



**The Honorable Maryellen O'Shaughnessy**  
Franklin County Clerk of Courts

Domestic Relations Division  
373 S. High Street, Floor 4  
Columbus, Ohio 43215  
614.525.4410

## **New Garnishment Procedures Non-Personal Earnings**

A State of Ohio garnishment law became effective on March 30, 1999. This law will increase the employers' administrative responsibilities because, except for the reasons indicated below, you will be required to make periodic wage garnishment payments to this court until the judgment rendered against your employee is paid in full. You will receive a \$10.00 check as your fee for fulfilling this obligation and will no longer receive a monthly notice of garnishment.

The new law, which is referred to as the "Continuous Order of Garnishment", replaces the current "once every 30 days" garnishment system with a garnishment order which continues on automatic pilot until the judgment is satisfied. This continuous order of garnishment requires periodic wage payments be made into the court [6.25% a week, 12.5% bi-weekly or semi-monthly or 25% per month] per pay cycle unless either or both of the following occur:

1. You receive another notice of garnishment order(s) from one or more additional creditors.
2. You receive notice of a higher priority garnishment order.

### **1. Garnishment Orders from More Than One Creditor**

When you receive notice of garnishment order(s) from two or more creditors for the same employee (debtor), each order is limited to a "182-day" order instead of an "until satisfied" order. Each garnishment order is acted upon in 182 day increments and continues on automatic pilot for 182 days for each successive creditor. There is no limit to the number of creditors that can be stacked in this manner and, because a creditor may not renew an order until after the one in effect has run its full 182-day course, an orderly progression of creditors becomes apparent.

### **2. Higher Priority Garnishment Order**

Garnishments from higher jurisdictional courts, child support orders, and tax levies are examples of higher priority garnishments. These take precedence over other garnishments, and when received, are to be acted upon immediately, terminating further action on the garnishment in progress at the time of its receipt. One of the few exceptions to this portion of the law would be if the amount of the higher priority garnishment were less the total amount allowable by law to be deducted from an employee's (debtors) wages. If that situation should occur the difference is to be remitted into court for the eligible creditor during the 182-day period or until satisfied.

Changes in Reporting Requirements The new law brings with it changes in your paperwork and reporting requirements. The "Interim Report and Answer of Garnishee" and the "Final Report and Answer of Garnishee" are new forms you must complete and submit to the court. The Interim Report is filed with EACH payment you make, including a signed copy for your employee (debtor). The Final Report is executed and submitted to the court if the garnishment is paid in full, a creditor's 182-day collecting period expires, a higher priority garnishment order is received, a trustee is appointed or a bankruptcy is filed.



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## **Instructions for Filing**

### ***Non-Personal Earnings Garnishment***

The Creditor will need to prepare the following documents:

- Original notarized *Order and Notice of Garnishment Of Property Other Than Personal Earnings and Answer of Garnishee (Form #COC-CV-08C)* with six (6) copies per garnishee (i.e. a bank or company, etc.).
- Original *Notice to the Judgment Debtor (Form #COC-CV-70C)* with six (6) copies per garnishee.
- *Instructions for Service* that will include the names and addresses of each garnishee and for each debtor indicating what type of service is being requested.

*Note: You do not need a separate Instructions For Service for each garnishee and debtor being served. They may all be listed on one form.*

- \$25.00 per garnishee.
- An additional amount of \$1.00 per garnishee (this must be in the form of check or money order, made out to the garnishee), to answer the garnishment (per Ohio Revised Code 276.12). This is not a Clerk fee; no receipt will be issued.
- The approval signature of a Common Pleas Court Judge on the original *Order and Notice of Garnishment Of Property Other Than Personal Earnings and Answer of Garnishee (Form #COC-CV-08C)*.

*Note: The Hearing date will be assigned by the Clerk's office after the judge has signed the garnishment order.*

If the garnishment of property has more than one debtor, you will need to provide one (1) extra copy of the Order and Notice of Garnishment of Property Other Than Personal Earnings and Answer of Garnishee form and two (2) extra copies of the Notice to the Judgment Debtor form per debtor. Please be certain to retain any additional copies of all forms you may need for your own files.

Caution: A copy of the Judgment Entry or the Certificate of Judgment must be submitted with the garnishment forms. The Judge will not approve the garnishment order without examining the judgment or Certificate of Judgment.

Please contact the Domestic Relations Division directly at **(614) 525-4410** with any additional inquiries.