



CCPA-68

April 27, 1977

This is in reply to your letter of March 8, 1977, concerning a garnishment of your wages to satisfy attorney fees in your divorce proceedings.

We have considered your comments under the provisions of the Federal Wage Garnishment Law (Title III of the Consumer Credit Protection Act) which limits the amounts which may be deducted from a wage earner's income in any one week and prohibits an employer from discharging any employee because that person's earnings have been subjected to garnishment for any one indebtedness.

It is not clear from your letter whether a writ of garnishment was issued authorizing your employer to withhold wages in your case. If such was the case, your employer would be obliged to withhold wages within the limits set out in the WH Publication 1324 (Revised January 1977).

In the event wages were withheld from your pay by your employer prior to a court order such action would be viewed as garnishment before judgment. In the case of *Sniadach v. Family Finance Corp. of Bay View*, 395 U.S. 337 (1969), the Supreme Court of the United States held that wage garnishment is not permitted until a judgment is obtained, in order that the debtor or wage earner has an opportunity to be heard and tender any defense he might have. If such action was not taken in your case, you may wish to call it to the attention of the court of jurisdiction.

However, if a writ of garnishment was properly issued and there was a one time withholding totaling

\$306.00 there is a possibility that such a withholding might be excessive and in violation of the statute. On the other hand if the \$306.00 withholdings you mention were accumulated over a period of time and were within the limits prescribed by the statute such action would be permissible.

If after reading this letter and the enclosed pamphlet you have further questions, you may wish to get in touch with our Area Office located at 210 North 12th Boulevard, Room 563, St. Louis, Missouri 63101, telephone (314) 425-4706. That office will be pleased to offer every possible assistance.

Sincerely,

Paul G. Campbell, Chief  
Branch of Wage and Hour Standards  
Enclosure