

## **GARNISHMENT INFORMATION AND INSTRUCTIONS FOR THE JUDGMENT CREDITOR (PLAINTIFF) AND THE GARNISHEE**

These standard instructions are for informational purposes only and do not constitute legal advice. By law, the courts cannot provide legal advice. You may be subject to other legal rights and/or processes that you may avail yourself of that are not included in these instructions. Please retain an attorney if you have questions or need legal advice. Be advised that a self-represented party is bound by the same rules and procedures as an attorney. Your use of these instructions, and any forms associated with these instructions, is at your own risk and without any warranties.

### **GENERAL INFORMATION**

- The Court must award a money judgment in favor of the Judgment Creditor before a garnishment may be requested.
- It is not the Court's responsibility to collect a money judgment for the Judgment Creditor to satisfy a judgment.
- For additional information, please review the Wyoming Rules of Civil Procedure.

### **COMMON TERMS**

**Continuing Garnishment:** The exclusive procedure for withholding the earnings of a Judgment Debtor for successive pay periods for payment of a judgment obtained by the Judgment Creditor. In Wyoming, a Continuing Garnishment is effective for 90 days.

**Exempt Earnings:** The amount of earnings of the Judgment Debtor that cannot be garnished.

**Garnishee(s):** The person, company or other entity the Writ is being served upon; typically, the Judgment Debtor's employer or financial institution.

**Judgment Creditor(s):** The person(s), company or other entity who should receive the money as ordered by the Court.

**Judgment Debtor(s):** The person(s), company or other entity who owes the money as ordered by the Court.

**Non-Continuing Garnishment:** The exclusive procedure for withholding the earnings of a Judgment Debtor. In Wyoming, a Non-Continuing Garnishment is effective for up to 30 days.

**Satisfaction of Judgment:** The document stating the Judgment Debtor has satisfied the judgment. Wyoming Statute requires this to be filed by the Judgment Creditor with the Circuit Court Clerk in order to remove the judgment from credit reports as being unpaid by the Judgment Debtor. The satisfaction can be "Full" or "Partial."

**IF YOU DO NOT UNDERSTAND THIS INFORMATION, PLEASE CONTACT AN  
ATTORNEY.**

## **INFORMATION AND INSTRUCTIONS FOR JUDGMENT CREDITOR:**

### **STEP 1. Getting Started**

After receiving a money judgment, the Judgment Creditor may file a request for garnishment to collect on that money judgment. The following forms are required to request a garnishment.

#### **Continuing Garnishment Forms -**

- Request for Writ of Continuing Garnishment
- Writ of Continuing Garnishment
- Order for Service of Writ of Continuing Garnishment
- Return of Service
- Notice of Right to Hearing/Objection to Garnishment and Request for Hearing
- Verified Answer to Writ of Continuing Garnishment
- Order on Hearing
- Privacy Notification Letter

#### **Non-Continuing Garnishment Forms -**

- Request for Post Judgment Writ of Non-Continuing Garnishment
- Post Judgment Writ of Non-Continuing Garnishment
- Order for Service of Post Judgment Writ of Non-Continuing Garnishment
- Return of Service
- Notice of Right to Hearing/Objection to Garnishment and Request for Hearing
- Verified Answer to Writ of Non-Continuing Garnishment
- Order on Hearing
- Privacy Notification Letter

Forms may be accessed online at [www.courts.state.wy.us/legal-assistances-and-forms/court-self-help-forms](http://www.courts.state.wy.us/legal-assistances-and-forms/court-self-help-forms) by clicking on the box titled “Garnishments,” and choosing the appropriate type of garnishment.

### **STEP 2. Complete the Forms**

**For each of the forms listed above, complete the caption at the top in the same manner as the original complaint or judgment by entering the name of the Judgment Creditor on the first line and the name of the Judgment Debtor on the line below it. Then enter the case number (the same case number as the original complaint or judgment) on the line next to “Civil Case No.” Complete the remainder of the form as specified below:**

#### **For a Continuing Garnishment:**

- a) Complete the **Request for Writ of Continuing Garnishment** form by entering the name and address of the Judgment Debtor’s employer on the lines provided. To calculate the “Total Balance Due,” add together the balance of the judgment, service fees of any past

garnishments, service fees for this garnishment and any post judgment interest, and subtract the amount of any payments received. Sign and date the bottom of the form.

- b) Complete the **Writ of Continuing Garnishment** form by entering the name of the Garnishee on the first line provided. Then, enter the name of the Judgment Debtor next to the “Name of Employee” line. Leave the date and signature lines blank for the Circuit Court Clerk to complete.
- c) Complete the **Order for Service of Writ of Continuing Garnishment** form by entering the name of the county in which the Garnishee is located. Then enter the name of the Garnishee and the Garnishee’s address on the lines provided. Enter the name of the Judgment Debtor on the line provided. Leave the date and signature lines blank for the Circuit Court Clerk to complete.

#### **For a Non-Continuing Garnishment:**

- a) Complete the **Request for Post Judgment Writ of Non-Continuing Garnishment** form by entering the name and address of the Judgment Debtor’s employer on the lines provided, or by entering the name and address of the Judgment Debtor’s financial institution. To calculate the “Total Balance Due,” add together the balance of the judgment, service fees of any past garnishments, service fees for this garnishment and any post judgment interest, and subtract the amount of any payments received. Sign and date the bottom of the form.
- b) Complete the **Post Judgment Writ of Non-Continuing Garnishment** form by entering the name of the Garnishee on the first line provided. Then, enter the name of the Judgment Debtor on the blank line at the end of paragraph 1. Leave the date and signature lines blank for the Circuit Court Clerk to complete.
- c) Complete the **Order for Service of Post Judgment Writ of Non-Continuing Garnishment** form by entering the name of the county in which the Garnishee is located. Then enter the name of the Garnishee and the Garnishee’s address on the lines provided. Enter the name of the Judgment Debtor on the line provided. Leave the date and signature lines blank for the Circuit Court Clerk to complete.

After the forms have been completed, file the original forms and three copies with the Circuit Court Clerk, whose office is usually located in the county courthouse or a branch of the county courthouse. A list of the Circuit Court Clerk’s office for each Judicial District can be located at <https://www.courts.state.wy.us/circuit-courts/circuit-court-locations/>.

### **STEP 3. Serve the Garnishee**

Once the garnishment forms have been filed with the Circuit Court Clerk, a file-stamped copy of the Writ of Continuing or Non-Continuing Garnishment must be formally served on the Garnishee, along with a copy of the Request for Issuance of a Writ of Garnishment, the Answer to Writ of Continuing or Non-Continuing Garnishment form, and the Notice of Right to Hearing/Objection to Garnishment and Request for Hearing form.

It is recommended that a Sheriff in the county where the Garnishee is located serve the documents. There will be a separate service fee (typically fifty dollars (\$50.00) in Wyoming). The Judgment Creditor can contact the Sheriff’s department in the county where the Garnishee is located to

determine the fee. The Judgment Creditor will need to provide the Sheriff with a file-stamped copy of the Writ of Garnishment, along with copies of the other documents listed above, which must be served on the Garnishee.

In addition to the Writ of Continuing or Non-Continuing Garnishment, Request for Issuance of a Writ of Garnishment, Answer to Writ of Continuing or Non-Continuing Garnishment, and Notice of Right to Hearing/Objection to Garnishment and Request for Hearing, the Sheriff must also be provided with a copy of the Return of Service to be completed upon service of process by the Sheriff. The Sheriff will then file the completed Return of Service with the Circuit Court Clerk and send the Judgment Creditor a copy.

#### **STEP 4. Wait for the Garnishee to Answer or for the Garnishee's Time to Answer to Expire**

In Wyoming, the Garnishee must file a verified Answer with the Circuit Court Clerk. The time in which the Garnishee has to answer varies.

#### **INFORMATION AND INSTRUCTIONS FOR GARNISHEE:**

- For a Continuing Garnishment:

**The Garnishee must file a Verified Answer with the Circuit Court Clerk no later than ten (10) days following the date the Judgment Debtor receives earnings for the first pay period affected by the Writ of Continuing Garnishment, or forty (40) days following the date the Writ was served upon you, whichever is earlier.** (Before the Garnishee completes the blank answer form, the Garnishee should make a copy of the form to use for subsequent answers.) Do NOT sign the Verified Answer until you are in front of a Notarial Officer – the Verified Answer **MUST BE SIGNED** in the presence of a notarial officer. After the Verified Answer has been completed, signed and notarized, file your Answer with the Circuit Court Clerk, along with a check for the amount garnished, if any, **made payable to the Circuit Court of the county where the garnishment was filed.** Any earnings earned by the Judgment Debtor, but not yet paid, and any earnings earned within ninety (90) days from the date the Garnishee is served the Writ are subject to garnishment. The Garnishee must not pay the Judgment Debtor the amount set forth in the Verified Answer; instead, the Garnishee must only pay the Exempt Earnings amount to the Judgment Debtor at the time he/she is normally paid. When the Garnishee files the Verified Answer with the Circuit Court Clerk, the Garnishee must also give a copy of the Verified Answer, including a calculation of exempt earnings, and the Notice of Right to Hearing/Objection to Garnishment and Request for Hearing to the Judgment Debtor. Finally, the Garnishee must send a copy of the Verified Answer to the Judgment Creditor and Judgment Debtor if the Garnishee has been provided with a stamped self-addressed envelope. **If you fail to file a Verified Answer with the Circuit Court Clerk, you may be required to appear in court and pay court costs.**

- For a Non-Continuing Garnishment:

**The Garnishee must file a Verified Answer with the Circuit Court Clerk within ten (10) days, excluding Saturdays, Sundays and legal holidays, from the date of service of the Post Judgment Writ of Non-Continuing Garnishment.** Do NOT sign the Verified Answer until you are in front of a Notarial Officer – the Verified Answer MUST BE SIGNED in the presence of a notarial officer. After the Verified Answer has been completed, signed and notarized, file your Answer with the Circuit Court Clerk, along with a check for the amount garnished, if any, made payable to the Circuit Court of the county where the garnishment was filed. Any earnings earned by the Judgment Debtor, but not yet paid, and any earnings earned within thirty (30) days from the date the Garnishee was served the Writ, are subject to garnishment. The Garnishee must not pay the Judgment Debtor the amount set forth in the Verified Answer; instead, the Garnishee must only pay the Exempt Earnings amount to the Judgment Debtor at the time he/she is normally paid. When the Garnishee files the Verified Answer with the Circuit Court Clerk, the Garnishee must also give a copy of the Verified Answer, a calculation of exempt earnings, and the Notice of Right to Hearing/Objection to Garnishment and Request for Hearing to the Judgment Debtor. Finally, the Garnishee must send a copy of the Verified Answer to the Judgment Creditor and Judgment Debtor if the Garnishee has been provided with a stamped self-addressed envelope. **If you fail to file a Verified Answer with the Circuit Court Clerk, you may be required to appear in court and pay court costs.**

If more than one Writ of Continuing or Non-Continuing Garnishment is served on you for the same Judgment Debtor, the Writ first served shall take priority. However, any income withholding orders for child support take priority over any other garnishment.

**If you are a Garnishee and have questions regarding how to answer the questions contained in the Verified Answer, you should seek the advice of an attorney.**

## **INFORMATION AND INSTRUCTIONS FOR JUDGMENT CREDITOR AND GARNISHEE:**

If the Garnishee fails to file a Verified Answer in the time required, the Judgment Creditor can file a Motion for Order to Show Cause asking the Judge to order the Garnishee to give a reason for not filing a Verified Answer in the time allotted. The Judgment Creditor also has the ability to request a default against the Garnishee for a failure to file a Verified Answer.

- For a Continuing Garnishment

If the Garnishee files a Verified Answer and does not agree with the calculation of Exempt Earnings provided to the Judgment Debtor by the Garnishee, the Judgment Debtor may file an objection with the Circuit Court Clerk setting forth the grounds for the objection. A hearing may then be set by the Judge to resolve the objection.

- For a Non-Continuing Garnishment

If the Garnishee files a Verified Answer and there is information contained in the Verified Answer that the Judgment Creditor or Judgment Debtor does not agree with or feels the Garnishee may be liable for, he/she may file and serve upon the Garnishee and the other party to the action a reply to the Garnishee's Answer within ten (10) days after the Answer is filed with the Court. The issues will be tried before the Judge and the Judge will then enter a judgment.

## **STEP 5. File a Satisfaction of Judgment**

If the judgment is paid in full through the garnishment, the Judgment Creditor must file a Satisfaction of Judgment with the Circuit Court Clerk to be recorded in the public records.