



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 29, 2011

Title	Agenda Item Type
Civil Forms: Revision of Wage Garnishment Forms to Reflect Priority for Elder and Dependent Adult Financial Abuse Claims	Action Required
	Effective Date
	January 1, 2012
Rules, Forms, Standards, or Statutes Affected	Date of Report
Revise forms WG-001, WG-002, WG-004, WG-005, WG-009, and WG-012, and adopt forms WG-030 and WG-035	August 8, 2011
Recommended by	Contact
Civil and Small Claims Advisory Committee	Anne Ronan, 415-865-8933
Hon. Dennis M. Perluss, Chair	anne.ronan@jud.ca.gov
Hon. Patricia M. Lucas, Vice Chair	

Executive Summary

The Civil and Small Claims Advisory Committee recommends that several of the wage garnishment forms be revised and a new wage garnishment order adopted in order to implement Assembly Bill No. 2619 (Block, 2010) (AB 2619), which provides that a wage garnishment order based on a judgment for elder or dependent adult financial abuse shall be given priority over other general wage garnishment orders, behind withholding orders for support or for taxes.

In addition, while revising the forms to reflect this new priority, the committee recommends that the wage garnishment forms containing items for Social Security numbers, required by statute in the application and order forms, also be revised to remove the numbers from these forms and provide that, if known, the numbers be placed on a separate document that will be kept confidential if filed with the court.

Recommendation:

The Civil and Small Claims Advisory Committee recommends the following, operative January 1, 2012:

1. Revise form *Application for Earnings Withholding Order* (form WG-001) and *Employer's Return (Wage Garnishment)* (form WG-005) and adopt new form *Earnings Withholding Order for Elder and Dependent Adult Financial Abuse* (form WG-030) to implement the new priority accorded to withholding orders arising from elder and dependent adult financial abuse claims.
2. Revise the forms identified above and revise *Earnings Withholding Order (Wage Garnishment)* (form WG-002), *Notice of Opposition to Claim of Exemption* (form WG-009), and *Notice of Termination or Modification of Earnings Withholding Order* (form WG-012), and adopt new form *Confidential Statement Of Judgment Debtor's Social Security Number* (form WG-035), to remove this judgment debtor's Social Security number from forms that are publicly accessible.

The caption boxes (including attorney/party information, court address, title of form, and case number boxes) on all the forms in the proposal have also been revised to conform to the current format used in Judicial Council forms.

The proposed revised and new forms are provided beginning at page 7.

Prior Council Action

No prior action has been taken by the Judicial Council relating to garnishment of wages based on claims for financial abuse of elder or dependent adults.

The council first adopted mandatory wage garnishment forms in 1980. The application forms and order forms since that time have all included items for the judgment debtor's full Social Security numbers.

As of January 1, 2008, The Judicial Council adopted California Rule of Court, rule 1.20, providing that, unless otherwise provided by law, full Social Security numbers should not be included in documents filed with the court.

Rationale for Recommendation

Wage Garnishments for Elder Financial Abuse Claims

AB 2619 was enacted to provide priority in wage garnishments to elders and dependent adults who suffered financial abuse and received a money judgment under Welfare and Institutions Code section 15657.5. Generally, earnings withholding orders are to be complied with in the order in which they are served. An employer is to comply with the first order served, and any served subsequently are ineffective until the first is paid in full. See Code Civ. Proc., §706.23(a)

through (c). However, wage garnishments based on claims for child or family support, or claims for taxes have statutory priority over other wage garnishments, and are to be paid before other, earlier-received, wage garnishment orders.¹

AB 2619, which will become operative in January 2012, adds wage garnishments based on awards for claims of elder and dependent adult financial abuse to the list of priorities, to be paid behind claims for taxes or support, but before all others. Code Civ. Proc. § 706.23(d) and (e). In order to clearly identify such awards, AB 2619 also provides that any money judgment arising from a claim of financial abuse of elder or dependent adults is to include a statement that the judgment or some part of it is based on such a claim, specifying the amount if it is less than the entire judgment. Welf. & Inst. Code § 15657.5(e).

In order to implement this new priority for elder and dependent adult financial abuse wage garnishment orders, the wage garnishment forms must be revised. The recommended revisions are as follows:

- *Application for Earnings Withholding Order* (form WG-001). New sub parts have been added to item 4 to allow a statement, as required by Code of Civil Procedure section 706.121(d), that a judgment is based in whole or in part on a claim for elder or dependent adult financial abuse and, if only in part, what amount of the judgment is based on the claim.
- *Earnings Withholding Order for Elder and Dependent Adult Financial Abuse* (form WG-030). This is a new form developed to provide an employer with notice that the wage garnishment is based on a claim for elder or dependent adult financial abuse, including how much of the judgment is based on such a claim (as required by Code of Civil Procedure section 706.125(d)).² See item 2(b). A new form was developed in order to make it easier for employers to know that the withholding order is one which has priority over others. There are similar discrete forms for other withholding orders that receive priority based on support (form WG-003) and taxes (form WG-022). The

¹ See Code Civ. Proc. §§706.031(b) (earnings assignment order for support has priority over all earnings withholding orders), 706.030(c) (earnings withholding order for support takes priority over other withholding orders), 706.077 (earnings withholding order for taxes takes priority over other withholding orders except for support orders).

² Although the new law requires the application form and the order specify whether the judgment is entirely or only partially based on an elder financial abuse claim, the law does not provide that any part of a judgment not based on financial abuse of the judgment is to be treated differently. The committee originally considered whether further rules or instructions were appropriate in light of the ambiguity in the law as to the impact on priority for judgments in which only part of an award is based on a financial abuse claim, but concluded that there is nothing in the statute that provides that any different priority should be accorded in such cases. Hence the recommended forms do not attempt to distinguish the priority of withholding orders for awards that are based both on such claims and on other claims as well (for example, a judgment in a case where an elder plaintiff prevailed on claims for both elder financial abuse and physical abuse or personal injury.) The subcommittee concluded that there is nothing in the statute that provides that any different priority should be accorded in such cases.

form here is based on form WG-002, the generally applicable wage garnishment order, differing only in title and in the new item 2(b). The instructions generally applicable to wage garnishments apply to these garnishments. The elder financial abuse wage garnishments differ from those in other civil actions only in that they will receive priority. Unlike garnishments based on support orders, there are not different rules in elder financial abuse cases as to how much may be collected, etc.

- *Employer's Return (Wage Garnishment)* (form WG-005). The list of priorities on the top of the second page of this form has been revised to include Earnings Withholding Order for Elder or Dependent Adult Financial Abuse as the fourth priority, over the more general Earnings Withholding Order (Wage Garnishment).

Removal of Social Security numbers from the forms

In reviewing the Wage Garnishment forms for this proposal, the committee became aware that several forms include an item in which the judgment debtor's Social Security number is to be listed in full, if known. The Social Security numbers are required by statute to be included in the application forms (form WG-001, see Code Civ. Proc., §706.121(a)), in the withholding orders (forms WG-002, WG-004, WG-012, and proposed WG-035; see Code Civ. Proc., §706.125(a)); in the employer's return (form WG-005; see Code Civ. Proc., §706.126(a)(3)), and in the judgment creditor's opposition to any claim of exemption (form WG-009; Code Civ. Proc. §706.128(a)).

California Rules of Court, rule 1.20(b)(2)(A), with a goal of protecting personal privacy, provides that Social Security numbers should not be included (except for last four digits) or should be redacted from pleadings or other papers filed in the public files, unless otherwise provided by law. The law does provide for the inclusion of the full numbers in the filings relating to wage garnishments, when known, in order to more certainly identify exactly whose wages are to be withheld. This is a benefit to large employers and to co-workers with names similar to that of a judgment debtor. Because many of these documents end up in the court files, however, frequently filed by the sheriff or levying officer, the Social Security numbers of the judgment debtors are frequently included in publicly accessible files.

Hence the second part of this proposal is to eliminate the required Social Security number from the face of the current documents, which may eventually become part of a public court record, and to instead include it on a new separate, supplemental document, which would, if filed in the court, be kept confidential.³ This is the method used in recent years to protect such information when new forms were developed for wage garnishments for taxes.⁴ In those forms, separate supplemental forms were developed for each form that called for a social security number (see *Confidential Supplement to Application for Earnings Withholding Order for Taxes (State Tax*

³ The recommendation includes revising the Notice of Termination or Modification of Earnings Withholding Order (form WG-012). Although not circulated with the proposal, the item requiring the judgment creditor's Social Security number is identical to that on the other form and the reasons for revising it the same.

⁴ This method has also been used with some Family Law forms.

Liability) form and *Confidential Supplement to Temporary Earnings Withholding Order for Taxes (State Tax Liability)* (form WG-025). The committee proposes a slightly different format here: a single supplemental form that could be used with all the non-tax wage garnishment forms that call for Social Security numbers. See proposed *Confidential Statement of Judgment Debtor's Social Security Number* (form WG-035).

On each of the pertinent forms, the item immediately beneath the judgment debtor's name and address, which currently states "Social Security number (if known)", would be revised to state "Social Security no." followed by two checkboxes, with one option stating "on form FW-035" and the other stating "unknown". In addition to protecting the privacy of the judgment debtor, this revision would also clarify whether the item was intentionally left blank because the number is not known to the filer, rather than simply overlooked.

Comments Received, Alternatives Considered and Policy Implications

Comments

The proposed revisions were circulated for public comment in spring 2011. Comments were received from three superior courts (for Monterey, Orange, and San Diego Counties)⁵ and from an experienced legal process server.⁶ All commenters were generally in favor of the revisions, with a few modifications requested.

Superior Court of San Diego County suggested that on the *Application for Earnings Withholding Order* (form WG-001), the new item for indicating whether the judgment was based on an elder abuse claim be reformatted as subparts of current item 4, rather than included as separate item. The committee agrees and has made the modification requested.

Mr. Tony Klein, an experienced process server, suggested adding some additional information to the item for Special Instructions on form WG-001, or space for such information. The revision noted in the paragraph above, plus some other movement of items allows for adding a small amount of additional space as requested to item 5, but the committee concluded that it would only recommend adding as much space as is consistent with keeping the form on a single page. Additional space was also uncovered to allow a larger response field on form WG-002, at item 2, as also requested by Mr. Klein.

Superior Court of Orange County noted that when a court received the new form WG-035, for lodging full Social Security numbers confidentially in an action, the court would need to be able to date the receipt of the document for its records. The form now recommended has been modified to include space for the court to date-stamp the document.

⁵ Superior Court of Sacramento also reviewed the proposal, but noted only that it had no comments on it.

⁶ A chart summarizing the comments received and the committee's responses is attached.

Alternatives considered

Option 1. Take no action.

The committee considered not revising the forms at all, as there is no express legislature mandate to do so in the new statute. The Judicial Council Wage Garnishment forms are, however, mandatory forms, and without revisions to the forms they will not be in compliance with statute as of January 1, 2012, when the new priority goes into effect.

Option 2. Approve only revisions to implement the statutory amendments, not to change items re Social Security numbers.

The action taken could be limited to the first half of the committee's recommendation, making revisions only to forms WG-001 and WG-005 and adopting new form WG-030 to implement the new priority accorded to elder and dependent adult financial abuse claims. This alternative would not include the further revisions to those forms and to forms WG-002, WG-009, and WG-012, or the adoption of new form WG-035, all intended to protect an individual's privacy interest in his or her Social security number. However, in light of growing concerns over access to information in scanned court records, as reflected by the council's adoption of Rule 1.20(b), the committee concluded these revisions were important.

Option 3. Revise forms for both new enforcement priority and privacy concerns.

For all the reasons given above, the committee recommends that both sets of revisions be approved.

Leaving the forms as is might be simpler for courts in the short run, because it would not require any special treatment of the supplemental form as confidential. However, continued inclusion of the numbers in the public files will impact parties' personal privacy rights and may lead to further work on the part of the courts if parties seek orders to provide for redactions.

Implementation Requirements, Costs, and Operational Impacts

While these forms are ones generally prepared by parties, some of the order forms may be included in court electronic document systems. Revisions may therefore require reprogramming on the part of some courts.

Attachments

1. Revised forms WG-001, WG-002, WG-004, WG-005, WG-009, and WG-012, and new forms WG-030, and WG-035.
2. Comments Chart

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	LEVYING OFFICER (Name and Address): <p style="text-align: center;">DRAFT Not Approved by the Judicial Council</p> <p style="text-align: center;">10.03.11</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF : STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	COURT CASE NUMBER:
APPLICATION FOR EARNINGS WITHHOLDING ORDER (Wage Garnishment)	LEVYING OFFICER FILE NUMBER:

TO THE SHERIFF OR ANY MARSHAL OR CONSTABLE OF THE COUNTY OF:
OR ANY REGISTERED PROCESS SERVER

1. The judgment creditor (*name*): _____ requests
issuance of an Earnings Withholding Order directing the employer to withhold the earnings of the judgment debtor (employee).
 Name and address of employer _____ Name and address of employee _____
2. The amounts withheld are to be paid to _____ Social Security no. on form WG-035 unknown
 a. The attorney (or party without an attorney) named at the top of this page. b. Other (*name, address, and telephone*): _____
3. a. Judgment was entered on (*date*): _____
 b. Collect the amount directed by the Writ of Execution unless a lesser amount is specified here: \$ _____
4. Check any that apply:
 a. The Writ of Execution was issued to collect delinquent amounts payable for the **support** of a child, former spouse, or spouse of the employee.
 b. The Writ of Execution was issued to collect a judgment based entirely on a claim for elder or dependent adult financial abuse.
 c. The Writ of Execution was issued to collect a judgment based in part on a claim for elder or dependent adult financial abuse. The amount that arises from the claim for elder or dependent adult financial abuse is (*state amount*): \$ _____
5. Special instructions (*specify*): _____
6. Check a or b:
 a. I have not previously obtained an order directing this employer to withhold the earnings of this employee.
 —OR—
 b. I have previously obtained such an order, but that order (*check one*):
 was terminated by a court order, but I am entitled to apply for another Earnings Withholding Order under the provisions of Code of Civil Procedure section 706.105(h).
 was ineffective.

(TYPE OR PRINT NAME)



(SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

 (TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (<i>Name</i>): _____	LEVYING OFFICER (<i>Name and address</i>): DRAFT Not Approved by the Judicial Council 08.18.11
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
EARNINGS WITHHOLDING ORDER (Wage Garnishment)	LEVYING OFFICER FILE NO.: _____ COURT CASE NO.: _____

EMPLOYEE: KEEP YOUR COPY OF THIS LEGAL PAPER. EMPLEADO: GUARDE ESTE PAPEL OFICIAL.

EMPLOYER: Enter the following date to assist your recordkeeping.
Date this order was received by employer (specify the date of personal delivery by levying officer or registered process server or the date mail receipt was signed):

TO THE EMPLOYER REGARDING YOUR EMPLOYEE:

_____ Name and address of employer _____ _____ _____	_____ Name and address of employee _____ _____ _____ Social Security No. <input type="checkbox"/> on form WG-035 <input type="checkbox"/> unknown
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1. A judgment creditor has obtained this order to collect a court judgment against your employee. You are directed to withhold part of the earnings of the employee (*see instructions on reverse of this form*). Pay the withheld sums to the **levying officer** (*name and address above*).

If the employee works for you now, you must **give the employee a copy of this order and the *Employee Instructions* (form WG-003)** within 10 days after receiving this order.

Complete both copies of the form *Employer's Return* (form WG-005) and mail them to the levying officer within 15 days after receiving this order, whether or not the employee works for you.

4. The total amount due is: \$

Count 10 calendar days from the date when you received this order. If your employee's pay period ends before the 10th day, **do not** withhold earnings payable for that pay period. **Do** withhold from earnings that are payable for any pay period ending on or after that 10th day.

Continue withholding for all pay periods until you withhold the amount due. The levying officer will notify you of an assessment you should withhold in addition to the amount due. Do not withhold more than the total of these amounts. Never withhold any earnings payable before the beginning of the earnings withholding period.

3. The judgment was entered in the court on (*date*):

The judgment creditor (*if different from the plaintiff*) is (*name*):

4. The **INSTRUCTIONS TO EMPLOYER** on the reverse tell you how much of the employee's earnings to withhold each payday and answer other questions you may have.

Date:

_____ (TYPE OR PRINT NAME)		_____ (SIGNATURE)
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LEVYING OFFICER REGISTERED PROCESS SERVER

(Employer's Instructions on reverse)

**INSTRUCTIONS TO EMPLOYER
ON EARNINGS WITHHOLDING ORDERS**

WG-002

The instructions in paragraph 1 on the reverse of this form describe your early duties to provide information to your employee and the levying officer.

Your other duties are TO WITHHOLD THE CORRECT AMOUNT OF EARNINGS (if any) and PAY IT TO THE LEVYING OFFICER during the *withholding period*.

The withholding period is the period covered by the *Earnings Withholding Order* (this order). The withholding period begins ten (10) calendar days after you receive the order and continues until the total amount due, plus additional amounts for costs and interest (which will be listed in a levying officer's notice), is withheld.

It may end sooner if (1) you receive a written notice signed by the levying officer specifying an earlier termination date, or (2) an order of higher priority (explained on the reverse of the *EMPLOYER'S RETURN*) is received.

You are entitled to rely on and must obey all written notices signed by the levying officer.

The *Employer's Return* (form WG-005) describes several situations that could affect the withholding period for this order. If you receive more than one *Earnings Withholding Order* during a withholding period, review that form (*Employer's Return*) for instructions.

If the employee stops working for you, the *Earnings Withholding Order* ends after no amounts are withheld for a continuous 180-day period. If withholding ends because the earnings are subject to an order of higher priority, the *Earnings Withholding Order* ends after a continuous two-year period during which no amounts are withheld under the order. **Return the Earnings Withholding Order to the levying officer with a statement of the reason it is being returned.**

WHAT TO DO WITH THE MONEY

The amounts withheld during the withholding period must be paid to the levying officer by the 15th of the next month after each payday. If you wish to pay more frequently than monthly, each payment must be made within 10 days after the close of the pay period.

Be sure to mark each *check* with the case number, the levying officer's file number, if different, and the employee's name so the money will be applied to the correct account.

WHAT IF YOU STILL HAVE QUESTIONS?

The garnishment law is contained in the Code of Civil Procedure beginning with section 706.010. Sections 706.022, 706.025, and 706.104 explain the employer's duties.

The Federal Wage Garnishment Law and federal rules provide the basic protections on which the California law is based. Inquiries about the federal law will be answered by mail, telephone, or personal interview at any office of the Wage and Hour Division of the U.S. Department of Labor. Offices are listed in the telephone directory under the U.S. Department of Labor in the U.S. Government listing.

THE CHART BELOW AND THESE INSTRUCTIONS APPLY UNDER NORMAL CIRCUMSTANCES. THEY DO NOT APPLY TO ORDERS FOR THE SUPPORT OF A SPOUSE, FORMER SPOUSE, OR CHILD.

The chart below shows **HOW MUCH TO WITHHOLD** when the federal minimum wage is \$7.25 per hour.

If the **FEDERAL** minimum wage changes in the future, the levying officer will provide a chart showing the new withholding rates.

FEDERAL MINIMUM WAGE: \$7.25 per hour

(Beginning July 24, 2009.)

PAY PERIOD	Daily	Weekly	Every Two Weeks	Twice a Month	Monthly
DISPOSABLE EARNINGS	\$0-\$217.50	\$0-\$217.50	\$0-\$435.00	\$0-\$475.25	\$0-\$942.50
WITHHOLD	None	None	None	None	None
DISPOSABLE EARNINGS	\$217.51-\$290.00	\$217.51-\$290.00	\$435.01-\$580.00	\$475.26-\$628.33	\$942.51-\$1,256.66
WITHHOLD	Amount above \$217.50	Amount above \$217.50	Amount above \$435.00	Amount above \$475.25	Amount above \$942.50
DISPOSABLE EARNINGS	\$290.01 or more	\$290.01 or more	\$580.01 or more	\$628.34 or more	\$1,256.67 or more
WITHHOLD	Maximum of 25% of Disposable Earnings	Maximum of 25% of Disposable Earnings	Maximum of 25% of Disposable Earnings	Maximum of 25% of Disposable Earnings	Maximum of 25% of Disposable Earnings

COMPUTATION INSTRUCTIONS

State and federal law limits the amount of earnings that can be withheld. The limitations are based on the employee's disposable earnings, which are different from gross pay or take-home pay.

To determine the CORRECT AMOUNT OF EARNINGS TO BE WITHHELD (if any), compute the employee's *disposable earnings*.

(A) Earnings include any money (whether called wages, salary, commissions, bonuses, or anything else) that is paid by an employer to an employee for personal services. Vacation or sick pay is subject to withholding as it is received by the employee. Tips are generally not included as earnings since they are not paid by the employer.

(B) *Disposable earnings* are the earnings left after subtracting the part of the earnings a state or federal law requires an employer to withhold. Generally these required deductions are (1) federal income tax, (2) federal social security, (3) state income tax, (4) state disability insurance, and (5) payments to public employee retirement systems. Disposable earnings will change when the required deductions change.

After the employee's *disposable earnings* are known, use the chart below to determine what amount should be withheld. In the column listed under the employee's pay period, find the employee's disposable earnings. The amount shown below that is the amount to be withheld. For example, if the employee is paid disposable earnings of \$500 twice a month (semi-monthly), the correct amount to withhold is 25 percent each payday, or \$125.

The chart below is based on the minimum wage that became effective July 24, 2009. It will change when the minimum wage changes. Restrictions are based on the minimum wage effective at the time the earnings are payable.

Occasionally, the employee's earnings will also be subject to a *Wage and Earnings Assignment Order*, an order available from family law courts for child, spousal, or family support. The amount required to be withheld for that order should be deducted from the amount to be withheld for this order.

— IMPORTANT WARNINGS —

1. IT IS AGAINST THE LAW TO FIRE THE EMPLOYEE BECAUSE OF *EARNINGS WITHHOLDING ORDERS* FOR THE PAYMENT OF ONLY ONE INDEBTEDNESS. No matter how many orders you receive, so long as they all relate to a single indebtedness (no matter how many debts are represented in that judgment), the employee may not be fired.
2. IT IS ILLEGAL TO AVOID AN *EARNINGS WITHHOLDING ORDER* BY POSTPONING OR ADVANCING THE PAYMENT OF EARNINGS. The employee's pay period must not be changed to prevent the order from taking effect.
3. IT IS ILLEGAL NOT TO PAY AMOUNTS WITHHELD FOR THE *EARNINGS WITHHOLDING ORDER* TO THE LEVYING OFFICER. Your duty is to pay the money to the levying officer who will pay the money in accordance with the law that applies to this case.

IF YOU VIOLATE ANY OF THESE LAWS YOU MAY BE HELD LIABLE TO PAY CIVIL DAMAGES AND YOU MAY BE SUBJECT TO CRIMINAL PROSECUTION!

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	LEVYING OFFICER (Name and Address): <h2 style="margin: 0;">DRAFT</h2> <h3 style="margin: 0;">Not Approved by the Judicial Council</h3> <h2 style="margin: 0;">10.03.11</h2>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	COURT CASE NUMBER:
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	LEVYING OFFICER FILE NUMBER:
EARNINGS WITHHOLDING ORDER FOR SUPPORT (Wage Garnishment)	

EMPLOYEE: KEEP YOUR COPY OF THIS LEGAL PAPER. EMPLEADO: GUARDE ESTE PAPEL OFICIAL.

EMPLOYER: Enter the following date to assist your record keeping.
 Date this order was received by employer (specify the date of personal delivery by levying officer or registered process server or the date mail receipt was signed):

TO THE EMPLOYER REGARDING YOUR EMPLOYEE:

_____ Name and address of employee	_____ Name and address of employee
_____ _____	_____ _____

Social Security No.
 on form WG-035
 unknown

1. A judgment creditor has obtained this order to collect a court judgment against your employee. You are directed to withhold part of the earnings of the employee (see instructions on reverse of this form). Pay the withheld sums to the **levying officer** (name and address above).

If the employee works for you now, you must **give the employee a copy of this order and the Employee Instructions** within 10 days after receiving this order.

Complete both copies of the form Employer's Return and mail them to the levying officer within 15 days after receiving this order, whether or not the employee works for you.

2. The total amount due is: \$

Count 10 calendar days from the date when you received this order. If your employee's pay period ends before the tenth day, **do not** withhold earnings payable for that pay period. **Do** withhold from earnings that are payable for any pay period ending on or after that tenth day.

Continue withholding until

- (1) the total amount due has been withheld; or
- (2) you receive a court order or an order from the levying officer telling you to stop the withholding earlier.

3. The judgment was entered in the court shown above. The judgment creditor is (name):

4. The EMPLOYER'S INSTRUCTIONS on the reverse tell you how much of the employee's earnings to withhold each payday. Follow those instructions unless you receive a court order or order from the levying officer giving you other instructions.

Date:

_____ (TYPE OR PRINT NAME)		_____ (SIGNATURE)
	<input type="checkbox"/> LEVYING OFFICER <input type="checkbox"/> REGISTERED PROCESS SERVER	

The EMPLOYER'S INSTRUCTIONS on the reverse contain special rules that apply to Earnings Withholding Order for Support. Read the instructions carefully.

(Employer's Instructions on reverse)

**EMPLOYER'S INSTRUCTIONS
(EARNINGS WITHHOLDING ORDERS FOR SUPPORT)**

The instructions apply only to Earnings Withholding Orders for Support. Applicable instructions appear on the reverse of the other types of Earnings Withholding Orders.

The instructions in paragraph 1 on the reverse of this form describe your early duties to provide information to your employee and the levying officer.

Your other duties are TO WITHHOLD THE CORRECT AMOUNT OF EARNINGS (if any) and PAY IT TO THE LEVYING OFFICER during the *withholding period*.

The usual *withholding period* begins ten (10) calendar days after you receive the Earnings Withholding Order. In the case of an Earnings Withholding Order for Support (this Order) the *withholding period continues* until one of two things happens: (1) the total amount specified in the Order, plus any amounts listed in a notice from the levying officer, has been withheld, or (2) you receive a court order or notice signed by the levying officer specifying a termination date.

You are entitled to rely on and should obey all written notices signed by the levying officer.

The form Employer's Return describes several situations that could affect the withholding period for this order. If you receive more than one Earnings Withholding Order during a withholding period, review that form (Employer's Return) for instructions.

Your duty to withhold does not end merely because the employee no longer works for you. Withholding for an Earnings Withholding Order for Support does not automatically terminate until one year after the employment of the employee by the employer ends.

WHAT TO DO WITH THE MONEY

The amounts withheld during the withholding period must be paid to the levying officer by the 15th of the next month after each payday. If you wish to pay more frequently than monthly, each payment must be made within ten (10) days after the close of the pay period.

Be sure to mark each check with the case number, the levying officer's file number, if different, and the employee's name so the money will be applied to the correct account

WHAT IF YOU STILL HAVE QUESTIONS?

The garnishment law is contained in the Code of Civil Procedure beginning with section 706.010. Sections 706.022, 706.025, and 706.104 explain the employer's duties.

The Federal Wage Garnishment Law and federal rules provide the basic protections on which the California law is based.

Inquiries about the federal law will be answered by mail, telephone or personal interview at any office of the Wage and Hour Division of the U.S. Department of Labor. Offices are listed in the telephone directory under the U.S. Department of Labor in the U.S. Government listing.

COMPUTATION INSTRUCTIONS

State and federal law limits the amount of earnings that can be withheld. The limitations are based on the employee's disposable earnings, which are different from gross pay or take-home pay.

To determine the CORRECT AMOUNT OF EARNINGS TO BE WITHHELD (if any), compute the employee's *disposable* earnings.

(A) Earnings include any money, (whether called wages, salary, commissions, bonuses or anything else) that is paid by an employer to an employee for personal services. Vacation or sick pay is subject to withholding as it is received by the employee. Tips are generally not included as earnings since they are not paid by the employer.

(B) *Disposable earnings* are the earnings left after subtracting the part of the earnings a state or federal law requires an employer to withhold. Generally these required deductions are (1) federal income tax, (2) federal social security, (3) state income tax, (4) state disability insurance, and (5) payments to public employees' retirement systems. Disposable earnings will change when the required deductions change.

After the employee's disposable earnings are known, WITHHOLD FIFTY (50) PERCENT of the *disposable earnings* for the Withholding Order for Support. For example, if the employee has monthly disposable earnings of \$1,432, the sum of \$716 would be withheld to pay to the levying officer on account of this order.

Occasionally, the employee's earnings will also be subject to a Wage and Earnings Assignment Order, an order available for child support or spousal support. The amount required to be withheld for that order should be deducted from the amount to be withheld for this order. For example, if the employee is subject to a Wage and Earnings Assignment Order and the employer is required to withhold \$300 per month to pay on that order, when the employer receives this Earnings Withholding Order for Support, the employer should deduct the \$300 for the Wage and Earnings Assignment Order from the \$716 and pay the balance to the levying officer each month for this order.

— **IMPORTANT WARNINGS** —

1. IT IS AGAINST THE LAW TO FIRE THE EMPLOYEE BECAUSE OF EARNINGS WITHHOLDING ORDERS FOR THE PAYMENT OF ONLY ONE INDEBTEDNESS. No matter how many orders you receive, so long as they all relate to judgment (no matter how many debts are represented in that judgment) the employee may not be fired.
2. IT IS ILLEGAL TO AVOID AN EARNINGS WITHHOLDING ORDER BY POSTPONING OR ADVANCING THE PAYMENT OF EARNINGS. The employee's pay period must not be changed to prevent the order from taking effect.
3. IT IS ILLEGAL NOT TO PAY AMOUNTS WITHHELD FOR THE EARNINGS WITHHOLDING ORDER TO THE LEVYING OFFICER. Your duty is to pay the money to the levying officer who will pay the money in accordance with the laws that apply to this case.

IF YOU VIOLATE ANY OF THESE LAWS, YOU MAY BE HELD LIABLE TO PAY CIVIL DAMAGES AND YOU MAY BE SUBJECT TO CRIMINAL PROSECUTION!

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	LEVYING OFFICER (Name and Address): <p style="text-align: center;">DRAFT Not Approved by the Judicial Council</p> <p style="text-align: center;">08.18.11</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	COURT CASE NUMBER.: _____
EMPLOYER'S RETURN (Wage Garnishment)	LEVYING OFFICER FILE NUMBER.: _____

EMPLOYER: You must complete both copies of this form and mail them to the levying officer within 15 days.

Please correct any errors in the mailing information above and provide any missing information, including the name of the person to whom notices should be directed.

FAILURE TO COMPLETE AND RETURN THESE FORMS MAY SUBJECT YOU TO PAYMENT OF ATTORNEY FEES AND OTHER CIVIL PENALTIES.

_____ Name and address of employer	_____ Name and address of employee
_____ Attn:	_____ Social Security No. <input type="checkbox"/> on form WG-035 <input type="checkbox"/> unknown

(Insert name above)

1. I received the Earnings Withholding Order on (date): _____
2. The employee is
 - a. not employed by this employer (if not employed, omit items 2b through 6 and proceed to the declaration at the end of this form).
 - b. now employed by this employer and in the last pay period had gross earnings of: \$ _____
3. The employee's pay period is
 - a. daily
 - b. weekly
 - c. every two weeks
 - d. twice a month
 - e. monthly
 - f. other (specify): _____

(IF YOU HAVE RECEIVED NO OTHER ORDERS THAT PRESENTLY AFFECT THIS EMPLOYEE'S EARNINGS, OMIT ITEMS 4, 5 AND 6, AND PROCEED TO THE DECLARATION AT THE END OF THIS FORM.)

The Federal Wage Garnishment Law and federal rules provide the basic protections on which the California law is based.

(Continued on reverse)

SHORT TITLE: _____	LEVYING OFFICER FILE NO.:	COURT CASE NO.:
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If you have received other orders that presently affect this employee's earnings, another order may have priority over this one. The following list indicates the priority of orders:

- Wage and Earnings Assignment Order (for Support) _____ First priority
- Earnings Withholding Order for Support _____ Second priority
- Earnings Withholding Order for Taxes _____ Third priority
- Earnings Withholding Order for Elder or Dependent Adult Financial Abuse _____ Fourth priority
- Earnings Withholding Order _____ Fifth priority


If two or more orders have the same priority, comply with the one received first. If both were received on the same date, comply with the one with the earlier date of judgment. If the dates of judgment are the same, you may select which order you choose to comply with.

- 4. This order appears to have higher priority than any other order. Earnings will be withheld for this order in accord with the EMPLOYER'S INSTRUCTIONS (on reverse of Earnings Withholding Order).
- 5. The employer has received another order affecting the employee's earnings and earnings are being withheld for the other order because:
 - a. The other order was received first. The other order was received on (date):
 - b. This order does not have higher priority.
 - c. A copy of the other order is attached. (Retain original for your records. If a copy is not attached, complete item d.)
 - d. A copy of the other order is NOT attached. Describe the other order by providing the following information:
 - (1) Court name, address, and case number:
 - (2) Levying officer name and address and file number:
 - (3) Total amount to be withheld: \$
- 6. This order is not effective for the reason shown in item 5. It is returned to the levying officer with this return.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

 _____
(SIGNATURE OF DECLARANT)

If an Earnings Withholding Order is not effective when served, for any reason, do not hold it. Return it to the levying officer with this return.

FAILURE TO COMPLETE AND RETURN THIS FORM MAY SUBJECT AN EMPLOYER TO CIVIL PENALTIES AND ATTORNEY FEES.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	LEVYING OFFICER (Name and Address): <p style="text-align: center;">DRAFT Not Approved by the Judicial Council</p> <p style="text-align: center;">10.03.11</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	COURT CASE NUMBER: _____
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	LEVYING OFFICER FILE NUMBER.: _____
NOTICE OF OPPOSITION TO CLAIM OF EXEMPTION (Wage Garnishment)	

TO THE LEVYING OFFICER:

1. Name and address of judgment creditor _____ 2. Name and address of employee _____
- _____ _____
- _____ _____
- Social Security No. on form WG-035 unknown

3. The Notice of Filing Claim of Exemption states it was mailed on (date): _____
4. The earnings claimed as exempt are
- a. not exempt.
- b. partially exempt. The amount not exempt per month is: \$ _____
5. The judgment creditor opposes the claim of exemption because
- a. the judgment was for the following common necessities of life (specify): _____
- b. the following expenses of the debtor are not necessary for the support of the debtor or the debtor's family (specify): _____
- c. other (specify): _____
6. The judgment creditor will accept: \$ _____ per pay period for payment on account of this debt.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

 (TYPE OR PRINT NAME) ▶ _____
 (SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	LEVYING OFFICER (Name and Address) <p style="text-align: center;">NOT APPROVED BY JUDICIAL COUNCIL</p> <p style="text-align: center;">10.03.11</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	COURT CASE NUMBER: _____
NOTICE OF TERMINATION OR MODIFICATION OF EARNINGS WITHHOLDING ORDER	

1. **TO EMPLOYER: You are given notice that the Earnings Withholding Order is modified as follows:**

Name and address of employer Name and address of employee

 Attn: _____ Social Security No. on form WG-035 unknown
(Insert name above)

2. **THE EARNINGS WITHHOLDING ORDER IS**

a. terminated for all earnings payable on or after (date): _____

b. modified for all earnings payable on or after (date): _____, as follows:


(1) The sum to be withheld is (specify amount as weekly, monthly, etc.):
 \$ _____
The amount withheld must not exceed the maximum permitted by law, as explained in the Employer's Instructions.

(2) The sum necessary for the support of the judgment debtor and family is (specify amount as weekly, monthly, etc.):
 \$ _____
All disposable earnings exceeding that amount are to be withheld, but the amount withheld must not exceed the maximum permitted by law, as explained in the Employer's Instructions.

c. Other orders (specify): _____

3. Withheld earnings presently in your possession should be paid in accordance with the terms of this notice.


Date: _____

Levying Officer, by _____ (TYPE OR PRINT NAME)  _____ (SIGNATURE)

CREDITOR'S INSTRUCTION TO TERMINATE OR MODIFY EARNINGS WITHHOLDING ORDER

To the levying officer: You are directed to terminate or modify the Earnings Withholding Order as indicated above.

Date: _____

_____ (TYPE OR PRINT NAME)  _____ (SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR <i>(Name):</i> _____	LEVYING OFFICER <i>(Name and Address):</i> DRAFT Not Approved by the Judicial Council 10.03.11
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	COURT CASE NUMBER.:
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	LEVYING OFFICER FILE NUMBER:
EARNINGS WITHHOLDING ORDER FOR ELDER OR DEPENDENT ADULT FINANCIAL ABUSE (Wage Garnishment)	
EMPLOYEE: KEEP YOUR COPY OF THIS LEGAL PAPER. EMPLEADO: GUARDE ESTE PAPEL OFICIAL.	

EMPLOYER: Enter the following date to assist your record keeping.
 Date this order was received by employer *(specify the date of personal delivery by levying officer or registered process server or the date mail receipt was signed):*

TO THE EMPLOYER REGARDING YOUR EMPLOYEE:

_____ Name and address of employer	_____ Name and address of employee
_____ _____	_____ _____

Social Security No. on form WG-035 unknown

1. A judgment creditor has obtained this order to collect a court judgment against your employee. You are directed to withhold part of the earnings of the employee *(see instructions on reverse of this form)*. Pay the withheld sums to the **levying officer** *(name and address above)*.

If the employee works for you now, you must **give the employee a copy of this order and the *Employee Instructions (form WG-003)*** within 10 days after receiving this order.

Complete both copies of the *Employer's Return (form WG-005)* and mail them to the levying officer within 15 days after receiving this order, whether or not the employee works for you.

- 2. a. The total amount due is: \$ _____
- b. The amount arising from an elder or dependent financial abuse claim is: \$ _____

Count 10 calendar days from the date when you received this order. If your employee's pay period ends before the tenth day, **do not** withhold earnings payable for that pay period. **Do** withhold from earnings that are payable for any pay period ending on or after that tenth day.

Continue withholding for all pay periods until you withhold the amount due. The levying officer will notify you of an assessment you should withhold in addition to the amount due. Do not withhold more than the total of these amounts. Never withhold any earnings payable before the beginning of the earnings withholding period.

3. The judgment was entered in the court on *(date)*:
 The judgment creditor *(if different from the plaintiff)* is *(name)*:

4. The EMPLOYER'S INSTRUCTIONS on the reverse tell you how much of the employee's earnings to withhold each payday. Follow those instructions unless you receive a court order or order from the levying officer giving you other instructions.

Date:

_____ (TYPE OR PRINT NAME)	_____ (SIGNATURE)
<input type="checkbox"/> LEVYING OFFICER	<input type="checkbox"/> REGISTERED PROCESS SERVER

(Employer's Instructions on reverse)

ON EARNINGS WITHHOLDING ORDER FOR FINANCIAL ELDER ABUSE

The instructions in paragraph 1 on the reverse of this form describe your early duties to provide information to your employee and the levying officer.

Your other duties are TO WITHHOLD THE CORRECT AMOUNT OF EARNINGS (if any) and PAY IT TO THE LEVYING OFFICER during the *withholding period*.

The withholding period is the period covered by the *Earnings Withholding Order* (this order). The withholding period begins ten (10) calendar days after you receive the order and continues until the total amount due, plus additional amounts for costs and interest (which will be listed in a levying officer's notice), is withheld.

It may end sooner if (1) you receive a written notice signed by the levying officer specifying an earlier termination date, or (2) an order of higher priority (explained on the reverse of the *EMPLOYER'S RETURN*) is received.

You are entitled to rely on and must obey all written notices signed by the levying officer.

The *Employer's Return* (form WG-005) describes several situations that could affect the withholding period for this order. If you receive more than one *Earnings Withholding Order* during a withholding period, review that form (*Employer's Return*) for instructions.

If the employee stops working for you, the *Earnings Withholding Order* ends after no amounts are withheld for a continuous 180-day period. If withholding ends because the earnings are subject to an order of higher priority, the *Earnings Withholding Order* ends after a continuous two-year period during which no amounts are withheld under the order. **Return the Earnings Withholding Order to the levying officer with a statement of the reason it is being returned.**

WHAT TO DO WITH THE MONEY

The amounts withheld during the withholding period must be paid to the levying officer by the 15th of the next month after each payday. If you wish to pay more frequently than monthly, each payment must be made within 10 days after the close of the pay period.

Be sure to mark each *check* with the case number, the levying officer's file number, if different, and the employee's name so the money will be applied to the correct account.

WHAT IF YOU STILL HAVE QUESTIONS?

The garnishment law is contained in the Code of Civil Procedure beginning with section 706.010. Sections 706.022, 706.025, and 706.104 explain the employer's duties.

The Federal Wage Garnishment Law and federal rules provide the basic protections on which the California law is based. Inquiries about the federal law will be answered by mail, telephone, or personal interview at any office of the Wage and Hour Division of the U.S. Department of Labor. Offices are listed in the telephone directory under the U.S. Department of Labor in the U.S. Government listing.

THE CHART BELOW AND THESE INSTRUCTIONS APPLY UNDER NORMAL CIRCUMSTANCES. THEY DO NOT APPLY TO ORDERS FOR THE SUPPORT OF A SPOUSE, FORMER SPOUSE, OR CHILD.

The chart below shows **HOW MUCH TO WITHHOLD** when the federal minimum wage is \$7.25 per hour.

If the **FEDERAL** minimum wage changes in the future, the levying officer will provide a chart showing the new withholding rates.

FEDERAL MINIMUM WAGE: \$7.25 per hour

(Beginning July 24, 2009.)

PAY PERIOD	Daily	Weekly	Every Two Weeks	Twice a Month	Monthly
DISPOSABLE EARNINGS	\$0-\$217.50	\$0-\$217.50	\$0-\$435.00	\$0-\$475.25	\$0-\$942.50
WITHHOLD	None	None	None	None	None
DISPOSABLE EARNINGS	\$217.51-\$290.00	\$217.51-\$290.00	\$435.01-\$580.00	\$475.26-\$628.33	\$942.51-\$1,256.66
WITHHOLD	Amount above \$217.50	Amount above \$217.50	Amount above \$435.00	Amount above \$475.25	Amount above \$942.50
DISPOSABLE EARNINGS	\$290.01 or more	\$290.01 or more	\$580.01 or more	\$628.34 or more	\$1,256.67 or more
WITHHOLD	Maximum of 25% of Disposable Earnings	Maximum of 25% of Disposable Earnings	Maximum of 25% of Disposable Earnings	Maximum of 25% of Disposable Earnings	Maximum of 25% of Disposable Earnings

COMPUTATION INSTRUCTIONS

State and federal law limits the amount of earnings that can be withheld. The limitations are based on the employee's disposable earnings, which are different from gross pay or take-home pay.

To determine the CORRECT AMOUNT OF EARNINGS TO BE WITHHELD (if any), compute the employee's *disposable earnings*.

(A) Earnings include any money (whether called wages, salary, commissions, bonuses, or anything else) that is paid by an employer to an employee for personal services. Vacation or sick pay is subject to withholding as it is received by the employee. Tips are generally not included as earnings since they are not paid by the employer.

(B) *Disposable earnings* are the earnings left after subtracting the part of the earnings a state or federal law requires an employer to withhold. Generally these required deductions are (1) federal income tax, (2) federal social security, (3) state income tax, (4) state disability insurance, and (5) payments to public employee retirement systems. Disposable earnings will change when the required deductions change.

After the employee's *disposable earnings* are known, use the chart below to determine what amount should be withheld. In the column listed under the employee's pay period, find the employee's disposable earnings. The amount shown below that is the amount to be withheld. For example, if the employee is paid disposable earnings of \$500 twice a month (semi-monthly), the correct amount to withhold is 25 percent each payday, or \$125.

The chart below is based on the minimum wage that became effective July 24, 2009. It will change when the minimum wage changes. Restrictions are based on the minimum wage effective at the time the earnings are payable.

Occasionally, the employee's earnings will also be subject to a *Wage and Earnings Assignment Order*, an order available from family law courts for child, spousal, or family support. The amount required to be withheld for that order should be deducted from the amount to be withheld for this order.

— IMPORTANT WARNINGS —

1. IT IS AGAINST THE LAW TO FIRE THE EMPLOYEE BECAUSE OF *EARNINGS WITHHOLDING ORDERS* FOR THE PAYMENT OF ONLY ONE INDEBTEDNESS. No matter how many orders you receive, so long as they all relate to a single indebtedness (no matter how many debts are represented in that judgment), the employee may not be fired.
2. IT IS ILLEGAL TO AVOID AN *EARNINGS WITHHOLDING ORDER* BY POSTPONING OR ADVANCING THE PAYMENT OF EARNINGS. The employee's pay period must not be changed to prevent the order from taking effect.
3. IT IS ILLEGAL NOT TO PAY AMOUNTS WITHHELD FOR THE *EARNINGS WITHHOLDING ORDER* TO THE LEVYING OFFICER. Your duty is to pay the money to the levying officer who will pay the money in accordance with the law that applies to this case.

IF YOU VIOLATE ANY OF THESE LAWS YOU MAY BE HELD LIABLE TO PAY CIVIL DAMAGES AND YOU MAY BE SUBJECT TO CRIMINAL PROSECUTION!

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR <i>(Name):</i> _____	DATE RECEIVED BY COURT <i>(Do not file in public court file.)</i> <p style="text-align: center;">DRAFT Not Approved by the Judicial Council</p> <p style="text-align: center;">10.03.11</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF : STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	COURT CASE NUMBER:
<p style="text-align: center;">CONFIDENTIAL STATEMENT OF JUDGMENT DEBTOR'S SOCIAL SECURITY NUMBER (Supplement to Wage Garnishment Forms WG-001, WG-002, WG-004, WG-005, WG-009, WG-012, and WG-030)</p>	LEVYING OFFICER FILE NUMBER:

(Do not attach to forms.)

This separate *Confidential Statement of Judgment Debtor's Social Security Number* contains the Social Security number of the judgment debtor for whom an earnings withholding order is being sought or has issued in the case referenced above. **This supplement must be kept separate from any applications or orders filed in this case, and should not be a public record.**

INFORMATION ON JUDGMENT DEBTOR:

1. Name:
2. Social Security Number:

TO COURT CLERK
THIS STATEMENT IS CONFIDENTIAL.
DO NOT FILE THIS CONFIDENTIAL STATEMENT IN A PUBLIC COURT FILE.

SPR11-21

Civil Forms: Revision of Wage Garnishment Forms to Reflect Priority for Elder and Dependent Adult Financial Abuse Claims

(revise forms WG-001, WG-002, WG-004, WG-005 and adopt forms WG-030 and WG-035)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
1.	Tony Klein Process Server Institute San Francisco	NI	<p>The <i>Application for Earnings Withholding Order</i> and <i>Earnings Withholding Order</i> forms are being changed to reflect recent changes in the law allowing for a wage garnishment to recover funds arising from a claim for elder or dependent adult financial abuse under Welfare and Institutions Code § 15657.5.</p> <p><i>Application for Earnings Withholding Order (AEWO)</i> (form WG-001) [Commenter] is proposing to add 2 boxes and 3 lines to the form, and in so doing, it will eliminate space for a Special Instruction section, now in a new item 6.</p> <p>The new AWEO form should expand the space in item 6 (item 5 on the current form), Special Instructions, to provide sufficient space to include reference to the prospective participation of a Registered Process Server.</p> <p>This could be accomplished using a check box, indicating "<u>Service will be made by a Registered Process Server:</u>" and a parenthetical qualifier: "<u>(State name, RPS #, address, and phone number of RPS:)</u>", with adequate space to included it.</p> <p>Most Sheriff's offices require this information on the AEWO form, and will not open a file without it. The proposed form does not allow sufficient room to enter that information, or any</p>	<p>Although the proposal to add new text and check boxes to the form are beyond the scope of this proposal, the committee has modified item 6 to provide more space for instructions. It has, however, limited the increased space so that the form does not roll-over to another page.</p>

SPR11-21

Civil Forms: Revision of Wage Garnishment Forms to Reflect Priority for Elder and Dependent Adult Financial Abuse Claims

(revise forms WG-001, WG-002, WG-004, WG-005 and adopt forms WG-030 and WG-035)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>other “special instructions” that may be necessary.</p> <p><i>Earnings Withholding Order (EWO)</i></p> <p>The Earnings Withholding Order form should expand item 2, "The total amount due is:" to include space for the following or other similar wording that the levying officer requires: "\$ _____ + \$30.00 Sheriff Levy Fee + \$12.00 Check Disbursement Fee, per Disbursement + \$ _____ Daily Interest"</p> <p>Each Sheriff requires a statement on how to calculate these total amounts differently, but by this example, the above is what must be indicated on the EWO in Alameda County. Without it, they will not open the file. There needs to be more space in item 2 for this.</p> <p>Also, page two of the form references a formula for calculating the disposable income of a judgment debtor predicated on the Federal Minimum Wage amount of \$7.25 per hour. California’s minimum wage is currently \$8.00 per hour. A few years ago, the form had to be changed mid-year at a date inconsistent with the form change cycle, and when these minimum wage amounts changed, the EWO needed to be served with an attachment. Perhaps a box could be inserted referencing an attachment if that happens again.</p>	<p>Proposed form WG-002 has been further modified to add more space in item 2.</p> <p>This proposed revision is beyond the scope of the proposal. In addition, the committee considers it unlikely that there will be sufficiently frequent changes to the minimum wage amounts in the near future that would require providing for attachments to the form.</p>

SPR11-21**Civil Forms: Revision of Wage Garnishment Forms to Reflect Priority for Elder and Dependent Adult Financial Abuse Claims**

(revise forms WG-001, WG-002, WG-004, WG-005 and adopt forms WG-030 and WG-035)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
2.	Orange County Bar Association By John Hueston, President	A	No specific comment.	
3.	Superior Court of Monterey County By Minnie Monarque Deputy Court Executive Officer	A	No specific comments.	No response required.
4.	Superior Court of Orange County By Linda Daely Family Law Unit Manager	AM	Form WG-035. Although this form will not be placed in the public court file, once submitted it must be maintained by the court. For proper data input, the court will need a date reference; this can be by file stamp, date of receipt or date entered by the party when completing the form. A space should be provided for this information.	The committee has modified the proposed form WG-035 in light of this comment, providing a space for a date stamp, but also noting in that space that the form is not to be placed in the public file.
5.	Superior Court of San Diego County By Michael Roddy, Executive Officer	AM	Form WG-001, items 4 & 5: Combine items 4 and 5 and have all three options listed with separate checkboxes as item 4a, 4b, and 4c.	Proposal form WG-001 has been modified in response to this comment.

