

VOLUME I - CIVIL BENCHBOOK

B. Disposable earnings

1. The part of an individual's earnings remaining after deductions of the amounts required by law to be withheld [OCGA 18-4-20(a)(1)].
2. Wages subject to withholding for child support, tax levies or bankruptcy orders are not considered deduction required by law.
3. However, if these orders have priority over the creditor garnishment and are 25% of disposable wages (see C below), then no amount can be withheld for the creditor garnishment [29CFR § 870.11(b)(2)].

C. Amount - Except for family support obligations (see D below), the most that can be garnished from the Defendant's weekly pay is the lesser of:

1. 25% of his/her disposable earnings ("take-home" pay -see B above);
2. The remainder after subtracting 30 times the amount of the Federal minimum wage [OCGA 18-4-20(d)].

EXAMPLE - Defendant brings home \$280.00 after deducting social security and withholding taxes every week:

1. 25% of \$280.00 = \$70.00
2. 30 times the minimum wage

$$\$280.00 - 196.50 = \$83.50 \text{ (\$6.55 as of 7/24/08: } 30 \times \$6.55 = \$196.50)$$

Since \$70.00 is the smallest of the two answers, that amount is taken out of defendant's paycheck.

This would change as the minimum wage rises:

$$\mathbf{\$7.25} \text{ as of 7/24/09: } 30 \times \$7.25 = \$217.50$$

$$\$280.00 - 217.50 = \$62.50$$

Here the smallest figure is \$62.50.

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- ### D. Garnishments for support obligations - if summons shows that it is for child support or alimony, 50% of earnings are subject to garnishment [OCGA 18-4-20(f)]. Lump-sum cash award in divorce decree not "alimony" but "property division" [191 App. 718, 382 SE2d 730 (1989) (but would be non-support money judgment (see 4.13)].