or in the deposit account or other account of financial institutions, but not exceeding" $3,550 (originally $3,000, but adjusted for inflation every three years pursuant to Me. Rev. Stat. Ann. tit. 14, sec. 442, with the current amount reported at Me. R. Admin. Order JB-24-02).
2. **No Fresh Start:**
    a) **Grade:** C


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b) **Explanation of Grade:** This is an earmarked exemption, but is not self-executing. The report gives a C grade to a bank account exemption between $1000 and $4999 that is not self-executing.

3. **Is the Bank Account Protection Self Executing?:** No. Nothing in the state's exemption statute states that it is self-executing. Me. Rev. Stat. Ann. tit. 14, § 3127-A allows a judgment creditor to ask the court to authorize service on a bank (or other third party) of an order instructing the bank to hold the debtor's property and file an answer with the court, with a copy to the debtor. The debtor then has the right to file a motion for a hearing on the exempt status of the property in question, and provides that, unless the judgment debtor does so within 20 days after the garnishee bank files its answer, the property is subject to, among other things, a turnover order. In addition, Me. Rev. Stat. Ann. tit. 14, § 4422(17) provides that "[t]he plaintiff, defendant or other account owner may file an ex parte motion for dissolution or modification in the court in which a judgment or prejudgment order was entered for a hearing to establish how and to which account any exemption should be applied." Maine also allows a judgment creditor to subpoena the judgment debtor to be questioned about their income and assets at a "disclosure hearing," and ask the court to order the debtor to make payments. If the debtor fails to do so, the judgment creditor can file contempt charges against the debtor, seeking to have the debtor arrested and imprisoned. Me. Rev. Stat. Ann. tit. 14, §§ 3122, 3125, 3125-A, 3136. However, this procedure is complicated and expensive, and judgment creditors rarely use it unless a debtor is self-employed or the debt is very large. The Maine Judicial Branch's *Guide to Small Claims Court* pp. 18-22, details the disclosure hearing procedures.
4. **Court Procedure:** Me. Rev. Stat. Ann. tit. 14, § 3127-A, described above, sets out the procedure for garnishments.
5. **Court Forms:** There is no specific form for claiming a bank account exemption or notifying a judgment debtor of the procedure for doing so.
6. **Are Rules Consistent Across Courts?:** In Maine, District Courts and branches of the Superior Court are located throughout the state. Neither the state exemption law nor the statute setting out the procedure for bank account garnishments is written in a way that would not apply to all trial courts in the state.
7. **Cost of Garnishment:** The Maine fee schedule does not mention garnishment specifically. However, Rule 69 of the Maine Rules of Civil Procedure states that the process for enforcing a judgment shall be a writ of execution, and the schedule lists $25 as the fee for preparing a writ, and $10 plus $5 for each page after the first page for an attested copy of the writ. Me. Rev. Stat. Ann. tit. 30-A, § 421 provides that the sheriff's fee for serving a writ of execution is $16 ($40 if hand-delivered). It also provides percentage fees (2% to 4%) based on the amount collected.

## Maryland

1. **Statute:** Md. Code Ann., Cts. & Jud. Proc. 11-504(b)(5) ("up to $500 in a deposit account or other account of the debtor held by a depository institution, without election of the debtor").
2. **No Fresh Start:**
   a) **Grade:** C
   b) **Explanation of Grade:** The report gives a C to a state that exempts $1,000 to $4,999 or has a self-executing protection of at least $500, so Maryland rates a C.
3. **Is the Bank Account Protection Self Executing?:** Yes. Md. Code Ann., Cts. & Jud. Proc. § 11-504(b)(5) provides that $500 is exempt "without election of the debtor." In addition, § 11-504(c)(3) provides that "A writ of garnishment issued for a deposit account or other account held by a depository institution shall instruct the garnishee that, subject to additional exemptions, it is to garnish only the amount exceeding the amount exempted without election of the debtor."
4. **Court Procedure:** Maryland's rules of civil procedure do not address the self-executing nature of the $500 bank account exemption. Rule 3-645 specifies the procedure to obtain and serve a writ of garnishment, and provides that a garnishee may, in its answer to the writ, assert any defense that it has or that the judgment debtor could assert. It also requires the person who serves the writ on the financial institution to mail it to the judgment debtor promptly thereafter. Rule 3-645.1 requires the writ of garnishment to instruct the financial institution about how to comply with 31 C.F.R. Part 212, the federal Treasury Rule that requires protection of two months of certain direct-deposited exempt federal benefits.
5. **Court Forms:** The Request for Writ of Garnishment of Property Other than Wages states in its Notice to Judgment Debtor "Your financial institution will automatically protect up to $500 (Courts and Judicial Proceedings § 11-504)." It also explains that the judgment debtor has the right to assert a defense or objection to the garnishment by filing an answer within 30 days, and lists various exemptions that may be available.
6. **Are Rules Consistent Across Courts?:** Yes. The statute creating the automatic bank account exemption is not written in a way that would limit it to any particular segment of Maryland's court system.
7. **Cost of Garnishment:** The fee for Request for Writ of Garnishment of Property Other than Wages is $10 in Maryland's district courts, plus a $60 fee for service by the sheriff or $10 for mailing by the clerk. In Maryland's circuit courts the fee for issuing this writ is $31.


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## Massachusetts

1. **Statute:** Mass. Gen. Laws c. 246, § 28A creates a self-executing protection by providing that $2,500 in a banking institution is exempt, and that the bank is to report only the amount exceeding $2,500 as subject to attachment. Mass. Gen. Laws c. 235, § 34(15) also states that $2,500 in cash or savings or other deposits in a banking or investment institution) is exempt, and at least one court, *In re* Sutherland, 495 B.R. 134 (Bankr. D. Mass. 2013), holds that this non-self-executing exemption can be claimed in addition to the first one. A non-self-executing wildcard of up to $5,000 provided by Mass. Gen. Laws c. 235, § 34(17) can also be applied to a bank account.
2. **No Fresh Start:**
    a) **Grade:** B
    b) **Explanation of Grade:** The report gives a B grade to a state that either protects at least $5,000 or has a self-executing protection for between $1,000 and $2,999.
3. **Is the Bank Account Protection Self Executing?:** Yes.
4. **Court Procedure:** Mass. Civil Procedure R. 4.2, Trustee Process, provides that the summons for attachment of a bank account must notify the bank "of such amount of [the] bank account as [is] by law exempt from attachment and shall direct [the bank] to pay over to the [judgment debtor] the exempted amount."
5. **Court Forms:** The Boston Municipal Court makes a Trustee Process form available. That form is consistent with the requirement that the bank protect the $2,500 exempt amount, in that it instructs the bank that $2,500 "is exempt from this attachment." Other Trustee Process forms sampled online used similar language.
6. **Are Rules Consistent Across Courts?:** Yes. The relevant statutes are not written in a way that would confine them to particular courts in the judicial system.
7. **Cost of Garnishment:** A fee schedule published by the Massachusetts court system for use in all trial courts lists the cost of a blank summons as $5.00. It appears that this fee is applicable to a Trustee Summons, which is the means by which a bank account garnishment is effected in Massachusetts.

## Michigan

1. **Statute:** Michigan does not provide any exemption that can be used to protect general funds in a bank account–neither an earmarked exemption nor a wildcard.
2. **No Fresh Start:**
    a) **Grade:** F
    b) **Explanation of Grade:** Michigan is graded F because it does not provide any exemption that will protect general funds in a bank account.
3. **Is the Bank Account Protection Self Executing?:** There is no protection, self-executing or otherwise.
4. **Court Procedure:** N/A
5. **Court Forms:** The form used for garnishment in Michigan, entitled Request and Writ for Garnishment (Nonperiodic), lists examples of income that may be exempt from garnishment but there is no mention of an earmarked bank account exemption, self-executing or otherwise, or a wildcard that can be applied to a bank account. It also states that the judgment debtor has 14 days to file objections to the garnishment, and if the judgment debtor does not do so the money will be turned over to the judgment creditor without further notice.
6. **Are Rules Consistent Across Courts?:** Yes–there is no protection, and this is consistent across courts.
7. **Cost of Garnishment:** Mich. Comp. Laws § 600.5757 states: "A fee of $15.00 shall be charged for each writ of restitution, garnishment, attachment, or execution and for each judgment debtor discovery subpoena issued."


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## Minnesota

1. **Statute:** Minnesota does not provide any exemption that can be used to protect general funds in a bank account. It provides neither an earmarked exemption nor a wildcard that can be used to protect an amount in a bank account.
2. **No Fresh Start:**
    a) **Grade:** F
    b) **Explanation of Grade:** Minnesota is graded F because it does not provide any exemption that will protect general funds in a bank account.
3. **Is the Bank Account Protection Self Executing?:** There is no protection, self-executing or otherwise.
4. **Court Procedure:** N/A
5. **Court Forms:** The judgment debtor is to be given a copy of an Exemption Form to fill out to claim exemptions. It lists a number of potential exemptions based on the source of income (for example, workers compensation), but no general exemption for money in a bank account. A set of instructions issued by the judicial system about how to levy on a bank account states "Money in the debtor's bank account is frozen the day the sheriff serves the Writ of Execution and the other paperwork on the financial institution," making it clear that Minnesota law treats even the protections for these types of benefits as non-self-executing.
6. **Are Rules Consistent Across Courts?:** Yes–there is no protection, and this is consistent across courts.
7. **Cost of Garnishment:** The court system charges a $55 base fee, which counties can supplement with a law library fee, for issuing a writ of execution. In addition, the judgment creditor must pay the garnishee bank $15 at the time of service of the garnishment summons. Minn. Stat. § 571.76.

## Mississippi

1. **Statute:** The state does not provide an earmarked exemption for general funds in a bank account. Miss. Code Ann. § 85-3-1(a)(iv) provides a $10,000 wildcard exemption for "tangible personal property," including "cash on hand," but the Mississippi Supreme Court has held that money deposited in a bank is not tangible property but, rather, is "incorporeal," "intangible" property. *Cartwright v. Deposit Guar*. Nat'l Bank, 675 So. 2d 847, 848 (Miss. 1996). Accordingly, neither an earmarked exemption nor the wildcard can be used to exempt any portion of a bank account.
2. **No Fresh Start:**
    a) **Grade:** F
    b) **Explanation of Grade:** Mississippi is graded F because it does not provide any exemption that will protect general funds in a bank account.
3. **Is the Bank Account Protection Self Executing?:** There is no protection, self-executing or otherwise.
4. **Court Procedure:** N/A
5. **Court Forms:** We did not find any forms that notify the judgment debtor of exemptions or how to claim them.
6. **Are Rules Consistent Across Courts?:** Yes–there is no protection, and this is consistent across courts.
7. **Cost of Garnishment:** The filing fee for a Writ of Garnishment in a circuit court appears to vary from county to county. In Harrison County, which is the most populous county in Mississippi, the filing fee is $36, and the fee for service of process by a sheriff is $25.


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## Missouri

1. **Statute:** Missouri does not provide an earmarked exemption for a bank account. However, Mo. Rev. Stat. § 513.430(1)(3) provides a wildcard exemption that protects any property up to $600 in value, and Mo. Rev. Stat. § 513.440 provides a second wildcard of $1250 plus $350 per dependent child for the head of a family. These wildcards can be applied to "any property," so it appears that they could be used to protect a bank account.
2. **No Fresh Start:**
    a) **Grade:** F
    b) **Explanation of Grade:** Our grading system assigns an F to a state that protects less than $500 in a bank account. Missouri is graded F because under our grading criteria we assume that a judgment debtor would apply the wildcards to protect a car, leaving no protection for a bank account.
3. **Is the Bank Account Protection Self Executing?:** There is no protection, self-executing or otherwise.
4. **Court Procedure:** Rule 90.035 of the Missouri Rules of Civil Procedure requires the judgment debtor to be notified of the right to assert an exemption by filing a claim in court within 20 days after being served with the notice of garnishment. Rule 90.11 provides that, if no claim for an exemption is pending, the funds are to be distributed to the judgment debtor.
5. **Court Forms:** The Missouri judicial system has created a Garnishment Application and Order. It reiterates that the procedure for asserting an exemption is for the debtor to file a claim with the court.
6. **Are Rules Consistent Across Courts?:** Yes–there is no protection, and this is consistent across courts.
7. **Cost of Garnishment:** The Garnishment Application and Order lists a Garnishment Clerk Fee Surcharge of $10. Mo. Rev. Stat. § 57.280(1) sets a $20 fee for sheriff's service. Subsection (4)(1) sets an additional fee of $20 or $15 depending on the county, to be paid to the county.

## Montana

1. **Statute:** Montana does not provide any exemption that can be used to protect general funds in a bank account. It provides neither an earmarked exemption nor a wildcard that can be used to protect an amount in a bank account.
2. **No Fresh Start:**
    a) **Grade:** F
    b) **Explanation of Grade:** Montana is graded F because it does not provide any exemption that will protect a general bank account.
3. **Is the Bank Account Protection Self Executing?:** There is no protection, self-executing or otherwise.
4. **Court Procedure:** N/A
5. **Court Forms:** The Montana Courts website contains Writ of Execution forms for city/justice and district courts, but they do not address the procedure for asserting exemptions.
6. **Are Rules Consistent Across Courts?:** Yes–there is no protection. The state's exemption laws are written to apply to all courts in the state.
7. **Cost of Garnishment:** The filing fee for a Writ of Execution in district court, the state's general trial court, is $5. Mont. Code Ann. § 25-1-201. https://courts.mt.gov/external/dcourt/docs/feeschedule.pdf. Under Mont. Code Ann. § 7-32-2141, counties have the right to determine what fees to charge for sheriff's service. In Yellowstone County, which is the most populous county in the state, the fee for serving a Writ of Execution is $100.


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## Nebraska

1. **Statute:** There is no earmarked exemption for a bank account, but Neb. Rev. Stat. § 25-1552 provides a wildcard exemption for $5,970 in "personal property, except wages." (The amount was originally $5,000, but is adjusted every five years for inflation pursuant to Neb. Rev. Stat. Sec. 25-1556). This exemption has been applied to protect money in a bank account, *ARL Credit Servs. v. Piper*, 736 N.W.2d 771 (Neb. Ct. App. 2007), and the court form for claiming an exemption refers specifically to the right to apply this exemption to a bank account.
2. **No Fresh Start:**
    a) **Grade:** C
    b) **Explanation of Grade:** The report gives a C to a state that exempts $1,000 to $4,999 or has a self-executing protection of at least $500. Under our grading criteria, we assume that a debtor would apply most of the wildcard to protect a car, leaving $1000 to protect a bank account. Since the protection is not self-executing, Nebraska rates a C.
3. **Is the Bank Account Protection Self Executing?:** No. Neb. Rev. Stat. §§ 25-1552 and 15-1516, and the court forms, make it clear that a judgment debtor must file a request for hearing with the court.
4. **Court Procedure:** Procedures for garnishment are set forth by statute. Neb. Rev. Stat. §§ 25-1009 to 25-1011, 25-1026 to 1031.02. Neb. Rev. Stat. § 25-1011 requires a form to be sent to the judgment debtor, stating that a judgment debtor who believes that the funds sought are exempt is entitled to a hearing and may obtain one by filing a request for hearing with the court. Neb. Rev. Stat. § 25-1552 requires a debtor who claims the wildcard exemption to list all their property and its value.
5. **Court Forms:** Nebraska State Court Form CC 3:8B, Notice to Judgment Debtor, states that the judgment debtor "must file a claim of exemptions and request for hearing with the court within 3 business days of receiving this notice" and that a debtor who fails to do so may lose their right to claim the exemption. The Notice also states: "If you are claiming that your bank account funds are exempt as personal property under Neb. Rev. Stat. § 25-1552, you must file a list of all the property you own, including all of your bank accounts, and the value of each item listed. In addition, you must indicate which items you claim to be exempt." Form CC 3-8N, Request for Hearing on Garnishment, is similar and includes a section for the judgment debtor to list all their property. It provides a checkbox with the following text: "I am claiming the funds in my bank account are exempt under Neb. Rev. Stat. § 25-1552, which provides an exemption of property of

any kind, except wages, not to exceed five thousand dollars ($5,000) in the aggregate. The inventory of all of the property I own, the property's fair market value, and if I am claiming that property to be exempt is below (and on additional pages if necessary)." https://supremecourt.nebraska.gov/sites/default/files/CC-3-8N.pdf.

6. **Are Rules Consistent Across Courts?:** The Nebraska judicial system has District Courts, which are trial courts of general jurisdiction, and County Courts, which have concurrent jurisdiction over civil cases up to $57,000 and also have small claims divisions. The state's exemption statute is not written in a way that would confine it to certain courts, and the court forms described above are designed for use in all courts in the state.
7. **Cost of Garnishment:** Neb. Rev. Stat. § 25-1031.02 sets a $5 fee for issuance of a writ of garnishment in District Courts, and Neb. Rev. Stat. § 33-123(4) sets the same amount for County Courts. The Filing Fees and Court Costs page on the Nebraska Judicial Branch website contains this same information. Neb. Rev. Stat. § 33-117(1)(d), (e) states that the sheriff's fee is $12 for serving the writ and $6 for filing the return of service, but advocates in the state report that usually a sheriff's fee is unnecessary because the court clerk mails the garnishment summons and the notice to the debtor.


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## Nevada

1. **Statute:** Nev. Rev. Stat. § 21.090(1)(z) provides a $10,000 wildcard that a debtor can use to protect funds in a bank account. In addition, Nev. Rev. Stat. § 21.105 requires a bank to protect $400 in a debtor's personal bank account, unless a separate provision for protection of up to $2000 in exempt federal benefits electronically deposited by the U.S. Treasury applies. The statute provides that the $400 "is not subject to execution and must remain accessible to the judgment debtor."
2. **No Fresh Start:**
    a) **Grade:** B
    b) **Explanation of Grade:** The report gives a B grade to a state that protects at least $5,000 or has a self-executing protection for at least $1,000. Under our grading protocol, the $10,000 wildcard is not needed to protect a $15,000 car, because the state provides a separate $15,000 exemption for a car, so the entire wildcard can be used to protect a bank account.
3. **Is the Bank Account Protection Self Executing?:** Yes, in part. A $400 exemption is self-executing, but the exemption provided by the $10,000 wildcard is not.
4. **Court Procedure:** Procedures for garnishment of bank accounts are set forth primarily by statute rather than by court rules. Nev. Rev. Stat. § 21.112 provides that, in order to claim an exemption, the debtor must file and serve a claim of exemption within 10 days of receipt of the notice of the writ of execution or garnishment. The judgment creditor then has 8 days to object to the exemption, in which case the court is to schedule a hearing. If the judgment creditor does not object to it, the exemption is granted and the money must be released to the judgment debtor.
5. **Court Forms:** A non-profit organization, the Civil Law Self-Help Center, has published a form Writ of Garnishment that has been approved for use by all courts in Clark County. It includes a paragraph of instructions for financial institutions that lists the automatic $400 exemption and states that that amount is not subject to garnishment. The Center has also published a Notice of Execution After Judgment, also approved for use in the courts, that informs the debtor about the $10,000 wildcard, and states that a judgment debtor who believes that property is exempt must file a claim of exemption within 10 days. It warns the judgment debtor "IF YOU DO NOT FILE THE EXECUTED CLAIM OF EXEMPTION WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT." This language makes it clear that the application of the $10,000 wildcard to a bank account is not self-executing.

6. **Are Rules Consistent Across Courts?:** Yes. The statues are not written to apply only to certain courts in the state judicial system.
7. **Cost of Garnishment:** In Nevada, each court has different fees. In Clark County, the state's most populous county, the Filing Fee for a writ of execution on a bank account is $25 in Justice Court and $10 in District Court, plus $30 to sheriff/ constable and $2 per mile.

## New Hampshire

1. **Statute:** There is no earmarked exemption for a bank account, but the state provides a wildcard exemption for the debtor's interest in any property up to $1000, plus up to $7000 of any unused amount of certain enumerated exemptions. N.H. Rev. Stat. Ann. § 511:2(XVIII). However, advocates in New Hampshire report that creditors seeking to collect judgment debts typically rely on payment orders, rather than garnishment or another procedure to reach assets such as bank accounts. See below.
2. **No Fresh Start:**
    a) **Grade:** C
    b) **Explanation of Grade:** The report gives a C to a state that exempts $1,000 to $4,999 or has a self-executing protection of at least $500. The report assumes that a judgment debtor would use most of the available wildcards to increase the state's protection for a car to $15,000, leaving $1,000 available to protect a bank account, thereby qualifying for a C grade.
3. **Is the Bank Account Protection Self Executing?:** No.
4. **Court Procedure:** N.H. Rev. Stat. Ann. § 524:6-a allows the court to enter a payment order at the time a judgment is rendered, or afterwards if the judgment creditor files a motion asking that the judgment debtor be summoned to court for a hearing. If the court concludes that the judgment debtor has the ability to make payments on the judgment, it is to enter a payment order. A debtor who does not comply with a payment order can be held in contempt of court, which can result in imprisonment. N.H Dist. Cts. R. 1.21(7). The statute also states: "The judgment may be enforced against any property of any kind of the debtor, except such income and property as is now exempt from attachment or execution."

    N.H. Super. Ct. Civ. R. 51 spells out the process for a judgment creditor to pursue an order to make periodic payments in superior court (the statewide court of general


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jurisdiction)). It provides that, if the court concludes at the hearing that the debtor has property that is not exempt, the court may order the debtor to produce it to pay the judgment. The rule also states: "If the court finds that the debtor has no property other than property that is exempt from attachment or execution and that the debtor is unable to make weekly payments on the judgment, the motion will be dismissed." N.H Dist. Cts. R. 1.21 governs the procedure for the circuit court-district division (which includes small claims and other civil matters). An online Circuit Court guide summarizes the steps a judgment creditor must take.

The state also allows "trustee process," a procedure for requiring a bank or other entity that is holding a defendant's money or property to place a hold on it, and, if judgment is entered against the defendant, turn it over to the creditor. N.H. Rev. Stat. Ann. §§ 512:9-b, 512:36. N.H. Rev. Stat. Ann. § 512:21 exempts some types of income and property from this procedure, but does not list bank accounts. However, it appears that the state's general wildcard, described above, applies to trustee process. Advocates in the state report that judgment creditors almost never use trustee process to seize bank accounts, instead relying on payment orders. The statutes and court rules do not specify any procedure for a judgment debtor to assert that a bank account is exempt from trustee process.

5. **Court Forms:** The Circuit Court provides a form for a judgment creditor to use to seek a payment order, and a form for the judgment creditor to request that the judgment debtor be held in contempt for failure to comply with a payment order. We did not find any forms for judgment debtors to use to assert exemptions.
6. **Are Rules Consistent Across Courts?:** The rules appear to be consistent across all courts, although the forms used in circuit court-district division and superior court are different.
7. **Cost of Garnishment:** The filing fee for a Motion for Periodic Payments in $25. https://www.courts.nh.gov/sites/g/files/ehbemt471/files/documents/2021-04/nhjb-2364-dp.pdf. N.H. Rev. Stat. Ann. § 104.31 sets out the fees of sheriffs and deputy sheriffs. The fee is $30 for service of every writ, writ of possession, small claims notice, process, notice of execution, and subpoena.

## New Jersey

1. **Statute:** N.J. Stat. Ann. § 2A:17-19 provides a $1,000 wildcard exemption that can be applied to "personal property of every kind." An early decision, *Charlton v. Mitchell*, 2 A.2d 367 (N.J. 1938), holds that this exemption can be applied to money that belongs to a judgment debtor but is in a third party's hands, so it appears that it is available to protect a bank account.
2. **No Fresh Start:**
    a) **Grade:** F
    b) **Explanation of Grade:** The report gives a state an F grade if it protects less than $500 in a bank account. For grading purposes, the report assumes that a judgment debtor would apply a wildcard exemption first to protect a car up to $15,000. Since the $1,000 wildcard is the only exemption that can be applied to a car, the report assumes that none of it is available to protect a bank account.
3. **Is the Bank Account Protection Self Executing?:** No.
4. **Court Procedure:** N.J. Ct. R. 4:59-1 of the New Jersey Rules of Court requires a bank or other financial institution to automatically protect certain electronically deposited funds that can be reasonably identified as exempt. This protection goes somewhat beyond the Treasury Rule in that it protects benefits that are exempt under state or federal law, not just federal law. However, it does not apply to general funds in a bank account.
5. **Court Forms:** Appendix VI to the New Jersey Rules of Practice is a court form titled "Notice to Debtor" that is to be given to a judgment debtor when a judgment creditor levies against the debtor's bank account. It makes it clear that the $1,000 protection is not self-executing, stating "the bank has already been notified to place a hold" on the debtor's account, but "the funds will not be taken from your account until the court so orders. If you are entitled to an exemption as an individual, you may claim your exemption by notifying the clerk of the court and the person who ordered this levy of your reasons why your property is exempt. This claim must be in writing and if it is not mailed within 10 days of service of this notice, your property is subject to further proceedings for execution." The New Jersey Judiciary's website includes a number of forms and brochures, including an online guide to collecting a judgment and a packet for judgment debtors with a form to use to assert exemptions and object to a levy in the Special Civil Court, which handles cases for $20,000 or less.
6. **Are Rules Consistent Across Courts?:** Yes. The exemption statute and the court rule are not written to apply just to certain courts in the state judicial system.


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7. **Cost of Garnishment:** Law Division: The filing fee for a writ of execution is $50. The fee for the sheriff to serve the writ is $50 ($48 to serve it and $2 to file the return) plus mileage). However, advocates in New Jersey report that most executions are handled by Special Civil Part Officers, who charge a $7 service fee plus a 10% commission, as described in the guide to collecting a judgment.

## New Mexico

1. **Statute:** N.M. Stat. Ann. § 42-10-1(A)(14) protects $2,400 in a depository or investment account. It provides an exemption for "a person's aggregate interest, not exceeding fifteen thousand dollars ($15,000), in any personal property, tangible or intangible, not otherwise specified in this subsection, including any deposits in financial or investments accounts or personal property that exceeds the monetary limits set forth in this section; provided that for an individual or sole proprietor who is a defendant in any action except a bankruptcy action, the maximum cumulative amount that a defendant may claim as exempt in a depository or investment account is two thousand four hundred dollars ($2,400)." N.M. Stat. Ann. § 35-12-18 requires a writ of garnishment in a magistrate court to state: "If you are a financial institution, the defendant who is an individual or sole proprietor has an exemption totaling two thousand four hundred dollars ($2,400) in depository and investment accounts. This writ attaches only to money in excess of two thousand four hundred dollars ($2,400)."
2. **No Fresh Start:**
    a) **Grade:** B
    b) **Explanation of Grade:** The report gives a B grade to a state that protects at least $5,000 or has a self-executing protection for $1000 to $2999.
3. **Is the Bank Account Protection Self Executing?:** Yes. N.M. Stat. Ann. § 35-12-18 and the court rules listed below explicitly state that the exemption is self-executing.
4. **Court Procedure:** N.M. R. Metro Ct. RCP Rule 3-802(I), which applies in the metropolitan courts (courts of limited jurisdiction that handle tort, contract, and landlord/tenant rights matters involving up to $10,000), provides that, in general, a judgment debtor who fails to file a claim of exemption within 10 days waives the right to assert it. However, it goes on to provide that "it shall not be necessary for a judgment debtor to assert an exemption to the first two thousand four hundred dollars ($2,400.00) held in a depository or investment account." N.M. R. Dist. Ct. RCP Rule 1-065.2(I), which applies

in the state district courts (courts of general jurisdiction), and N.M. R. Mag. Ct. RCP Rule 2-801(E), which applies in magistrate courts (courts of limited jurisdiction that hold jury trials in tort, contract, and landlord/tenant rights matters involving up to $10,000), are the same.

5. **Court Forms:** The form required by N.M. Stat. Ann. § 35-12-18, described above, for writs of garnishment in the magistrate court, makes it clear to the bank that it is to protect this amount automatically. This form states, under the heading FINANCIAL INSTITUTION WRITS: "If you are a financial institution, the defendant who is an individual or sole proprietor has an exemption totaling two thousand four hundred dollars ($2,400) in depository and investment accounts. This writ attaches only to money in excess of two thousand four hundred dollars ($2,400)."
6. **Are Rules Consistent Across Courts?:** Yes. New Mexico has district courts, magistrate courts, and metropolitan courts, and the rules for all of these courts are consistent, as noted above. The exemption statute is not written in a way that would apply just to certain courts.
7. **Cost of Garnishment:** In the district courts, the fee for filing a writ is $132. The fee for service or process by a sheriff varies depending on the county. In Bernalillo County, the most populous county in the state, the fee is $40.


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## New York

1. **Statute:** N.Y. C.P.L.R. 5222(i) (McKinney) provides that a bank account deposit up to 240 times the state or federal minimum hourly wage, whichever is higher, is exempt except as to "such part thereof as a court determines to be unnecessary for the reasonable requirements of the judgment debtor and his or her dependents." Using the minimum wage of $16.50 (as of January 1, 2025) in the New York City area, Long Island, and Westchester this amount is $3960. (The minimum wage is $15.50 in other locations, but a guidance document issued by the state Department of Financial Services advises banks to use the higher amount if they are not sure which minimum wage amount applies to a depositor's employer.) The exemption is self-executing, as the statute makes a "restraining notice" (the document that initiates a bank account garnishment) simply inapplicable to the exempt amount, thereby requiring the garnishee bank to protect that amount.
2. **No Fresh Start:**
    a) **Grade:** A
    b) **Explanation of Grade:** The report gives an A grade to a state that protects $12,000 or more or has a self-executing protection for at least $3,000. Since New York has a self-executing protection for $3960, it receives an A grade.
3. **Is the Bank Account Protection Self Executing?:** Yes.
4. **Court Procedure:** The exemption process is governed by N.Y. C.P.L.R. §§ 5222 and 5222-a rather than by court rules.
5. **Court Forms:** N.Y. C.P.L.R. § 5222-a provides a notice and an exemptions claim form for a judgment debtor to use, but subsection (a) specifies that these forms are not to be provided to the debtor if the entire amount in the account is automatically protected pursuant to § 5222(i) (discussed above). The state Attorney General's website includes a page summarizing judgment debtors' bank account exemption rights.
6. **Are Rules Consistent Across Courts?:** Yes. The limitation on bank account garnishment is not confined to any particular court.
7. **Cost of Garnishment:** The state court system's list of court fees does not include any fee for issuance of an order restraining a bank account. Advocates in the state inform us that restraining notices are typically issued by the judgment creditor's attorney as an officer of the court.

## North Carolina

1. **Statute:** There is no earmarked exemption for general funds in a bank account, but N.C. Gen. Stat. § 1C-1601(a)(2) allows a debtor to apply any unused portion of the homestead exemption, up to $5,000, to protect "[t]he debtor's aggregate interest in any property."
2. **No Fresh Start:**
   a) **Grade:** C
   b) **Explanation of Grade:** No Fresh Start assumes that the debtor would first apply most of a wildcard exemption to protect a car (up to $15,000), but, as long as the wildcard is $3000 or more, would set aside $1000 to protect a bank account. Applying this standard to North Carolina, after applying $4000 of the $5000 wildcard to protect a car, the debtor would be able to apply $1000 to protect a bank account. The report gives a C to a state that exempts $1,000 to $4,999 or has a self-executing protection of at least $500, so North Carolina rates a C.
3. **Is the Bank Account Protection Self Executing?:** No. If the judgment debtor does not affirmatively assert the exemption, it is waived.
4. **Court Procedure:** The procedure to assert exemptions is set out by statute, not by court rules. N.C. Gen. Stat. § 1C-1603 requires a judgment debtor to be served with a notice of the right to claim exemptions. The debtor may do so either by filing a motion to designate exemptions, with a schedule of assets, or by requesting a hearing to claim exemptions. If the debtor does not take one of these steps within twenty days of receiving the notice, the statute provides that the exemptions are waived.
5. **Court Forms:** The state judicial system provides a form Notice of Right to Have Exemptions Designated (AOC-CV-406). It states that, if the debtor does not respond to the notice, the debtor "will give up your right to statutory exemptions." The judicial system also provides a long, complicated form Motion to Claim Exempt Property (Statutory Exemptions) (AOC-CV-415).
6. **Are Rules Consistent Across Courts?:** Yes. Both the statute creating the wildcard exemption and the statute requiring the debtor to claim exemptions are written in a way that would apply to all levels of the judicial system.
7. **Cost of Garnishment:** N.C. Gen. Stat. § 7A-308(a)(5) states that the fee for "execution" is $25. A chart of miscellaneous fees published by the state judicial system lists the same amount. N.C. Gen. Stat. § 7A-311(a) states: "For each item of civil process served, including summons, subpoenas, notices, motions, orders, writs and pleadings, the sum of thirty dollars ($30.00)."


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## North Dakota

1. **Statute:** There is no earmarked exemption for general funds in a bank account, but the state provides a $7,500 wildcard exemption if the debtor is the head of a family, and allows it to be applied to any personal property, including money. N.D. Cent. Code § 28-22-03. In addition, N.D. Cent. Code § 28-22-03.1 provides a second wildcard exemption for $25,000 if the debtor does not claim a homestead exemption.
2. **No Fresh Start:**
   a) **Grade:** C
   b) **Explanation of Grade:** No Fresh Start assumes that the debtor would apply $10,000 of these wildcards to supplement a $10,000 earmarked exemption for a car, and would apply $17,000 to protect household goods, leaving $3,000 available to protect a bank account. The report gives a C to a state that exempts $1,000 to $4,999 or has a self-executing protection of at least $500, so North Dakota rates a C.
3. **Is the Bank Account Protection Self Executing?:** No.
4. **Court Procedure:** N.D. Cent. Code § 28-22-06 requires any claim of an exemption to be made by or on behalf of the debtor within ten days after service of the notice of levy, and N.D. Cent. Code § 32-09.1-22.requires a debtor who claims an exemption to file a schedule of all personal property within 20 days after service of the garnishee summons. The state also has a court rule, N.D. R. Civ. P. 69, regarding judgment execution, but it simply refers to "the statutes of this state" for the procedure.
5. **Court Forms:** N.D. Cent. Code § 32-09.1-07 specifies what a garnishee summons and notice must state, and that it must conform substantially to a form incorporated into the statute. The state's statutes do not include a form for a judgment debtor to assert an exemption, but the state judicial system's website includes an information guide for judgment debtors that refers to a form that is contained in a Claims for Exemptions Kit on the Legal Services of North Dakota website.
6. **Are Rules Consistent Across Courts?:** Both the statute creating the wildcard exemption and the statute requiring the debtor to claim exemptions are written in a way that would apply to all levels of the judicial system.
7. **Cost of Garnishment:** The fee for preparing and issuing an execution under N.D. Cent. Code Ch. 28-21 is $20. The judgment creditor must also pay $40 to the garnishee for making an affidavit of disclosure. N.D. Cent. Code § 32-09.1-10 (amended effective August 1, 2025). The sheriff's fee is $30. N.D. Cent. Code § 11-15-07(1).

## Ohio

1. **Statute:** Ohio Rev. Code Ann. § 2329.66(A)(3) provides an earmarked exemption for $625 "in cash on hand, money due and payable, money to become due within ninety days, tax refunds, and money on deposit with a bank, savings and loan association, credit union, public utility, landlord, or other person, other than personal earnings." (The amount was formerly $400 but is adjusted for inflation every 3 years pursuant to Ohio Rev. Code § 2329.66(B)). Ohio Rev. Code Ann. § 2716.13(B) makes this protection self-executing, by providing that the order of garnishment "shall bind the property *in excess of four hundred dollars*, … of the judgment debtor in the possession of the garnishee at the time of service" (emphasis added).
2. **No Fresh Start:**
    a) **Grade:** C
    b) **Explanation of Grade:** A state is rated C if it protects at least $1000 or has a self-executing exemption for at least $500.
3. **Is the Bank Account Protection Self Executing?:** Yes. The order of garnishment mandated by statute instructs the bank to turn over only any amount that exceeds the exempt amount.
4. **Court Procedure:** Ohio Rev. Code Ann. § 2716.13 sets forth the procedure for garnishment of property other than personal earnings. It makes the earmarked protection self-executing, by providing that the order of garnishment "shall bind the property *in excess of four hundred dollars*, … of the judgment debtor in the possession of the garnishee at the time of service" (emphasis added).
5. **Court Forms:** Ohio Rev. Code Ann. § 2716.13 prescribes a form for the order of garnishment. The form requires the garnishee to specify the amount of the judgment debtor's money it is holding in excess of the earmarked exemption, and to pay that amount into court. The form includes a notice to the judgment debtor about how to assert other exemptions, such as those for unemployment compensation and workers' compensation benefits. It concludes with a warning that if the judgment debtor does not file a request for hearing within 5 business days, "YOU WAIVE YOUR RIGHT TO A HEARING AND SOME OF YOUR MONEY, PROPERTY, OR CREDITS, OTHER THAN PERSONAL EARNINGS, NOW IN THE POSSESSION OF (GARNISHEE'S NAME) WILL BE PAID TO (JUDGMENT CREDITOR'S NAME) TO SATISFY SOME OF YOUR DEBT TO (JUDGMENT CREDITOR'S NAME)."


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6. **Are Rules Consistent Across Courts?:** Yes. The exemption statute is not written to be limited to a specific court. Ohio Rev. Code Ann. § 2716.13, which sets out the procedure for garnishment, applies only in common pleas court (Ohio's court of general jurisdiction), but Ohio Rev. Code Ann. §§ 1901.13(A)(2), 1901.19, and 1901.21 allow the state municipal courts, which do not have jurisdiction over claims that exceed $15,000, to use that same procedure.
7. **Cost of Garnishment:** Ohio Rev. Code Ann. § 1901.26 provides that each municipal court is to set its own schedule of fees and costs. The cost of filing a garnishment in municipal court in Franklin County, the most populous county in the state, is $25 plus $1 per garnishee in common pleas court and $40 in municipal court. Ohio Rev. Code Ann. § 311.17 provides that the cost of a sheriff's service of a "[w]rit of attachment for the purpose of garnishment" is $10. In addition, the required affidavit "in a proceeding for garnishment of property, other than personal earnings, shall be accompanied by one dollar as the garnishee's fee for compliance with the order, no part of which shall be charged as court costs." Ohio Rev. Code Ann. § 2716.12.

## Oklahoma

1. **Statute:** Oklahoma does not provide any exemption that can be used to protect general funds in a bank account. It provides neither an earmarked exemption nor a wildcard that can be used to protect an amount in a bank account.
2. **No Fresh Start:**
    a) **Grade:** F
    b) **Explanation of Grade:** Oklahoma is graded F because it does not provide any exemption that will protect a general bank account.
3. **Is the Bank Account Protection Self Executing?:** There is no protection, self-executing or otherwise.
4. **Court Procedure:** The garnishment procedures are set forth by statute. Okla. Stat. tit. 12, § 1174 requires the judgment debtor to be given a form stating that they may be entitled to claim exemptions and that such a claim should be filed within 5 days and should be on a form created by the state bar association. A claim may also be filed after 5 days but then must be by motion.
5. **Court Forms:** The Oklahoma State Courts Network (OSCN) website provides a Claim for Exemption and Request for Hearing form that the judgment debtor is to use, and a Notice of Garnishment and Exemptions form that identifies types of funds that may be exempt and instructs the judgment debtor how to file the claim.
6. **Are Rules Consistent Across Courts?:** Yes–there is no protection. The state's exemption laws are written to apply to all courts in the state. The statute governing the procedure for garnishment is not limited to any particular court level, but applies "[i]n all cases of garnishment."
7. **Cost of Garnishment:** A Summary of Costs that appears on the Oklahoma County website states that the fee for a one-time Garnishment Affidavit is $76.64. Okla. Stat. tit. 28, § 152(A)(11) states that the flat fee for garnishment in district court is $23, but this sum is supplemented by a $25 fee (subsection C), a $10 fee (subsection D, as amended (increasing the fee from $5), effective Nov. 1, 2025), a $2 fee (subsection E) and a $10 fee (subsection G). Okla. Stat. tit. 28, § 152.1(A)(3) states that, in addition to the flat fee described above, the fee for "mailing by any type of mail writs, warrants, orders, process, command, or notice for each person" is $10.


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## Oregon

1. **Statute:** Or. Rev. Stat. § 18.785 provides an automatic self-executing protection for $2,500 in a judgment debtor's account, plus mandates automatic protection of certain direct-deposited federal or state benefits payments. It provides that, if a financial institution receives a writ of garnishment, and the account holder's cumulative balance in all accounts does not exceed $2,500 (to be adjusted annually for inflation), the financial institution must give the debtor "full customary access" to the amount on deposit. If the accounts have more than $2,500, the financial institution must give the debtor full customary access to $2,500 (or to the amount of certain federal or state benefit payments that were direct-deposited within the past two months, if this exceeds $2,500), and turn over to the judgment creditor only the amount that exceeds this sum. However, the debtor has the right to assert other exemptions. The statute also provides that, within three days after reviewing the account pursuant to the writ of garnishment, the financial institution must send the judgment debtor a notice, in substantially the form set out by Or. Rev. Stat. § 18.847, explaining the garnishment and the debtor's right to challenge it.
2. **No Fresh Start:**
    a) **Grade:** B
    b) **Explanation of Grade:** The report gives a B grade to a state that exempts at least $5,000 or has a self-executing protection for at least $1000. Since Oregon provides a self-executing $2,500 exemption, it receives a B.
3. **Is the Bank Account Protection Self Executing?:** Yes.
4. **Court Procedure:** The garnishment process is governed by the statutes summarized above rather than court rules.
5. **Court Forms:** Under Or. Rev. Stat. § 18.838, a garnishee must be sent instructions in substantially the language set out in the statute. The instructions are lengthy and address wage garnishment, bank account garnishment, and garnishment of other property. Or. Rev. Stat. § 18.847 specifies the language of the notice that the financial institution must send the judgment debtor about the garnishment.
6. **Are Rules Consistent Across Courts?:** Yes. The relevant statute is not written to be limited to a specific court.
7. **Cost of Garnishment:** The fee for issuing a writ of garnishment in the circuit courts (which are trial courts) is $47. Or. Rev. Stat. § 21.235(2); Circuit Court Fee Schedule. Or. Rev. Stat. § 18.790(1) states that a garnishor other than the Department of Revenue must pay a "search fee" of $15 to a financial institution. It appears that the sheriff's fee for service of a writ of garnishment differs by county. The fee for serving a writ of garnishment in Multnomah County, which is the most populous county in Oregon, is $25.

## Pennsylvania

1. **Statute:** There is no earmarked exemption for general funds in a bank account. 42 Pa. Cons. Stat. Ann. § 8123 provides a $300 wildcard exemption, available for "property of the judgment debtor (including bank notes, money, securities, real property, judgments or other indebtedness due the judgment debtor)."
2. **No Fresh Start:**
   a) **Grade:** D
   b) **Explanation of Grade:** The report gives a D grade to a state that protects at least $500 or has a self-executing protection for any amount. Since Pennsylvania has a self-executing protection for $300, it rates a D grade. The state also has a self-executing protection for the first $10,000 in a bank account, but this is contingent on the account containing funds that are deposited electronically on a recurring basis and are identified as being exempt, so is not available to all judgment debtors.
3. **Is the Bank Account Protection Self Executing?:** Yes.
4. **Court Procedure:** Pa. R. Civ. P. 3123.1(a) states: "A defendant may claim exemption or immunity of property from levy or attachment by filing with the sheriff a claim substantially in the form provided by Rule 3252(a)." This language implies that a judgment debtor must affirmatively claim the $300 exemption. However, Pa. R. Civ. P 3111.1(d) says that, in the absence of a court order, a writ served upon a bank or other financial institution shall not attach "the funds on deposit, not including any otherwise exempt funds, that do not exceed" the $300 exemption. The garnishment form mandated by Rule 3252 accordingly instructs the garnishee bank that "the attachment shall not include … any funds in an account of the defendant with a bank or other financial institution that total $300 or less. … The funds shall be set aside pursuant to the defendant's general exemption provided in 42 Pa.C.S. § 8123." Pa. R. Civ. P. 3111.1 and the garnishment form also instruct the bank to protect the first $10,000 of each account "containing any funds which are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law." If the account consists solely of such funds, the bank is to protect the entire amount. Pa. R. Civ. P. 3140(d) prohibits a bank from charging any fee against exempt funds where the funds in the account are not attached as a result of Rule 3111.1.
5. **Court Forms:** The suggested language for the Claim for Exemption included in the Writ of Execution form is contained in Pa. St. Rule of Civ. P. 3252.


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6. **Are Rules Consistent Across Courts?:** The Pennsylvania Rules of Civil Procedure cited above apply only to common pleas courts, the state's courts of general jurisdiction. The Philadelphia Municipal Court, which has more limited jurisdiction, follows the same rules for execution on judgments. *See* Rule 126(c), Philadelphia Municipal Court Local Rules. Magisterial District Courts, which serve as the court of more limited jurisdiction in the rest of the state, are governed by different rules. However, under Pa. R.C.P.D.M.J 406, those courts have authority to issue execution only upon "tangible, nonperishable personal property," so cannot issue orders garnishing bank accounts.
7. **Cost of Garnishment:** It appears that filing fees are set by individual counties. The fee schedule for the Court of Common Pleas in Philadelphia County, the state's most populous county, does not list a filing fee for a writ of execution. The sheriff's fee in that court is $175.

## Rhode Island

1. **Statute:** R.I. Gen. Laws § 9-26-4(18) provides a $500 exemption for "savings or other deposits held in a banking or financial institution."
2. **No Fresh Start:**
    a) **Grade:** D
    b) **Explanation of Grade:** States are rated D if they protect at least $500 or have a self-executing exemption for any amount.
3. **Is the Bank Account Protection Self Executing?:** No.
4. **Court Procedure:** The Superior Court has original jurisdiction in civil cases where the amount in controversy exceeds $5,000, and the District Courts have jurisdiction if the amount in controversy is $10,000 or less. Rule 69 of the Superior Court Rules of Procedure and Rule 69 of the District Court Rules both state that enforcement of a money judgment is to be by a writ of execution, and that a judgment debtor's assets can be reached by trustee process (i.e. garnishment). The rules require the judgment creditor to send the debtor a copy of the writ and a notice containing a date for a hearing regarding any claim for exemption which the defendant may have. The rules do not provide any other detail about the procedure for claiming exemptions.
5. **Court Forms:** The Rhode Island court system provides forms that can be used to notify a judgment debtor of the right to claim exemptions in Superior Court and the District Courts. Both make it clear that the exemption is not self executing: "If you claim an exemption, you must complete the attached Defendant/Debtor's Objection to Notice of Attachment (Not for Wages) and file it with the clerk on or before the Objection Date (listed above). … If you file a timely objection, you must appear in court on the Hearing Date listed above. If you do not file an objection, the Plaintiff/Creditor will be allowed to use the attached property to satisfy the judgment against you."
6. **Are Rules Consistent Across Courts?:** Yes. The exemption statute applies generally to any attachment. As for procedure, the superior court and the district court have their own rules and forms, but the substance of the rules and forms is the same.
7. **Cost of Garnishment:** The fee for an execution is $50 in Superior Court and $20 in District Court. The cost of sheriff's service of process is $70.


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## South Carolina

1. **Statute:** S.C. Code Ann. § 15-41-30(A)(5) allows a debtor who does not claim a homestead exemption to claim "[t]he debtor's aggregate interest in cash and other liquid assets to the extent of a value not exceeding five thousand dollars." This amount is adjusted for inflation pursuant to S.C. Code Ann. § 15-41-30(B) and is currently $7600.
2. **No Fresh Start:**
   a) **Grade:** B
   b) **Explanation of Grade:** The report gives a B grade to a state that protects at least $5000 or has self-executing protection for at least $1000. Since South Carolina protects $7600, it receives a B.
3. **Is the Bank Account Protection Self Executing?:** No, but the procedure that is typically used may often result in protection of the exempt amount, because the statute allows the judge, at the debtor's examination hearing, to order the debtor to turn over only property that is not exempt from execution.
4. **Court Procedure:**
   a) **Statute:** In South Carolina, a judgment creditor typically starts the process of collecting the judgment by obtaining an execution against the judgment debtor's property pursuant to S.C. Code Ann. § 15-39-80. In contrast to the typical procedure in other states, this execution does not target any specific asset of the judgment debtor, but instructs the sheriff to satisfy the judgment out of the debtor's personal property, or the debtor's real property if sufficient personal property cannot be found. The sheriff then may visit the debtor or send the debtor a questionnaire asking the debtor to list their assets. If this procedure does not result in identification of any non-exempt assets, or results in seizure of assets that only partially pay the judgment, the sheriff files a return to this effect. S.C. Code Ann. § 15-39-130. The judgment creditor then has the right to subpoena the debtor to court to be questioned, S.C. Code Ann. § 15-39-310, and S.C. Code Ann. § 15-39-410 allows the judge to order "any property of the judgment debtor, not exempt from execution, in the hands either of himself or any other person or due to the judgment debtor, to be applied toward the satisfaction of the judgment, except that the earnings of the debtor for his personal services cannot be so applied."
   b) **Rules:** Rule 69 of the South Carolina Rules of Civil Procedure states: "Process to enforce a judgment for the payment of money shall be a writ of execution, unless the court directs otherwise." It does not set forth the procedure except to say that the procedure "shall be as provided by law."

5. **Court Forms:** The state judicial system's court forms website does not appear to include a writ of execution or any other form relating to execution, garnishment, or exemptions.
6. **Are Rules Consistent Across Courts?:** The state's Circuit Courts have general civil jurisdiction. In addition, the state's Magistrate Courts have jurisdiction over civil cases up to $7,500. Neither the statutes creating the exemption and the procedures nor the civil rule is written in a way that would not apply to all levels of the judicial system.
7. **Cost of Garnishment:** Section C(11) of a Motion Fees List on the South Carolina Courts website states: "Execution on Judgment: Rule 69, SCRCP: No Fee." This list applies to the circuit court, which is the state's court of general jurisdiction. S.C. Code Ann. § 23-19-10, which governs sheriff's fees, states: "For claim and delivery, writs of assistance, distress warrants, orders of seizure, and executions, including all procedural matters related to these processes, the fee is twenty-five dollars."

## South Dakota

1. **Statute:** There is no earmarked exemption for general funds in a bank account, but S.D. Codified Laws § 43-45-4 gives the head of a family a $7,000 wildcard exemption that can be used to protect "goods, chattels, merchandise, money, or other personal property." (For a single person, the wildcard is $5,000).
2. **No Fresh Start:**
    a) **Grade:** C
    b) **Explanation of Grade:** No Fresh Start assumes that a judgment debtor would first apply most of a wildcard exemption to protect a car (up to $15,000), but, as long as the wildcard is $3000 or more, would set aside $1000 to protect a bank account. Applying this standard to South Dakota, after applying $6000 of the $7000 head-of-family wildcard to protect a car, the debtor would be able to apply $1000 to protect a bank account. The report gives a C to a state that exempts $1,000 to $4,999 or has a self-executing protection of at least $500, so South Dakota rates a C.
3. **Is the Bank Account Protection Self Executing?:** No. Certain exemptions, such as those for clothing, health aids, a year of provisions, and the family home, are defined by S.D. Codified Laws §§ 43-45-2 and 43-45-3 as "absolute" and need not be claimed. However, to claim exemptions other than the absolute exemptions, S.D. Codified Laws § 21-19-3 requires the debtor to file a claim within 5 days, and provides that failure to file a claim is a waiver of the exemption.


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4. **Court Procedure:**
    a) **Statute:** S.D. Codified Laws § 21-19-3 provides that, if notice of a levy is served on the judgment debtor, "the debtor, within five days after service of the notice or within eight days after actual mailing thereof in the event of service by registered or certified mail, may claim exemptions allowed by law in addition to his absolute exemptions …, and that unless such debtor … makes such claim within such time, such failure to make such claim except as otherwise specifically provided by law, will be deemed a waiver of such additional exemptions." *See also* S.D. Codified Laws § 21-19-9 (reiterating this procedure). However, the statute does not require the debtor to be given this notice. S.D. Codified Laws § 21-19-5 provides that a levy given without notice to the debtor is valid, but the debtor has a longer time period - 90 days from actual notice of the levy - to claim exemptions. S.D. Codified Laws § 21-19-10 requires the claim of exemption to include a schedule of all of the judgment debtor's property, with the fair value of each item and a list of which are claimed as exempt.
    b) **Rules:** Civil procedure in South Dakota appears to be set by statute rather than by court rule. The rules for execution upon a judgment in Circuit Courts are found in Chapter 15-18 of the South Dakota Codified Laws, but do not include any provisions about assertion of exemptions or any provisions specific to bank account garnishments.
5. **Court Forms:** S.D. Codified Laws § 21-18-6 sets forth the language that a Garnishee Summons must use, but it simply instructs the garnishee to report to the court whether it is holding any property belonging to the judgment debtor. It provides no instructions about exemptions. We did not find any official forms to use to claim exemptions or any suggested form language.
6. **Are Rules Consistent Across Courts?:** Yes. There is only one level of trial court in the state: the Circuit Courts.
7. **Cost of Garnishment:** The South Dakota Unified Judicial System Schedule of Court Costs indicates that the charge is $5 for issuing an execution or a writ. In addition, S.D. Codified Laws § 21-18-9 requires the garnishee to be paid $15 for the expense of preparing the garnishment disclosure, which sum is to be taxed as a part of the plaintiff's costs.

    It appears that the various sheriffs' offices have different costs for judgment execution. The Sheriff's Office for Minnehaha County, the most populous county in the state, states: "The plaintiff fills out a questionnaire about the defendant including their known property and bank accounts. The plaintiff pays a $95 fee plus a $10 flat rate mileage fee." Unlike the process in most states, a process server then researches the judgment debtor's assets and determines what course to take. The Pennington County Sheriff's Office states: "Once at the Sheriff's Office, there is a form to fill out with any information the creditor may have on the debtor, such as name, address, phone numbers, date of birth, social security number, and place of employment. At that time the $105 deposit will be requested. The deposit is added into the execution amount and collected from the debtor if we are able to collect."

## Tennessee

1. **Statute:** There is no earmarked exemption for general funds in a bank account, but Tenn. Code Ann. § 26-2-103(a) provides a wildcard exemption for personal property, including money or funds on deposit with a financial institution, in the aggregate value of $10,000.
2. **No Fresh Start:**
    a) **Grade:** C
    b) **Explanation of Grade:** No Fresh Start assumes that a judgment debtor would first apply most of a wildcard exemption to protect a car (up to $15,000), but, as long as the wildcard is $3000 or more, would set aside $1000 to protect a bank account. Applying this standard toTennessee, after applying $9000 of the $10,000 wildcard to protect a car, the debtor would be able to apply $1000 to protect a bank account. The report gives a C to a state that exempts $1,000 to $4,999 or has a self-executing protection of at least $500, so Tennessee rates a C.
3. **Is the Bank Account Protection Self Executing?:** No.
4. **Court Procedure:**
    a) **Statute:** Tenn. Code Ann. § 26-2-114 states that a judgment debtor must exercise the wildcard exemption by filing a list of all the items the judgment debtor chooses to declare as exempt, together with the value of each such item. It requires a notice to this effect to be attached to any garnishment summons. The statute provides that this list can be filed before judgment is entered in a case, and if it is not filed before an execution or garnishment is issued it is ineffective to protect the debtor's property. Once a garnishment is issued, Tenn. Code Ann. §§ 26-2-203 requires the garnishee to send the judgment debtor a copy of the garnishment summons and a Notice to Judgment Debtor, but not before placing a hold on any money belonging to the judgment debtor that is in the garnishee's control. In addition, Tenn. Code Ann. § 26-2-406 requires a garnishee, after placing a hold on any funds of the debtor, to serve a copy of the garnishment summons upon the judgment debtor, and Tenn. Code Ann. § 26-2-404(a) requires that summons to include a notice of the judgment debtor's right to file a motion claiming any exemptions to which the debtor may be entitled. That notice mentions various types of benefits that are exempt, such as Social Security benefits, but does not mention the $10,000 wildcard, which can only be claimed before the garnishment is issued. It adds that the debtor "should act quickly. If you file a motion within twenty (20) days from the date this notice was mailed to you or was given to you, the court must hear and decide your motion promptly, and in no event later than fourteen (14) days from filing."


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b) **Rules:** Rule 69.05 of the Tennessee Rules of Civil Procedure applies to garnishment, but it does not add anything about how the judgment debtor goes about claiming an exemption.

5. **Court Forms:** The https://tncourts.gov/court-forms website provides an Execution Garnishment form, which contains a Notice to Judgment Debtor and tracks the language required by Tenn. Code Ann. § 26-2-404. It also provides a "Protected Income and Assets" form for a judgment debtor to use to claim exemptions. This form includes spots for the debtor to apply all or part of the $10,000 wildcard to cash or money on deposit. The website also provides a form Request to Protect Income and Assets that has checkboxes for a judgment debtor to claim various types of benefits, such as Social Security benefits, as exempt (and also to claim wages and tools of the trade as exempt).

   Note that this form indicates that the debtor "may have to pay a filing fee" but can ask the court to postpone it on grounds of indigency.

6. **Are Rules Consistent Across Courts?:** Yes. There are several trial-level courts in Tennessee,but the statutes and rules do not differentiate between different courts.

7. **Cost of Garnishment:** Tenn. Code Ann. § 8-21-901 states that the sheriff's fee for "collecting money to satisfy a judgment, whether by execution, fieri facias, garnishment or other process, in civil cases each time collection is attempted" is $40. Filing fees appear to vary by county. In Shelby County, which is the most populous county in the state, the Schedule of Filing Fees states that, for garnishments, the fee for the clerk is $27 and the fee for the sheriff is $42.

## Texas

1. **Statute:** There is no earmarked exemption for general funds in a bank account. Tex. Prop. Code Ann. § 42.001 provides a wildcard exemption, but that exemption applies only to personal property and cannot be used to protect a bank account. Tex. Prop. Code Ann. § 42.002 lists the personal property that is exempt, and funds in a bank account are not included in that list.
2. **No Fresh Start:**
    a) **Grade:** F
    b) **Explanation of Grade:** Texas is graded F because it does not provide any exemption that will protect a general bank account. It has a wildcard exemption, but that exemption applies only to personal property and cannot be used to protect a bank account.
3. **Is the Bank Account Protection Self Executing?:** There is no protection, whether self-executing or otherwise.
4. **Court Procedure:**
    a) **Statute:** N/A
    b) **Rules:** N/A
5. **Court Forms:** The Texas Courts website has a Notice of Protected Property Rights form. It also has a set of instructions for filling out and filing a Protected Property Claim form that makes it clear that it is necessary to file the form and attend a hearing in order to claim an exemption. We did not find a standard form for the writ of garnishment that a bank would receive. Advocates in the state inform us that, instead of seeking a garnishment order, most judgment creditors ask the court to appoint a turnover receiver pursuant to Tex. Civ. Practice & Rem. Code Ch. 31 to take possession of and sell the judgment debtor's non-exempt property. *See* this guide regarding turnover receivers.
6. **Are Rules Consistent Across Courts?:** Yes–there is no protection, and this is consistent across courts.
7. **Cost of Garnishment:** The website for the Clerk's Office in Harris County, the most populous county in the state, lists a $80 filing fee and a $125 service fee for a writ of garnishment.


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## Utah

1. **Statute:** Utah provides neither an earmarked exemption for general funds in a bank account nor a wildcard exemption that can be used for this purpose. Utah Code Ann. §§ 78B-5-505 and 78B-5-506 provide modest exemptions for household goods, a motor vehicle, and certain other property, and the state also has a homestead exemption (§ 78B-5-503), but there is no exemption that can be applied to a bank account.
2. **No Fresh Start:**
    a) **Grade:** F
    b) **Explanation of Grade:** Utah is graded F because it does not provide any exemption that will protect general funds in a bank account.
3. **Is the Bank Account Protection Self Executing?:** There is no protection, whether self-executing or otherwise.
4. **Court Procedure:**
    a) Statute: N/A
    b) Rules: N/A
5. **Court Forms:** The Utah Courts website provides a Notice of Garnishment and Exemptions form that makes it very clear that a judgment debtor must act affirmatively to assert any exemptions for personal property, so, even if Utah's personal property exemptions included one that could be applied to a bank account, it would not be self-executing.
6. **Are Rules Consistent Across Courts?:** Yes–there is no protection, and this is consistent across courts.
7. **Cost of Garnishment:** Utah Code Ann. § 78A-2-301(1)(w) sets the fee for a writ of garnishment or execution in the courts of record at $50, and Utah Code Ann. 78A-2-301.5(5) sets the same fee for justice courts. In addition, Utah Code Ann. § 78A-2-216 provides that the judgment creditor must pay the garnishee $10 for a single garnishment and $25 for a continuing garnishment.

## Vermont

1. **Statute:** Vt. Stat. Ann. tit. 12, § 2740(15) provides an earmarked exemption for "the debtor's interest, not to exceed $700.00 in value, in bank deposits or deposit accounts of the debtor."
2. **No Fresh Start:**
    a) **Grade:** D
    b) **Explanation of Grade:** States are rated D if they protect at least $500 or have a self-executing exemption for any amount.
3. **Is the Bank Account Protection Self Executing?:** No.
4. **Court Procedure:**
    a) **Statute:** Vt. Stat. Ann. tit. 12, § 2732, provides that "trustee process"–the term used in Vermont for garnishment of funds belonging to a judgment debtor that are held by a bank–can be used to collect a judgment debt. However, Vermont's statutes do not appear to spell out the procedure for a judgment debtor to assert that funds in a bank account are exempt.
    b) **Rules:** Rule 4.2(k) of the Vermont Rules of Civil Procedure provides for the issuance of "trustee process" (the term used for garnishment) to collect a judgment "when authorized by law." Rule 69, which governs execution, also states that, when a writ of execution is served upon a judgment debtor. However, neither of these rules specifies the procedure for the debtor to assert an exemption.
5. **Court Forms:** The Vermont Judiciary website provides a Motion for Trustee Process for a judgment creditor to use to request garnishment of funds in a bank account. The form instructs the judgment creditor to serve the motion, a Trustee Disclosure form, a List of Exemptions form that includes a reference to the $700 exemption for cash or funds on deposit, a notice of a hearing date, and a summons issued by the court, on both the bank and the judgment debtor. *See also* Rule 4.2(c), (d), (f) of the Vermont Rules of Civil Procedure (setting forth these procedures). The Trustee Disclosure form requires the financial institution to state whether it is holding funds belonging to the judgment debtor. It also asks whether the financial institution believes that any of the funds it is holding may be exempt from collection, but it indicates that answering this question is optional. The Form and Rule 4.2(f) require the financial institution to email, mail, or hand deliver the filled-out form to the court, the creditor, and the debtor within 30 days. Under Rule 4.2(g, any party that wants to contest the trustee's disclosure or produce other relevant


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evidence, has to file a written request for a hearing. The Vermont Judiciary's online forms library does not include any form instructing the debtor how to assert an exemption.

6. **Are Rules Consistent Across Courts?:** Yes. The exemption statute and the court rules are not written to apply just to certain courts in the state judicial system.
7. **Cost of Garnishment:** Vt. Stat. Ann. tit. 32, § 1431(e) states: "Prior to the filing of any postjudgment motion in the Civil, Criminal, or Environmental Division of the Superior Court, including motions to reopen civil suspensions or motions to reopen existing cases in the Probate Division of the Superior Court, there shall be paid to the clerk of the court for the benefit of the State a fee of $90.00 except for small claims actions, estates, and motions to confirm the sale of property in foreclosure." Subsection c(1) of the provision states: "Prior to the entry of any postjudgment motion in a small claims action, there shall be paid to the clerk a fee of $65.00." *See also* https://www.vermontjudiciary.org/fees. Vt. Stat. Ann. tit. 32, § 1591(1)(A)(iii), which states that the sheriff's fee for serving "papers related to civil suits" is $75.

## Virginia

1. **Statute:** There is no earmarked exemption for general funds in a bank account, but the state provides that a "householder shall be entitled … to hold exempt from creditor process arising out of a debt, real and personal property, or either, to be selected by the householder, including money and debts due the householder" up to $5,000 in value ($10,000 if the debtor is 65 or older), plus $500 for each dependent. The amounts are to be adjusted for inflation at 3-year intervals starting in 2027. Va. Code Ann. § 34-4. Va. Code Ann. § 34-14 requires the debtor to designate the application of this wildcard in writing and file the designation with the registry of deeds.
2. **No Fresh Start:**
    a) **Grade:** C
    b) **Explanation of Grade:** No Fresh Start assumes that the person claiming exemptions is supporting two children, each of whom, under Va. Code Ann. § 34-4, would be entitled to $500. It also assumes that a judgment debtor would apply most of a wildcard to protect a car worth up to $15,000, but would set aside $1,000 of the wildcard to protect a bank account. Virginia therefore qualifies for a C grade, which the report gives to a state that exempts $1000 to $4999 or has a self-executing protection of at least $500.
3. **Is the Bank Account Protection Self Executing?:** No.
4. **Court Procedure:**
    a) **Statute:** Va. Code Ann. § 8.01-511 requires the garnishment summons and a "notice and claim for exemptions form" to be served on a judgment debtor promptly after service on the garnishee. The latter document, described below, requires the debtor to file the claim for exemption form and attend a hearing in order to claim an exemption.
    b) **Rules:** The procedures for garnishment are set by statute, not by court rules.
5. **Court Forms:** Va. Code Ann. § 8.01-512.4 specifies the language for the Notice of Exemptions and Claim Form (DC-454). The form states: "If you claim an exemption, you should (i) fill out the claim for exemption form and (ii) deliver or mail the form to the clerk's office of this court. You have a right to a hearing within seven business days from the date you file your claim with the court. … …" The form references, as one of the "major exemptions under federal and state law," the homestead exemption in Va. Code Ann. § 34-4 but not the $500-per-dependent wildcard. Forms for these and other aspects of garnishment in the state's district and circuit courts may be found on the state judicial system's website.


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6. **Are Rules Consistent Across Courts?:** Yes. Neither the exemption statute nor the statutes specifying the procedure for garnishment are written to apply just to certain courts in the state judicial system.
7. **Cost of Garnishment:** Va. Code Ann. § 17.1-275(A)(7), which governs filing fees in the circuit courts (trial courts that handle most civil cases with claims of more than $50,000, but also share authority with the district court to hear matters involving claims between $4500 and $50,000), states: "For all services rendered by the clerk in any garnishment or attachment proceeding, the clerk's fee shall be $15 in cases not exceeding $500 and $25 in all other cases." However, p. 66 of a 2025 circuit court fee schedule published by the Virginia Court System shows a number of other fees are tacked on to this amount, bringing the total to $60 for cases up to $500 and $73 for other cases. Va. Code Ann. § 16.1-69.48:2, which governs fees in the district courts (which have exclusive authority to hear civil cases with claims of $4500 or less and share authority with the circuit courts to hear claims between $4500 and $50,000), states: "For all court and magistrate services in each … garnishment … civil proceeding, the fee shall be $36." However, an Arlington County fee schedule lists the fee for a garnishment as a $52 filing fee plus $12 for service by the sheriff. Va. Code Ann. § 17.1-272(a) states that the fee for process and service for service "on any person, firm or corporation" and "[s]ummoning a witness or garnishee on an attachment" is $12. Subsection D of the provision states that these fees apply to both circuit and district courts. Since Virginia requires the garnishment papers to be served on both the garnishee and the defendant, two fees will be necessary.

## Washington

1. **Statute:** Wash. Rev. Code § 6.15.010(1)(d)(iii)(A)(3) provides a $3,000 wildcard, of which, in the case of consumer debt, $2,000 may consist of bank accounts, savings and loan accounts, stocks, bonds, or other securities, which "shall be automatically protected." Beginning July 1, 2027, this amount will be adjusted for inflation every three years pursuant to Wash. Rev. Code Ann. § 6.15.010.
2. **No Fresh Start:**
    a) **Grade:** B
    b) **Explanation of Grade:** The report gives a B grade to a state that protects at least $5,000 or has a self-executing protection for at least $1,000.
3. **Is the Bank Account Protection Self Executing?:** Yes, $2000 of the $3000 wildcard exemption is automatically applied to protect a bank account, savings and loan account, or stocks, bonds, or other securities.
4. **Court Procedure:**
    a) **Statute:** Wash. Rev. Code § 6.15.010(1)(d)(iii)(A)(3) states that $2,000 of the $3000 wildcard exemption "shall be automatically protected." As for the portion of the wildcard exemption that is not automatically protected, Wash. Rev. Code § 6.27.160 provides that a judgment debtor may claim exemptions from garnishment in the manner specified by the statute that creates the exemption by filing a Claim of Exemption with the court. The judgment creditor then has 7 days to object to the claim and schedule a hearing, at which the debtor will have the burden of proving and documenting the exemption. A judgment creditor that does not object to the exemption claim must obtain and deliver to the garnishee a court order instructing it to release the funds to the debtor.
    b) **Rules:** Rule 69 of the Superior Court Civil Rules states: "The procedure on execution, in proceedings supplementary to and in aid of a judgment, and in proceedings on and in aid of execution shall be in accordance with the practice and procedure of the State as authorized in RCW 6.13, 6.15, 6.17, 6.19, 6.21, 6.23, 6.32, 6.36, and any other applicable statutes." The Rule does not specifically mention the claim of exemption procedure.
5. **Court Forms:** Wash. Rev. Code § 6.27.100 mandates the language of a writ of garnishment, including a requirement that it instruct the garnishee to protect the exempt amount. Wash. Rev. Code § 6.27.160 specifies the language for the claim of exemption (GARN 01.0500), and Wash. Rev. Code § 6.27.140 contains language for a Notice of


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Garnishment and of Your Rights (GARN 01.0450) that Wash. Rev. Code § 6.27.130(1) requires the debtor to be given. These three forms are also found on the Washington State Courts website. However, the form for the writ of garnishment does not appear to reflect the 2025 amendments, which increased the automatic protection for a judgment arising from consumer debt from $1,000 to $2,000.

6. **Are Rules Consistent Across Courts?:** Yes. The relevant statutes are not written in a way that would confine them to particular courts in the judicial system.
7. **Cost of Garnishment:** Wash. Rev. Code § 3.62.060(1)(b) provides that the fee for issuing a writ of garnishment in district court (a county court with jurisdiction over civil actions of $100,000 or less) is $12. Wash. Rev. Code § 36.18.040(1)(h) lists sheriff's fees and states: "For executing any other writ or process in a civil action or proceeding, besides mileage, thirty dollars per hour." However, judgment creditors are more likely to serve the writ of garnishment on the bank by certified mail, as Wash. Rev. Code § 6.27.080 allows, and thereby avoid the sheriff's service fee. Washington also provides that a garnishee bank is entitled to be paid $20 at the time of service of a writ of garnishment., Wash. Rev. Code § 6.27.095(2).

## West Virginia

1. **Statute:** W. Va. Code § 38-8-1(a)(4) provides an earmarked exemption for "funds on deposit in a federally insured financial institution, not to exceed $1,100." However, the total value of this exemption plus all other personal property (a motor vehicle, household goods, and tools of the trade) that the debtor claims as exempt cannot exceed $15,000. W. Va. Code § 38-8-1(b).
2. **No Fresh Start:**
   a) **Grade:** C
   b) **Explanation of Grade:** This is an earmarked exemption, but is not self-executing. The report gives a C grade to a bank account exemption between $1000 and $4999 that is not self-executing.
3. **Is the Bank Account Protection Self Executing?:** No.
4. **Court Procedure:**
   a) **Statutes:** W. Va. Code §§ 38-5-10 to 38-5-23, which set forth the procedures for garnishment of a bank account, do not place any obligation on a garnishee bank to protect any amount in a judgment debtor's bank account or assert the $1,100 exemption. W. Va. Code § 38-8-3 requires a judgment debtor who claims personal property (including money) as exempt to deliver to the officer an affidavit listing each item of the debtor's personal property, the fair market value of each item, and the items the debtor claims as exempt.
   b) **Rules:** Rule 69 of the West Virginia Rules of Civil Procedure addresses enforcement of judgments but does not specify the procedures.
5. **Court Forms:** An Affidavit for Exemptions form, (SCA-C&M 665), is available on the West Virginia Judiciary website. It has a checkbox to claim the $1100 exemption, and instructs the debtor "Check all that apply. If no box applies, then the personal property exemption is not available and this form should not be completed," thereby confirming that the exemption must be affirmatively claimed.
6. **Are Rules Consistent Across Courts?:** Yes. The exemption statutes are not written to apply just to certain courts in the state judicial system.
7. **Cost of Garnishment:** W. Va. Code § 59-1-11(b)(4) sets the fee for issuing an execution in circuit courts (the state's courts of general jurisdiction) at $25. W. Va. Code § 50-3-1(b) states that the cost in the magistrate courts (small claims courts) for "each service regarding enforcement of a judgment including execution, suggestion, garnishment and suggestee execution" is $5. W. Va. Code § 59-1-14(a) states that the sheriff's cost for "serving on any person an order, notice, summons, or other process where the body is not taken, except a subpoena served on a witness" shall not exceed $30 (per person served).


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## Wisconsin

1. **Statute:** Wis. Stat. § 815.18(3)(k) provides an earmarked exemption for depository accounts in the aggregate value of $5,000.
2. **No Fresh Start:**
    a) **Grade:** A
    b) **Explanation of Grade:** The report gives an A grade to a state that protects $12,000 or more or has a self-executing protection for at least $3,000. Since a court form makes Wisconsin's protection of $5,000 self-executing, the state rates an A.
3. **Is the Bank Account Protection Self Executing?:** In practice it is self-executing to a large extent, largely because of mandatory court-created forms. Wis. Stat. § 815.18(6)(a) states that a judgment debtor must affirmatively claim exemptions. However, in the case of garnishment of a bank account or other property that is in a third party's hands, Wis. Stat. § 812.11(4) provides that, when the garnishee files its response to the garnishment with the court, it "may state any claim of exemption from execution on the part of the defendant or other objection, known to the garnishee, against the right of the plaintiff to apply upon the plaintiff[s demand the debt or property disclosed." In addition, the answer form that the court system requires a garnishee to use requires the garnishee to subtract the exempt amount and identify only the remainder as subject to garnishment. Advocates in the state report that most financial institutions list $5,000 as exempt when they file their answer.
4. **Court Procedure:**
    a) **Statute:** As noted above, court forms require banks in Wisconsin to assert the debtor's $5,000 exemption for depository accounts. Wis. Stat. § 812.14 provides that the garnishee's answer is conclusive unless the judgment creditor objects to it, in which case the court decides the issue. In addition, Wis. Stat. § 812.15(1) allows a judgment debtor to assert exemptions or other defenses to a garnishment, stating: "The defendant may, within 20 days from the service of the garnishee summons and complaint on the defendant, answer the garnishee complaint and defend the garnishment action upon any ground upon which a garnishee might defend, and may participate in the trial of any issue between the plaintiff and garnishee." The judgment creditor then has the opportunity to object to the claim and demand a hearing.
    b) **Rules:** We did not find any statewide civil rules that specify the procedure for claiming exemptions.

5. **Court Forms:** As noted above, a garnishee bank is required to use an answer form that subtracts the exempt amount and identifies only the remainder as available for garnishment. However, if the garnishee bank fails to do so or the debtor wishes to assert additional exemptions or other defenses, the debtor must act affirmatively. One of the mandatory forms published by the Wisconsin court system for use in civil cases is a Summons and Complaint Non-Earnings Garnishment form that advises the debtor: "If you have a defense to the garnishment claim of the creditor (person to whom money is owed) or you have an exemption that applies to the amount that is subject to garnishment, you are required to answer as described under Wisconsin Statutes within 20 days after you have been served with the summons and complaint." It also notifies the garnishee: "If you are notified by the debtor's answer that an exemption applies, you are still ordered to withhold the amount of the creditor's claim and disbursements, pending the further order of the court. Another mandatory form, the Debtor's Answer Non-Earning Garnishment form contains a check box (2.b.) for "Depository accounts in the aggregate value of $5,000 [Wis. Stats. §815.18(3)(k)]." The court system has also created a mandatory form for the judgment creditor to use to object to the debtor's claim of exemption, the Creditor's Objection to Answer(s) and Demand for Hearing Non-Earnings Garnishment, Forms to be used in the small claims division of the circuit courts are similar, except that the Summons and Complaint Non-Earnings Garnishment (Small Claims) form seems to be designed to require the debtor either to file an answer or attend a hearing.
6. **Are Rules Consistent Across Courts?:** Yes. The exemption and garnishment statutes are not written to apply just to certain courts in the state judicial system. The forms for use in garnishment cases in the small claims division differ from the general forms, but only in minor ways that do not affect this analysis.
7. **Cost of Garnishment:** Wis. Stat. § 814.62 states that the fee for commencing a garnishment action is $20. The Wisconsin Circuit Court Fee Chart lists additional charges, stating that the total fee for garnishment of an amount greater than $10,000 is $210.50 ("per debtor: $20 filing fee, $169 CSS, $21.50 JINFO") and the total fee for an amount of $1,000 or less is $92.50 ("per debtor: $20 filing fee, $51 CSS, $21.50 JINFO"). It appears that sheriff's service fees vary by county. The website of the Sheriff's Office for Milwaukee County, the state's most populous county, shows that the fee for "All legal papers (Summons, Notices, Subpoenas, Orders)" is $100.


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## Wyoming

1. **Statute:** Wyoming's exemption laws, Wyo. Stat. Ann. §§ 1-20-101 to 1-20-106, provide modest exemptions for a home, clothing, household goods, a motor vehicle, tools of the trade, and several other items of tangible property, but the state provides no exemption that can be applied to a general bank account.
2. **No Fresh Start:**
    a) **Grade:** F
    b) **Explanation of Grade:** Wyoming is graded F because it does not provide any exemption that will protect a general bank account.
3. **Is the Bank Account Protection Self Executing?:** There is no protection, whether self-executing or otherwise.
4. **Court Procedure:** N/A
5. **Court Forms:** The court system has created a form, Notice of Right to Hearing and Objection, that instructs the judgment debtor how to object to a garnishment. It allows the judgment debtor to assert that funds being garnished are exempt. It lists a number of types of funds that are exempt because of their source (e.g., Social Security or Black Lung benefits), but does not list any general exemption for money in a bank account that a debtor could assert. It warns the debtor, "If your objection is not filed within the time allowed, the clerk of court will pay the garnished funds to the Judgment Creditor," making it clear that Wyoming law treats even the protections for these types of benefits as non-self-executing.
6. **Are Rules Consistent Across Courts?:** Yes–there is no protection, and this is consistent across courts.
7. **Cost of Garnishment:** $50 fee to sheriff for serving the writ of garnishment.

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