



## Superior Court of the District of Columbia

Civil Division

Small Claims and Conciliation Branch

Building B, 510 4<sup>th</sup> Street N.W., Room 120

Washington, D.C. 20001 Telephone (202)879-1120

### **Notice to Debtor of Non-Wage Garnishment and Exemptions**

#### **YOUR MONEY, FUNDS OR INCOME MAY BE TAKEN TO PAY A JUDGMENT CREDITOR. PLEASE READ THIS NOTICE CAREFULLY.**

**If you are a defendant in a lawsuit and a Writ of Attachment is filed in your case, you should read this notice to protect your rights.** A Writ of Attachment is a legal paper which is used to collect money by someone who has won a lawsuit against you in court. The Writ of Attachment orders the Garnishee (someone who possesses or controls your money, funds or income) to hold your money, funds or income and not give you access to it. This means that your money, funds or income may be used to pay the judgment creditor who won the lawsuit against you in court.

Certain money, funds or income cannot be taken using this garnishment (or attachment) process. Such money, funds or income is called exempt. **On the back of this page is a partial list of common exemptions under District of Columbia and Federal law.** If you believe that you are entitled to an exemption, you may choose to call the judgment creditor who won the lawsuit against you (or the attorney if there is one) to explain that your money, funds or income is exempt and to ask the judgment creditor (or attorney) to release the money, funds or income.

**You have a right to a court hearing.** You must submit a Motion for Claim of Exemption and Request for Hearing to the court to ask for a hearing. A sample motion form is available from the court clerk's office (address and phone number above). **You should submit the motion as soon as possible.** **If you do not act quickly, you may lose your right to claim the exemption, and your money, funds or income may be used to pay the judgment creditor.** After filing your motion with the clerk's office, a hearing will be scheduled no earlier than the eleventh (11<sup>th</sup>) business day after filing, plus three (3) calendar days if the motion is served by mail, unless you request a later date. If both parties agree, the court may be able to schedule a hearing on an earlier date. When you file the Motion for Claim of Exemption and Request for Hearing form, the court clerk will tell you when your hearing is scheduled.

It will cost you \$10 to file this Motion. If you cannot afford to pay this money, you should complete separate forms that ask the court to waive this fee. These forms are called "IFP" (or *in forma pauperis*) forms and you can get them from the court clerk's office.

**On the day of the hearing, you must explain why your money, funds or income is exempt. You should bring with you any documents which may help you prove that your money, funds or income is exempt.** For example, you may bring a bank statement that shows direct deposit of benefits or other proof of your income like a Social Security or tax statement.

**If you do not follow these steps, or if you do not come to court for your hearing, you may lose some of your rights. Then the money, funds or income being held may be used to pay a judgment creditor.** If you think you are entitled to an exemption, it may be helpful for you to speak with an attorney. You may want to contact one of the free legal services agencies listed on the back of this page.

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Below is a partial list of exempt money, funds and income. These are only some of the most common exemptions. There may be other exemptions available to you, and you may want to speak with an attorney about this matter.

Please note, these exemptions might not apply to judgments for alimony or child support. For example, if there is a judgment against you for alimony or support, you may not be able to claim that your money, funds or income is exempt. On the other hand, if you are receiving alimony or support, in most cases that money is exempt from garnishment or attachment.

Review the following list of exempt money, funds and income. If you believe that you are entitled to an exemption, you must follow the directions on the front of this page to request a hearing.

Partial List of Exemptions

- Social Security (42 U.S.C. § 407)
- Supplemental Security Income (SSI) (42 U.S.C. § 407)
- Social Security Disability Insurance (SSDI) (42 U.S.C. § 407)
- Veterans' Benefits (38 U.S.C. § 5301)
- Federal Civil Service Retirement benefits (5 U.S.C. § 8346)
- Federal Civil Service Survivor Annuities (5 U.S.C. § 8346)
- Disability benefits (DC Code § 15-501(a)(7))
- Public assistance / TANF benefits (DC Code § 4-215)
- Unemployment benefits (DC Code § 15-501(a)(7))
- Payments under retirement, pension and annuity plans\* (DC Code § 15-501(a)(7))
- Alimony, support or separate maintenance\* (DC Code § 15-501(a)(7))
- Worker's compensation (DC Code § 32-1517)
- Payments awarded by a court in a civil or criminal case\* (DC Code § 15-501(a)(11))
- Railroad Retirement Act benefits (45 U.S.C. § 231m)
- Annuities to Survivors of Federal Judges (28 U.S.C. § 376(n))
- Longshore and Harborworkers' Compensation Act Benefits (33 U.S.C. § 916)
- Seaman's or Master's or Fisherman's wages (46 U.S.C. § 11109)
- Black Lung benefits (30 U.S.C. § 932 & 33 U.S.C. § 916)

\* Limitations may apply.

If you want to speak with an attorney, you can find a list of legal services agencies at [www.lawhelp.org/dc](http://www.lawhelp.org/dc), or you may contact one of the following free legal services offices. You should contact each office directly to determine the hours for intake.

DC Law Students in Court  
806 7<sup>th</sup> Street NW, Suite 300  
Washington, DC  
(202)638-4798

Legal Counsel for the Elderly  
601 E Street NW, 4<sup>th</sup> Floor  
Washington, DC 20049  
(202)434-2120

Neighborhood Legal Services  
701 4<sup>th</sup> Street NW  
Washington, DC 20001  
(202)682-2700