

GARNISHMENT EXEMPTIONS AVAILABLE IN GEORGIA

The law protects certain types of income and property from garnishment by creditors. These funds cannot be taken from you to pay off a debt, even one a court has said you owe. We call these funds "exempt."

There are a few exceptions to these exemptions for child support, federal student loans, and some other debts to the federal government.

What income is exempt?

These are general exemptions. Every case is different. See a lawyer for advice about your specific situation.

The following types of income or money cannot be taken from you to pay off a debt:

- Social Security disability and retirement benefits (unless you owe child support or, federal student loans, or a federal tax debt)
- SSI benefits
- TANF benefits (state welfare)
- Unemployment Compensation (unless you owe child support)
- VA benefits (with some exceptions for money you owe the government or for support)
- Student Loans
- Child Support you receive

DO NOT PUT ANY MONEY IN A BANK ACCOUNT if you can help it. Even though \$500 in a bank account is exempt from garnishment if you have less than \$1,500 in cash, the bank may freeze your account anyway if the creditor claims you actually have more than \$1,500 total. This can result in bounced checks, overdraft fees, and other bank charges.

Most pensions are exempt from garnishment even after they are sent to you. *But some are not.* Do not have pension checks direct deposited into a bank account, if possible. See if the pension fund can mail pension checks directly to your home.

More information about limits and exemptions

There are legal limits on how much of your paycheck can be garnished through a wage garnishment.

In Georgia, a creditor can garnish the lesser of 25% of your disposable income or the amount by which your disposable earnings exceed 30% of federal minimum wage. If your disposable income is less than 30 times minimum wage, it cannot be garnished at all.

"Disposable earnings" are those wages left after your employer has made deductions required by law. Examples of legally required deductions are federal, state and local taxes, social security and the employee portion of Georgia's unemployment compensation insurance. Deductions that are not required by law do not count to reduce your disposable income.

Here is a list of possible exemptions to help you keep more of your money. Review this list to see if your wages or bank account include any of these exemptions. The goal is to find as many exemptions as possible to keep more of your money to pay bills, rent or mortgage and feed your family. Ask a lawyer to help you.

STATE EXEMPTIONS

- DISPOSABLE EARNINGS (O.C.G.A. § 18-4-20)
- ERISA QUALIFIED RETIREMENT AND PENSION BENEFITS (O.C.G.A. § 18-4-22)
- UNEMPLOYMENT BENEFITS (O.C.G.A. § 34-8-252)
- WORKERS COMPENSATION (O.C.G.A. § 34-9-84)
- JOINT ACCOUNTHOLDER (O.C.G.A. § 7-1-812)
- CHILD SUPPORT (STEWART V. STEWART, 160 GA. APP. 463 (1981); RICHARDS V. RICHARDS, 281 GA. 285, 286 (2006)).
- CRIME VICTIM COMPENSATION FUNDS (O.C.G.A. § 17-15-8)
- WAGES DUE TO A DECEASED EMPLOYEE OF THE STATE UP TO \$2500.00 (O.C.G.A. §34-7-4)
- DISABILITY INSURANCE BENEFITS, \$250.00/MONTH DURING DISABILITY (O.C.G.A. § 33-29-15)
- CHARITABLE OR FRATERNAL SOCIETY BENEFITS PAID TO BENEFICIARY (O.C.G.A. § 33-15-62)
- CASH VALUE/BENEFITS PAYABLE TO LIFE INSURANCE POLICY BENEFICIARY (O.C.G.A. § 33-25-11)
- STATE PENSIONS
 - STATE OR LOCAL GOVERNMENT EMPLOYEES UNDER ERS (O.C.G.A. § 47-2-332)
 - TEACHERS (O.C.G.A. § 47-3-28); PUBLIC SCHOOL EMPLOYEES (O.C.G.A. § 47-4-120)
 - FIREMEN (O.C.G.A. § 47-7-122)
 - MEMBERS OF GENERAL ASSEMBLY (O.C.G.A. § 47-6-100)
 - DISTRICT ATTORNEYS (O.C.G.A. § 47-12-101)
 - SUPERIOR COURT CLERKS (O.C.G.A. § 47-14-91)
 - SHERIFFS (O.C.G.A. § 47-16-122); PEACE OFFICERS (O.C.G.A. § 47-17-103)
 - JUDGES (O.C.G.A. § 47-23-121); PROBATE JUDGES (O.C.G.A. § 47-11-91)

FEDERAL EXEMPTIONS

- SOCIAL SECURITY RETIREMENT, SOCIAL SECURITY DISABILITY INSURANCE (SSDI), AND SUPPLEMENTAL SECURITY INCOME (SSI) (42 U.S.C. § 407)
- VETERANS BENEFITS (38 U.S.C. § 5301)
- VETERANS SURVIVOR ANNUITIES (10 U.S.C. § 1450)
- FEDERAL CIVIL SERVICE RETIREMENT BENEFITS (5 U.S.C. § 8346)
- FEDERAL CIVIL SERVICE SURVIVOR ANNUITIES (5 U.S.C. § 8346)
- RAILROAD RETIREMENT ACT BENEFITS (45 U.S.C. § 231)
- LONGSHORE AND HARBOR WORKER'S COMPENSATION BENEFITS (33 U.S.C. § 916)
- MERCHANT SEAMEN PROTECTION AND RELIEF ACT BENEFITS (46 U.S.C. § 11109)
- COMPENSATION FOR INJURY/DEATH OF U.S. CONTRACTOR OUTSIDE U.S. (42 U.S.C. § 1717)