



**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division**

Civil Actions Branch
500 Indiana Ave., N.W.
Room 5000
Washington, D.C. 20001
Telephone: (202) 879-1133

Landlord & Tenant Branch
510 4th Street, N.W.
Room 110
Washington, D.C. 20001
Telephone: (202) 879-4879

Small Claims & Conciliation Branch
510 4th Street, N.W.
Room 120
Washington, D.C. 20001
Telephone: (202) 879-1120

_____, Plaintiff

v.

Case No. _____

_____, Defendant.

**WRIT OF ATTACHMENT ON A JUDGMENT
(Garnishment of Wages, Earnings, Salary, Commissions, and Pensions)**

To: _____

The court has been informed that you currently employ _____, who is the defendant in this case. The plaintiff has obtained a judgment against the defendant. This Writ of Attachment requires you to (1) provide information about the defendant's employment by returning complete answers to all of the Interrogatories, and (2) withhold a portion of any wages and pay that portion to the plaintiff until the judgment is paid in full, or until further order of the court.

Please read the Instructions and respond to the Interrogatories below. If you fail to return answers to the Interrogatories within ten (10) days of receiving this Writ, judgment may be entered against you, the employer, for the entire amount of plaintiff's claims, plus interest and costs.

CLERK OF THE COURT

Attorney for Plaintiff

Issued by: Deputy Clerk

Address

Issued on:

Telephone

Email Address



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INTERROGATORIES TO BE ANSWERED BY EMPLOYER-GARNISHEE

Within ten (10) days of receiving this Writ of Attachment, you must (1) answer all of the following questions under the penalty of perjury, (2) file your answers in this court, and (3) serve a copy on the plaintiff and the defendant.

- (1) If you employ the defendant, state the amount of disposable wages (defined in Instruction 3) earned by the defendant and when it is paid.

- (2) If you employ the defendant, and are already withholding their wages or earnings to satisfy a different attachment previously served upon you, state the name of the person or company to whom you are making payments, and all relevant information about the case in which the attachment was issued, including the name of the court and the case number.

- (3) If you do not currently employ the defendant, did you employ the defendant in the four-month period before this writ was served on you?

- (4) Employment of the defendant was terminated on _____.

I declare under the penalty of perjury that the answers above are, to the best of my knowledge and belief, true and correct as to every material matter.

Completed by Employer-Garnishee: _____
Signature

Date: _____ **Title:** _____

Phone: _____ **Email:** _____



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INSTRUCTIONS TO EMPLOYER-GARNISHEE

1. Formula.

Withholding is generally required if an employee earns more than 40 times the D.C. minimum hourly wage per week – in other words, if an employee works more than the equivalent of 40 full-time hours at minimum wage. When garnishing, the employer generally must withhold 25% of the amount by which the employee’s disposable wages for a week exceed 40 times the minimum hourly wage in effect at the time. If the pay period is not one week, the employer multiplies the minimum hourly wage by 40 and then multiplies the resulting number by the number of full and/or partial weeks which are included in the pay period. The court may reduce the amount if the employee proves financial hardship.

2. Timing and Duration.

The employer must withhold the specified amount from employee’s wages and pay this amount within 15 days after the close of the last pay period of the employee ending in each calendar month, until judgment has been satisfied, or until otherwise instructed by the Court.

3. Definitions.

“Wages” means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program;

“Disposable wages” means that part of any individual’s earnings remaining after the deduction of any amounts required by law to be withheld. (D.C. Code § 16-571)

4. Calculating the Withholdings Amount.

To calculate the exact withholdings amount:

- (1) Determine the employee’s disposable wages for the pay period.
- (2) Multiply the D.C. minimum wage in effect on the date wages are payable by 40.
 - In the case of wages for any pay period other than a week, multiply the minimum hourly wage by 40 and then multiply the resultant product by the number of full and/or partial weeks which are included in the pay period being considered.
- (3) If the amount from (1) is less than or equal to the amount from (2), the employer-garnishee shall



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not withhold any wages.

- (4) If the amount from (1) exceeds the amount from (2), calculate the difference between the two amounts and multiply it by .25.

Note: The District of Columbia minimum hourly wage is \$14.00 per hour as of July 1, 2019. Any subsequent changes to the minimum hourly wage must be observed by the garnishee. Pursuant to D.C. Code § 32-1003 (f-1), any adjustments to the minimum hourly wage shall be published in the District of Columbia Register and the Department of Employment Services website at least 30 days before an increase is scheduled to go into effect.

5. Effect of Defendant Leaving Employ.

In the event defendant leaves your employ for a period of 90 days or less, and then is reemployed, this attachment shall remain in full force and effect, and you are required to resume the withholdings. In the event defendant leaves your employ for a period of 91 days or more, this attachment shall terminate and you shall return your copy of the completed interrogatories to the Court, setting forth the date of the termination in the space provided.

6. Priority of Multiple Attachments.

If other attachments against this employee have been served upon you and are still unsatisfied, you are required under the law to make withholdings to satisfy the attachments in the order in which they were received by you, before withholding or paying anything to satisfy this attachment. If you were served with two or more attachments at the same time, the one bearing the earlier time stamp of the United States Marshal is entitled to be satisfied first.

7. WARNING and Legal Authorities.

Sec. 6 of the D.C. Consumer Credit Protection Act of 1971 (P.L. 92-200) prohibits an employer from discharging an employee for the reason that unpaid earnings have been subjected or attempted to be subjected to garnishment for the purpose of paying a judgment. The Federal Wage Garnishment law restricts such discharge where an employee's earnings have been subjected to garnishment for any indebtedness and provides that a willful violation of said restriction may subject an employer to a fine of not more than \$1,000 or imprisonment for not more than 1 year, or both.



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Notice to Defendant (Judgment-Debtor) Regarding Wage Garnishment

Why am I receiving this?

The enclosed Writ of Attachment is a copy of a legal document that has been issued to your employer. You are receiving this notice because the plaintiff in this case obtained a money judgment against you. A money judgment is a court's decision that you owe money to someone else (the "judgment creditor"). The plaintiff (or judgment-creditor) is now seeking garnishment of your wages. Garnishment is a process in which a portion of an employee's wages are taken each pay period in order to pay money owed. Withholding continues until the judgment is paid in full.

Will my wages be garnished? If so, how much?

D.C. law automatically protects certain amounts of wages from garnishment. For example, if you earn 40 times the D.C. minimum hourly wage per week or less (in other words, if you work the equivalent of full-time hours at minimum wage, or less), your earnings are fully protected against garnishment and nothing will be taken from your paycheck. However, if you earn more than that, your employer may be required to withhold a portion of your wages to pay to the judgment-creditor (plaintiff). The amount of garnishment is calculated based on the formula stated on the Writ of Attachment.

Is there anything I can do?

If you are already protected from garnishment, or if you can afford the amount that will be taken out of your paycheck to pay the judgment creditor, you do not need to do anything. However, you have the right under D.C. Code § 16-572a to request that the court adjust the amount of wages withheld based on financial hardship. To make such a request, you or your attorney must file a motion. You can get a motion form from the Clerk's Office or online at www.dcourts.gov. In addition, there may be circumstances under which you may be able to ask the court to undo the judgment. If you file a motion to adjust the amount of wages subject to garnishment based on financial hardship, you should provide a copy of the motion to your employer immediately so that the garnishment can be put on hold until the court makes a decision.

Lawyers from legal services providers may be able to help you for free. For more information on finding legal help, you can visit: www.dc.courts.gov/services/represent-yourself.



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_____, Plaintiff

v.

Case No. _____

_____, Defendant.

INFORMATION FOR EMPLOYER-GARNISHEE

The following information is provided to assist in confirming the identity of defendant. Please contact the Judgment Creditor with any questions related to this verification.

Full Name	
Address	
Last 4-digits of SSN <i>Redact if filing with the court</i>	

The following information regarding the judgment in this case is accurate as of the date of issuance of this Writ. The total amount may change in the future based upon factors such as interest and credits. Please contact the Judgment Creditor to determine the updated balance.

Date of Judgment	
Amount of Judgment Principal	
Interest Rate	
Total Amount Due	

Judgment Creditor Contact Information	
Name	
Phone	
Email	