

NOTICE TO GARNISHEES (Financial Institutions)

There are certain exemptions to garnishment provided by state or federal law. You should notify the Court in your answer if you believe an exemption applies to any such funds. Financial institutions should be aware of federal regulations requiring such financial institutions to determine **with respect to electronic payments within the preceding two months**, whether certain funds are exempt. See 76 Fed. Reg. 9939 (Feb. 23, 2011), 31 CFR §212.1 to 212.12.

Exemptions are listed below for the benefit of financial institutions to the extent such exempt funds are identifiable.

MOST COMMON EXEMPTIONS FROM GARNISHMENT

- (1) Disposable Earnings. O.C.G.A. §18-4-20 and 15 U.S.C. §1673. Garnishment of earnings from employment is limited to 25% of disposable earnings for a week or the amount by which disposable earnings for a week exceed 30 times the federal minimum wage.
Note: More money may be taken out a paycheck for child support payments or if a Chapter 13 bankruptcy provides for a higher amount.
- (2) Social Security Retirement, Social Security Disability Insurance, Supplemental Security Income, Social Security Survivor Benefits. 42 U.S.C. §407.
- (3) Unemployment Benefits. O.C.G.A. § 34-8-252.
- (4) Workers Compensation. O.C.G.A. § 34-9-84.
- (5) Joint Accountholders. O.C.G.A. § 7-1-812.
Note: Depending on the circumstances such funds may or may not be subject to garnishment.
- (6) Child Support. Richards v. Richards, 281 Ga. 285, 286 (2006); Stewart v. Stewart, 160 Ga. App. 463 (1981).
- (7) Medicaid Payments. O.C.G.A. § 49-4-147.
- (8) Veterans Benefits including Military Pensions, Retirement Pay, Disability Payments. 38 U.S.C. § 5301.
- (9) Veterans Survivor Annuities. 10 U.S.C. § 1450.
- (10) Federal Student Loans, Grants, and Work Assistance. 20 U.S.C. § 1095a.

OTHER LESS COMMON EXEMPTIONS

- (11) ERISA Qualified Retirement and Pension Benefits - 401(k), IRA, and Employer Provided Pensions. O.C.G.A. § 18-4-22.
- (12) Crime Victim Compensation Funds. O.C.G.A. § 17-15-8.
- (13) Wages Due to a Deceased Employee of the State up to \$2,500.00. O.C.G.A. § 34-7-4.
- (14) Accident, Sickness, or Disability Insurance Benefits up to \$250.00 a Month During Disability. O.C.G.A. 33-29-15.
- (15) Benefits, Charity, Relief, or Aid From Fraternal Benefit Societies. O.C.G.A. § 33-15-62.
- (16) Cash Value/Benefits Payable to Life Insurance Policy Beneficiary. O.C.G.A. § 33-25-11.
- (17) Aid to the Blind. O.C.G.A. § 49-4-58
- (18) Aid to the Disabled. O.C.G.A. § 49-4-84.
- (19) Old Age Assistance. O.C.G.A. § 49-4-35.
- (20) State Pension - State or Local Government Employees Under Employees Retirement System. O.C.G.A. § 47-2-332.
- (21) State Pension - Municipal Employees Under Employee Retirement System. O.C.G.A. § 47-5-71.
- (22) State Pension - Teachers Retirement System. O.C.G.A. § 47-3-28.
- (23) State Pension - Public School Employees. O.C.G.A. § 47-4-120.
- (24) State Pension - Firefighters Retirement System. O.C.G.A. § 47-7-122.
- (25) State Pension - Members of the General Assembly Retirement System. O.C.G.A. § 47-6-100.
- (26) State Pension - District Attorneys Retirement System. O.C.G.A. § 47-12-101.
- (27) State Pension - Superior Court Clerks Retirement System. O.C.G.A. § 47-14-91.
- (28) State Pension - Sheriffs Retirement System. O.C.G.A. § 47-16-122.
- (29) State Pension - Peace Officers Retirement System. O.C.G.A. § 47-17-103.
- (30) State Pension - Judicial System Employees Retirement System. O.C.G.A. § 47-23-121.
- (31) State Pension - Probate Judges Retirement System. O.C.G.A. § 47-11-91.
- (32) State Pension - Magistrate Court Retirement System. O.C.G.A. § 47-25-101.
- (33) FEMA Disaster Assistance to Individuals and Households. 44 CFR § 206.110(g).
- (34) Federal Workers Compensation. 5 U.S.C. § 8130.
- (35) Federal Employee Thrift Savings Plan. 5 U.S.C. § 8437(e)(2).
- (36) Federal Judges Survivor Annuities. 26 U.S.C. § 7448.
- (37) Veterans Appeals Court Survivor Annuities. 38 U.S.C. § 7297.
- (38) Federal Civil Service Survivor Annuities. 5 U.S.C. § 8346.
- (39) Railroad Retirement Pensions, Annuities, and Disability Benefits. 45 U.S.C. § 231m.
- (40) Railroad Unemployment and Sickness Benefits. 45 U.S.C. §1717.
- (41) Longshore and Harbor Workers' Compensation Benefits. 33 U.S.C. § 916.
- (42) Merchant Seamen Wages and Benefits. 46 U.S.C. § 11109.
- (43) Compensation for Injury/Death of U.S. Contractor Outside U.S. 42 U.S.C. § 1717.
- (44) Money Held by Receivers Appointed by the Court. O.C.G.A. § 9-8-12.