



## Maricopa County Justice Courts

### INTRODUCTION TO GARNISHMENT

#### ***WARNING!***

***ALL PARTIES TO A GARNISHMENT ARE STRONGLY URGED TO OBTAIN LEGAL ADVICE FROM AN ATTORNEY. Garnishment procedures are governed by Arizona law and are extremely complicated. All parties involved must follow these laws and procedures correctly. The Court may issue an order for monetary penalties against any party who does not proceed properly, including the judgment creditor.***

- GARNISHMENT is a legal process by which one party may collect money from another party, after a money judgment has been entered
- A MONEY JUDGMENT is an order signed by a judicial officer that awards money to one party against another party

There are generally three parties to a garnishment proceeding:

- A JUDGMENT CREDITOR is a person or entity who has been granted a money judgment
- A JUDGMENT DEBTOR is a person or entity who owes a money judgment
- A GARNISHEE is a person or entity holding money or property belonging to a judgment debtor

Once a money judgment is entered in favor of a party, that party becomes a judgment creditor. The Court will not start the process to collect money owed to a judgment creditor. The judgment creditor is responsible for collecting the money, if the judgment debtor fails to pay voluntarily. The judgment creditor has a number of options available to collect a judgment. One of these options is known as a garnishment, by which a money judgment may be collected from the following:

- Earnings: wages, commissions, pensions or bonuses paid or payable to the judgment debtor
- Non-earnings: money or property owed to the judgment debtor that is in possession of a third party such as rent or a bank account or the contents of a safe deposit box.

**A judgment creditor who wishes to begin a garnishment must have specific and accurate financial information to proceed including a physical address for the judgment debtor and the employer or holder of assets. If garnishment proceedings are filed incorrectly, a judgment creditor may be required to pay the garnishee's costs including attorney fees.** If a judgment debtor does not provide this information voluntarily, the judgment creditor may request an order from the Court requiring the judgment debtor to answer questions about the debtor's financial circumstances.

To pursue a garnishment through an Arizona court, the money or property targeted must be in Arizona. An Arizona garnishment proceeding cannot be used to collect money or property located in another state.

The procedures and forms used to collect judgments from earnings are different from the procedures and forms needed to collect judgments from non-earnings. Separate packets are available for these two types of garnishment. At the beginning of each packet you will find a Process Checklist for the Judgment Creditor. Carefully review this document to better understand your responsibilities in representing yourself in a garnishment proceeding.

- To collect a judgment from earnings, use the forms in the Garnishment of Earnings packet.
- To collect a judgment from non-earnings, use the forms in the Garnishment of Non-Earnings packet.

#### **Please STOP...**

If there is no judgment rendered in your favor.

If there is a satisfaction of judgment filed.

If you are seeking to garnish wages and you have not given the judgment debtor a written demand for payment.

#### **Please PROCEED**

If you have a judgment in your favor that has not yet been satisfied.

#### **FORMS Needed:**

Garnishment Packet (Earnings or Non-Earnings) – the court will provide the correct packet of forms upon request.

#### **INSTRUCTIONS**

- 1) Determine if you wish to pursue a garnishment of wages or a garnishment of non-wages (such as bank accounts).
- 2) Inform the court of the garnishment type you desire. The clerk will provide you with a garnishment packet containing required forms and detailed instructions.
- 3) Follow the instructions given with the garnishment packet for form completion.
- 4) File the completed forms with the court and pay the writ issuance fee.
- 5) Ask the court when the papers will be ready for you to pick up to have them served.
- 6) Arrange for service of the documents with your process server.
- 7) Give completed papers to the process server (for service) and pay the process service fees directly to your process server.

**THE FEES WILL BE ADDED TO YOUR JUDGMENT AMOUNT AS ACCRUING COURT COSTS.**

**IT IS IMPORTANT THAT ALL PARTIES KEEP THE COURT APPRISED OF ANY CHANGE IN ADDRESS. A NOTICE OF CHANGE OF ADDRESS form must be filed with the court when a party changes their address.**

Visit us at [justicecourts.maricopa.gov](http://justicecourts.maricopa.gov) for additional filing information and online forms.