

.The judge will want to know:

- Why you can't pay the whole amount you owe.
- How much you think you can pay and how often.

The person you owe money to may ask the judge to make you pay more. The judge may let you pay the amount you offered or may make you pay more. Don't offer to pay more than you are **SURE** you can pay.

Important: If an emergency keeps you from going to court, contact the clerks office before the hearing.

Pay on time and keep proof

It is very important to pay what the judge told you to pay. If you do not pay your paycheck can be garnished. The judge will say who you must pay.

It may be the court clerk or to whoever you owe.

Make payments by:



- Check: Keep your cancelled check



- Money order: Keep your money order receipt



- Cash: Get a receipt

Keep a record of how much you still owe after each payment to know when the debt is paid off.



Protect your property and savings too

This booklet is only about protecting your paycheck. You should also ask for our booklet about protecting your belongings after you are sued.

Who We Are

Legal Aid Society is Tennessee's largest non-profit law firm. Our mission is to enforce, advance, and defend the legal rights of low income and vulnerable people to obtain the basic necessities of life.

Contact Us

We have offices in Clarksville, Columbia, Cookeville, Gallatin, Murfreesboro, Nashville, Oak Ridge, and Tullahoma.

Call 1-800-238-1443
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revised 12/22



Consumer Protection



How to Keep Your Paycheck From Being Garnished



LEGAL AID SOCIETY
OF MIDDLE TENNESSEE AND THE CUMBERLANDS

Who can this booklet help?

This booklet tells you how to keep whoever sued you from taking your paycheck, also known as a garnishment. You don't need a lawyer to stop a garnishment.

Usually, your pay can only be garnished after:

- You have been sued and you agree you owe the party who sued you.
- The court finds you owe money.

This booklet may help you if you were sued in General Sessions Court. Other courts may have rules that are a little different. The clerks in the other courts can tell you how it works there.

There are 3 ways to keep your paycheck from being garnished:



Pay the full amount you owe.



Make a written agreement with whoever sued you. The agreement says you will pay a certain amount and when you will pay it. File this agreement with the court clerk.



File a Slow-Pay Motion with the Court.

Paying the full amount

To stop a garnishment before it starts by paying what you owe within 10 days of your court date.

You will also have to pay for court cost. You can make the payment to the clerk of the General Court Session. Make sure to ask the clerk for a receipt.

What if you don't pay what you owe within 10 days after the Court date? Your paycheck may be garnished.

You can **STOP** the garnishment at any time by paying the clerk's office what you owe. Make sure you:

- Get a receipt.
- Take the receipt to your employer right away.

They should stop taking money from your pay as soon as you can prove you have paid the judgment in full.

What if you agree to make regular payments?

If you both agree on weekly, bi-weekly or monthly payments, they will not garnish your paycheck.

A garnishment lets you keep at least \$217.50 each week. The \$217.50 is counted after taking out Social Security and income tax. **You should not agree to payments that would leave you with less than that. Tips cannot be garnished.**

What if your check is already being garnished?

You can often stop it with an agreement. Talk to whoever has a judgment against you (or their lawyer). See if you both can agree on weekly, bi-weekly or monthly payments

If you can agree on a payment schedule, they should tell the clerk in writing to stop the garnishment.

How to File a Slow-Pay Motion or Request to Make Payments

To file a Slow-Pay Motion, go to the court where you were sued.

The clerk will give you a paper that asks where you work, how much you make, and how often you are paid. **The slow-pay motion also asks:**

- The name and address of the person who sued you.
- The number of your case.
- How much the Judge said you owe.
- How much you have already paid.
- Your income, assets, and expenses.

If you don't have all these facts, the clerk will help you get them. The clerk will ask you to swear that what you say on the paper is true.

You may have to pay a small filing fee for your Slow-Pay Motion. What if they ask you to pay more than the filing fee? You should see a lawyer.

The clerk will tell you when to come back to court. The clerk will also send the court date to the person you owe money to.

Go to Court

In court, try to sit near the front so you will hear your name when it is called. Answer quickly and make sure the judge hears you.