

**State of Minnesota**

**District Court**

County of: \_\_\_\_\_

Court File Number: \_\_\_\_\_

Judicial District: \_\_\_\_\_

Case Type: \_\_\_\_\_

\_\_\_\_\_  
Creditor's full name

vs.

\_\_\_\_\_  
Debtor's full name

and

\_\_\_\_\_  
Third Party (bank, employer, or other)

## **Garnishment Earnings Disclosure for Child Support Judgments (JGM804)**

Minn. Stat. § 571.75, subd. 2

This form is called an "Earnings Execution Disclosure" or "Disclosure." It is for the employer to fill out. The "debtor" is the person who owes money. The debtor gets a copy of this form for their own information.

The employer is also called the "third party garnishee" or "third party." The debtor is also called a "judgment debtor." If the debtor asks how the calculations in this document were made, the employer **must** provide information about it.

### **Definitions**

**"Earnings"**: what is paid or payable to an employee, independent contractor or self-employed person for personal services (a job). Also called compensation. Compensation can be wages, salary, commission, bonus, payments, profit-sharing distributions, severance payment, fees or other. It includes periodic payments from a pension or retirement. It can also be compensation paid or payable to a producer for the sale of agricultural products. This can be things like milk or milk products, or fruit or other horticultural products. Or things produced in the operation of a family farm, a family farm corporation, or an authorized farm corporation. This is defined in [Minn. Stat. § 500.24, subd. 2](http://revisor.mn.gov/statutes) (revisor.mn.gov/statutes).

**"Disposable Earnings":** The part of a person's earnings that are left after subtracting the amounts required by law to be withheld. **Note:** Amounts required by law to be withheld do not include things like health insurance, charitable contributions, or other voluntary wage deductions.

**"Payday":** the date when the employer pays earnings to the debtor for doing their job. If the debtor has no regular payday, then "payday" means the 15th and the last day of each month.

**The Third Party/Employer Must Answer the Following Questions:**

1. Right now, do you owe money to the debtor for earnings? Yes \_\_\_\_\_ No \_\_\_\_\_
2. Within 90 days from the date you were served with the *Garnishment Summons*, will you or may you owe money to the debtor for earnings? Yes \_ No \_\_\_\_
  - A. If you answer "No" to question 1 and 2, you don't need to answer the rest of the questions. You don't have to do the *Earnings Disclosure Worksheet*. Sign the Earnings Disclosure Affirmation below and return this disclosure form to the sheriff. You must return it within 20 days after it was served on you.
  - B. If you answer "Yes" to question 1 or 2, sign the Earnings Disclosure Affirmation below. You must return it to the sheriff within 20 days. You must also fill out the rest of this form. Read the instructions for the *Earnings Disclosure Worksheet*.

**Earnings Disclosure Affirmation**

I, \_\_\_\_\_ (person signing Affirmation), am the third party/employer or I am authorized by the third party/employer to complete this earnings disclosure and have done so truthfully and to the best of my knowledge.

Date: \_\_\_\_\_

Third Party's Name: \_\_\_\_\_

Third Party's Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

## Instructions for Completing the Earnings Disclosure Worksheet

For each payday that falls within 90 days from the date the *Garnishment Summons* was served on you, you **must** calculate the amount of earnings to be withheld. Enter the amounts on the *Earnings Disclosure Worksheet*.

You **must**:

1. Withhold the amount of earnings listed in column F on the *Earnings Disclosure Worksheet* each payday.
2. After 90 days, return this *Earnings Disclosure Worksheet* to the sheriff. Include all the money withheld. Sign the Affirmation at the end of the worksheet before returning.
3. Deliver a copy of the disclosure and worksheet to the debtor within 10 days after the last payday that falls within the 90-day period.

If the debt (judgment) is fully paid off or if the debtor's job ends before the 90-day period is over, you need to do the last disclosure and withholdings within 10 days of their last payday that you withheld money.

## Earnings Disclosure Worksheet

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Debtor's name

A – Payday Date	B – Gross Earnings	C – Disposable Earnings
1.	1.	1.
2.	2.	2.
3.	3.	3.
4.	4.	4.
5.	5.	5.
6.	6.	6.
7.	7.	7.

**Column A.** Enter the debtor's payday.

**Column B.** Enter the debtor's gross earnings for each payday.

**Column C.** Enter the debtor's disposable earnings for each payday.

D – Enter either 50%, 55%, 60%, or 65% of Column C	E – Setoff, Lien, Adverse Interest, or Other Claims	F – Column D minus Column E
1.		
2.		
3.		
4.		
5.		
6.		
7.		
		Total of Column F:

**Column D.** Choose the percentage based on the following description that fits the child support judgment debtor:

- 50% of the judgment debtor’s disposable income, if the judgment debtor is supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks to be calculated to the beginning of the work week in which the execution levy or garnishment is received);
- 55% of the judgment debtor’s disposable income, if the judgment debtor is supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks to be calculated to the beginning of the work week in which the execution levy or garnishment is received);
- 60% of the judgment debtor’s disposable income, if the judgment debtor is not supporting a spouse or dependent child, and the judgment is over 12 weeks old or less (12 weeks to be calculated to the beginning of the work week in which the execution levy or garnishment is received); or
- 65% of the judgment debtor’s disposable income, if the judgment debtor is not supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks to be calculated to the beginning of the work week in which the execution levy or garnishment is received).

**Column E.** Enter any amount claimed by you that would lower the amount of earnings that will go to the debtor. Things like:

- a setoff,
- a defense,
- a lien,

- a claim, or
- any amount claimed by any other person as an exemption or adverse interest

**Note:** You must describe your claims and the claims of others, if known, in the spaces after this worksheet.

Enter zero in column E if there are no claims by you or others which would lower the amount of earnings owed to the debtor.

**Note:** Any debt that happened within 10 days before you got the first garnishment on a debt may not be set off against the earnings that are affected by this garnishment. Any wage assignment made by the debtor within 10 days before you got the first garnishment on a debt is void. Wage assignment is when a debtor voluntarily agrees to money being taken out of their earnings.

**Column F.** Subtract the amount in column E from the amount in column D and enter here. This is the amount of earnings that go to the creditor.

**If you entered any amount in column E** for any payday, describe those claims below. It doesn't matter if they are your claims, or the claims of others. For claims by others, list the names and addresses of each, and describe their claims, if you know.

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### Earnings Worksheet Affirmation

I, \_\_\_\_\_ (person signing Affirmation), am the third party/employer or I am authorized by the third party/employer to complete this earnings disclosure and have done so truthfully and to the best of my knowledge.

Date: \_\_\_\_\_

Third Party's Name: \_\_\_\_\_

Third Party's Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_