

# Indiana Legal Services, Inc

Using the law to fight poverty, empower clients, and improve access to justice.

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When can my wages

## When can my wages be garnished to collect debts?

### **When can my wages be garnished to collect debts?**

After you are sued for money and the court awards the plaintiff a judgment, the plaintiff may ask the court to issue a garnishment order requiring your employer to pay part of your earnings toward the judgment. If you believe you are being improperly garnished or if you have questions, ILS may be able to help, free of charge. We are a non-profit legal program. You can reach us at **(844) 243-8570** between 10:00 a.m. and 2:00 p.m. eastern, Monday through Friday.

### **What is the largest amount of my earned income that can be garnished?**

The most that can be garnished each week is:

- Your after-tax income minus \$217.50; or
- 25% of your after-tax income,

whichever is less. If your take-home pay is less than \$217.50 per week, your wages cannot be garnished.

### **What if I cannot pay my bills if my income is garnished?**

Indiana law permits the court to order a garnishment of 10% of after-tax income.

### **What if a 10% garnishment will make it impossible for me to pay for necessities?**

The Indiana Constitution says that debtors should have the “necessary comforts of life.” If you can show that you will be unable to pay for necessities if your wages are garnished, you may ask the court to order a smaller garnishment.

### **How do I get a smaller garnishment?**

1. Ask an attorney to help you;

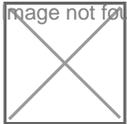
2. Make sure the court and the plaintiff's attorney have your address, so you get notice of proceedings supplemental (the hearing the plaintiff must attend to get a garnishment order);
3. Attend the hearing prepared to provide detailed information about your expenses; and
4. If a judge is not present and you are unable to reach an agreement with the plaintiff's attorney, ask to be heard by the judge.

### **What can I do if there is already a garnishment order?**

If there is a garnishment order, you may file a motion asking that the amount garnished be reduced.

If you need legal help, please contact our office at (844) 243-8570 for an intake.

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[Garnishment Brochure.pdf](#)

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