

IN THE SUPREME COURT OF THE STATE OF ARIZONA
ADMINISTRATIVE OFFICE OF THE COURTS

In the Matter of:)
)
MODIFICATION OF GARNISHMENT) Administrative Directive
OF EARNINGS, NONEXEMPT) No. 2012 - 02
EARNINGS STATEMENT (SUPPORT)
JUDGMENT))

Administrative Order No. 2007-56 authorizes the Administrative Director of the Administrative Office of the Courts (AOC) to approve or modify the garnishment forms in response to changes in state or federal laws or procedures and make other necessary administrative amendments or corrections.

A.R.S. § 12-1598.16(K) provides “The nonexempt earnings statement prescribed by the supreme court for an underlying judgment that is based on an order for support of a person shall be in substantially the following form.” The form laid out in this section includes a calculation limiting the judgment to 50% of the judgment debtor’s disposable earnings. This calculation is currently missing from the Court’s Garnishment of Earnings Forms Packet, Form 13, Nonexempt Earnings Statement (Support Judgment) and associated instructions.

Therefore, in order to remedy the omission,

IT IS DIRECTED that effective July 13, 2012, the Garnishment of Earnings, Form 13, Garnishees’ Nonexempt Earnings Statement (Support Judgment) and associated instructions as approved by Administrative Order No. 2007-56, shall be replaced by the version illustrated in Appendix A of this directive

Dated this 17th day of July, 2012.

David K. Byers
Administrative Director

Appendix A

(1) JUSTICE COURT _____, COUNTY OF _____

(2) MUNICIPAL COURT _____, COUNTY OF _____

(3) ARIZONA SUPERIOR COURT, COUNTY OF _____

(4) Petitioner/Plaintiff Judgment Creditor Judgment Debtor

Name: _____

Address: _____

City, State, Zip Code: _____

Phone(s): _____

(7) Case No.: _____

(5) Respondent/Defendant Judgment Debtor Judgment Creditor

Name: _____

Address: _____

City, State, Zip Code: _____

Phone: _____

**GARNISHEE'S NONEXEMPT
EARNINGS STATEMENT
(Support Judgment)
(A.R.S. § 12-1598.16(K))**

(6) Garnishee:

Name: _____

Address: _____

City, State, Zip Code: _____

Phone(s): _____

Attorney: _____

1. This non-exempt earnings statement covers the following pay period:

(8) _____ to _____.

2. Do you currently employ the judgment debtor? (9) Yes No

3. If no, what was the last date on which the judgment debtor worked for you?

(10) _____.

4. Do you owe the judgment debtor any earnings for this pay period? (11) Yes No

WITHHOLDING WORKSHEET

Judgment debtor's gross earnings (pre-tax) for this pay period (12) \$ _____

Judgment debtor's deductions required by law (13) \$ _____

Judgment debtor's disposable income: line (12) minus line (13) (14) \$ _____

Enter 50% of line (14) (15) \$ _____

Enter amounts withheld pursuant to a garnishment or levy served before
this garnishment that was for support of a person (16) \$ _____

Enter amounts withheld pursuant to a garnishment or levy served before
this garnishment that was **not** for support of a person (17) \$ _____

Line (16) plus line (17) (18) \$ _____

Line (15) minus line (18) (19) \$ _____

Line (19) minus \$5 (20) \$ _____

The amount shown on line (19) is the amount you should withhold for this pay period.

The amount shown on line (20) is the amount you deliver to the judgment creditor.

(21)

(22)

Copy provided to judgment debtor on:
Date: _____
By: <input type="checkbox"/> Mail <input type="checkbox"/> Hand delivery

Copy provided to judgment creditor on:
Date: _____
By: <input type="checkbox"/> Mail <input type="checkbox"/> Hand delivery

(23) _____
Date

Garnishee or Authorized Agent

INSTRUCTIONS
FORM 13
GARNISHEE'S NONEXEMPT EARNINGS STATEMENT
(SUPPORT JUDGMENT)
(A.R.S. §§ 12-1598.11 & 12-1598.16(K))

WARNING!

ALL PARTIES TO A GARNISHMENT ARE STRONGLY URGED TO OBTAIN LEGAL ADVICE FROM AN ATTORNEY. Garnishment procedures are governed by Arizona law and are extremely complicated. All parties involved must follow these laws and procedures correctly. The Court may issue an order for monetary penalties against any party who does not proceed properly, including the garnishee.

USE FORM 13 IF:

- You are the garnishee or you represent the garnishee in a wage garnishment seeking payment for a judgment or order for support of a person (e.g. child support or spousal maintenance).

TO COMPLETE FORM 13 YOU WILL NEED:

- The judgment debtor's employment history and pay period information.
- Information from the Writ of Garnishment.
- Information from any other active garnishments, wage assignments (Orders of Assignment) or liens pending against the same judgment debtor in your possession.
- Information from the Order of Continuing Lien, if one has been issued.

HOW TO COMPLETE FORM 13:

TYPE OR PRINT NEATLY USING **BLACK INK**. Match each numbered item in the instructions with the same numbered item on the Nonexempt Earnings Statement.

*Lines 1 through 7 are known as the **caption**. You must complete this portion if not already filled in.*

(1), (2) or (3) Check the appropriate box that identifies the Court in which the garnishment action is pending.

- (1) If you checked this box, type or print the name of the Justice Court precinct in which the garnishment action is pending and the name of the county in which the Court is located.
- (2) If you checked this box, type or print the name of the city or town in which the garnishment action is pending and the name of the county in which the Court is located.
- (3) If you checked this box, type or print the name of the county in which the Court is located.
- (4) Type or print the name, mailing address and, if known, phone number(s) of the petitioner/plaintiff as it appears on the Writ of Garnishment. Check the box to indicate whether this party is the judgment creditor or judgment debtor in this garnishment action.
- (5) Type or print the name, mailing address and, if known, phone number(s) of the respondent/defendant as it appears on the Writ of Garnishment. Check the box to indicate whether this party is the judgment debtor or judgment creditor in this garnishment action.

- (6) Type or print the garnishee's name, mailing address and phone number.
- (7) Type or print the case number appearing on the Writ of Garnishment.
- (8) Type or print the first and last date of the pay period covered by this Nonexempt Earnings Statement.
- (9) Check the box that indicates whether the judgment debtor is in your employ.
- (10) If you checked, "no" in item (9) above, type or print the date on which the judgment debtor last worked for you.
- (11) Check the box that indicates whether you owe the judgment debtor any earnings for this pay period.

Even if no monies were earned by the judgment debtor in this pay period, you must still complete the Withholding Worksheet.

- (12) Type or print the amount of gross earnings (pre-tax) which the judgment debtor earned during the pay period covered by this Nonexempt Earnings Statement.
- (13) Type or print the amount of deductions required by law.
- (14) Subtract line (13) from line (12) and type or print the result here.
- (15) Multiply the amount in line (14) by 50%. Type or print the result here.
- (16) Type or print the amounts, if any, which were withheld pursuant to a garnishment or levy served before this garnishment that were for support of a person.
- (17) Type or print the amounts, if any, which were withheld pursuant to a garnishment or levy served before this garnishment that were **not** for support of a person.
- (18) Add lines (16) and (17) and type or print the result here.
- (19) Subtract line (18) from line (15) and type or print the result here.
- (20) Subtract \$5.00 from line (19) and type or print the result here. The \$5.00 is the optional fee you are entitled to for processing the Nonexempt Earnings Statement.
- (21) Complete the information under this box indicating the date and manner in which you will provide the judgment debtor with a copy of this Nonexempt Earnings Statement.
- (22) Complete the information under this box indicating the date and manner in which you will provide the judgment creditor with a copy of this Nonexempt Earnings Statement.
- (23) Date and sign this Nonexempt Earnings Statement where indicated.

WHEN YOU HAVE COMPLETED THE NONEXEMPT EARNINGS STATEMENT (SUPPORT JUDGMENT):

- ✓ Follow the Instructions to the Garnishee (Earnings) (Form 5).