

MARYLAND RULES: Garnishment of Wages

The following information comes from Maryland State laws for civil procedure in the district courts. Parties may also wish to reference the Maryland Rules for civil procedure in the circuit courts if relevant to their judgments. The Clerk's Office cannot give legal advice and the information provided below is not a substitute for legal counsel. Parties seeking and responding to garnishment writs are encouraged to seek the assistance of an attorney.

RULE 3-646 – GARNISHMENT OF WAGES

(a) Applicability. This Rule governs garnishment of wages under Code, Commercial Law Article, §§ 15-601 through 15-606.

(b) Issuance of Writ. The Judgment Creditor may obtain issuance of a writ of garnishment by filing in the same action in which the judgment was obtained a request that contains (1) the caption of the action, (2) the amount owed under the judgment, (3) the name and last known address of the Judgment Debtor, and (4) the name and address of the garnishee. Upon filing of the request, the clerk shall issue a writ of garnishment directed to the garnishee together with a blank answer form provided by the clerk.

(c) Content. The writ of garnishment shall:

- (1) contain the information in the request, the name and address of the person requesting the writ, and the date of issue,
- (2) notify the garnishee of the time within which the answer must be filed and that failure to do so may result in the garnishee being held in contempt,
- (3) notify the Judgment Debtor and garnishee that federal and state exemptions may be available,
- (4) notify the Judgment Debtor of the right to contest the garnishment of wages by filing a motion asserting a defense or objection.

(d) Service. The writ and answer form shall be served on the garnishee in the manner provided by Chapter 100 of this Title for service of process to obtain personal jurisdiction and may be served in or outside the county. Upon issuance of the writ, a copy of the writ shall be mailed to the debtor's last known address. Subsequent pleadings and papers shall be served on the creditor, debtor, and garnishee in the manner provided by Rule 1-321.

(e) Response of Garnishee and Debtor. The garnishee shall file an answer within 30 days after service of the writ. The answer shall state whether the debtor is an employee of the garnishee and, if so, the rate of pay and the existence of prior liens. The garnishee may assert any defense that the garnishee may have to the garnishment, as well as any defense that the debtor could assert. The debtor may file a motion at any time asserting a defense or objection.

(f) When No Answer Filed. If the garnishee fails to file a timely answer, the court on motion of the creditor may order the garnishee to show cause why the garnishee should not be held in contempt and required to pay reasonable attorney's fees and costs.

(g) When Answer Filed. If the answer denies employment, the clerk shall dismiss the proceeding against the garnishee unless the creditor files a request for hearing within 15 days after service of the answer. If the answer asserts any other defense or if the debtor files a motion asserting a defense or objection, a hearing on the matter shall be scheduled promptly.

(h) Interrogatories to Garnishee. Interrogatories may be served on the garnishee by the creditor in accordance with Rule 3-645(h).

(i) Withholding and Remitting of Wages. While the garnishment is in effect, the garnishee shall withhold all garnishable wages payable to the debtor. If the garnishee has asserted a defense or is notified that the debtor has done so, the garnishee shall remit the withheld wages to the court. Otherwise, the garnishee shall remit them to the creditor or the creditor's attorney within 15 days after the close of the debtor's last pay period in each month. The garnishee shall notify the debtor of the amount withheld each pay period and the method used to determine the amount. If the garnishee is served with more than one writ for the same debtor, the writs shall be satisfied in the order in which served.

(j) Duties of the Creditor.

- (1) Payments received by the creditor shall be credited first against accrued interest on the unpaid balance of the judgment, then against the principal amount of the judgment, and finally against attorney's fees and costs assessed against the debtor.
- (2) Within 15 days after the end of each month in which one or more payments are received from any source by the creditor for the account of the debtor, the creditor shall mail to the garnishee and to the debtor a statement disclosing the payments and the manner in which they were credited. The statement shall not be filed in court, but the creditor shall retain a copy of each statement until 90 days after the termination of the garnishment proceeding and make it available for inspection upon request by any party or by the court.
- (3) If the creditor fails to comply with the provisions of this section, the court upon motion may dismiss the garnishment proceeding and order the creditor to pay reasonable attorney's fees and costs to the party filing the motion.

(k) Termination of Garnishment. A garnishment of wages terminates 90 days after cessation of employment unless the debtor is reemployed by the garnishee during that period.