



# How to Object to a Wage Garnishment

## Superior Court of New Jersey - Special Civil Part

### Who Should Use This Packet?

You can use this packet if you received a Notice of Application for Wage Garnishment and you want to object to the wage garnishment, if a wage execution has already been issued and you still want to object to the wage garnishment or if you want to reduce the amount of money that is currently being garnished. A Special Civil Part wage garnishment is called a levy on wages or wage execution.

#### **General requirements for this packet:**

When you file an objection to a wage garnishment you must file the following documents:

- Objection to Wage Garnishment and
- Certification (Proof) of Service;
- Wage Garnishment Worksheet (Use this form **only** if money is already being taken from your paycheck and you believe more is being taken than allowed by law).

#### **You cannot use this packet for:**

- a motion to vacate a judgment or
- an objection to a levy on a bank account or a levy on other personal items. If you wish to file an objection to a bank account levy, use CN 12323 - How to Object to a Bank Levy in the Special Civil Part.

Note: These materials have been prepared by the New Jersey Administrative Office of the Courts for use by self-represented litigants. The guides, instructions, and forms will be periodically updated as necessary to reflect current New Jersey statutes and court rules. The most recent version of the forms will be available at the county courthouse or on the Judiciary's Internet site [njcourts.gov](http://njcourts.gov). However, you are ultimately responsible for the content of your court papers.

**Completed forms are to be submitted to the county where the judgment was entered which is the county where the lawsuit was filed. A list of Special Civil Part Offices is provided at the customer counter and at [njcourts.gov](http://njcourts.gov)**

## Things to Think About Before You Represent Yourself in Court

### Try to Get a Lawyer

The court system can be confusing, and it is a good idea to get a lawyer if you can. If you cannot afford a lawyer, you may wish to contact the legal services program in your county to see if you qualify for free legal services. The telephone number can be found online under “Legal Aid” or “[Legal Services](#).”

If you do not qualify for free legal services and need help in locating an attorney, you can contact the bar association in your county. Most county bar associations have a [Lawyer Referral Service](#). The lawyer referral service can supply you with the names of attorneys in your area who usually are willing to handle your particular type of case. Such attorneys are sometimes willing to consult with people in your situation at a reduced fee.

There are also various organizations of minority lawyers throughout New Jersey, as well as organizations of lawyers who handle specialized types of cases. Ask your court staff for a list of lawyer referral services that include these organizations.

### What You Should Expect If You Represent Yourself

While you have the right to represent yourself in court, you should not expect special treatment, help or attention from the court. You must still comply with the Rules of the Court, even if you are not familiar with them. The following is a list of some things court staff can and cannot do for you. Please read it carefully before asking court staff for help.

- We *can* explain and answer questions about how the court works.
- We *can* tell you what the requirements are to have your case considered by the court.

- We *can* give you some information from your case file.
- We *can* provide you with samples of court forms that are available.
- We *can* provide you with guidance on how to fill out forms.
- We *can* usually answer questions about court deadlines.
- We *cannot* give you legal advice. Only your lawyer can give you legal advice.
- We *cannot* tell you whether or not you should bring your case to court.
- We *cannot* give you an opinion about what will happen if you bring your case to court.
- We *cannot* recommend a lawyer, but we can provide you with the telephone number of a local lawyer referral service.
- We *cannot* talk to the judge for you about what will happen in your case.
- We *cannot* let you talk to the judge outside of court.
- We *cannot* change an order issued by a judge.

### Keep Copies of All Papers

Make and keep for yourself copies of all completed forms and any canceled checks, money orders, sales receipts, bills, contract estimates, letters, leases, photographs and other important documents that relate to your case. Bring all documents to court if you are notified that an appearance is necessary.

## Definitions of Words Used in This Packet

**Adversary** - An *adversary* is a party whose interests are opposed to or opposite the interests of another party.

**Defendant** - The *defendant* is the person (party) against whom the court action (complaint) was filed.

**Docket Number** - The number the court assigned to this case when the complaint was filed. The *docket number* is listed on the complaint, answer and all pleadings relative to a particular case.

**Gross Pay** - Your *gross pay* is your pay before any deductions.

**Judgment** - A *judgment* is the official decision of a court in a case.

**Judgment Creditor** - The *judgment-creditor* is the party to whom money is owed.

**Judgment Debtor** - The *judgment-debtor* is the party who owes money.

**Motion** - A *motion* is a written request in which you ask the court to issue an order or to change an order it has already issued.

**Net pay** - *Net pay* is the part of someone's income left after payment of taxes and other obligations; such as federal income tax, state taxes, city and local taxes, Social Security and Medicare taxes, health insurance, disability, etc.

**Oral Argument** - Personally appearing in court to explain what you want the court to do.

**Party** - A *party* is a person, business or governmental agency involved in a court action.

**Plaintiff** - The *plaintiff* is the person (party) who starts the court action by filing the complaint.

**Pleading** - A *pleading* is the term used for any written statements presented to the court that contain a party's factual and/or legal position.

**Return Date** - The *return date* is the date the parties are ordered to appear in court.

**Service** - *Service* refers to the mailing or delivering copies of your papers to the lawyer for the other party or to the other party if there is no lawyer.

**Special Civil Part Officer** - The *Special Civil Part Officer* is the person assigned to serve the wage garnishment (execution) upon the judgment debtor's employer. They earn a 10% commission (calculated at 10% of all money collected) which is added onto the judgment amount.

**Wage Garnishment** - A *wage garnishment* or *wage execution* is when a court issues an order requiring your employer to hold back a certain amount of money from your paycheck and send it directly to the Special Civil Part Officer on behalf of the person or institution to whom you owe money, until your debt (the judgment) is paid off.

The numbered steps listed below tell you what forms you will need to fill out and what to do with them. Each form should be typed or printed clearly on 8 ½ “x 11” white paper only. Forms may not be filed on a different size or color paper.

## Steps to File an Objection to a Wage Garnishment

### **STEP 1: Fill out the *Certification in Objection to Wage Garnishment***

The *Certification in Objection to Wage Garnishment* tells the other side and the court why you are objecting to the wage garnishment or why you want a reduction in the wage garnishment.

### **STEP 2: Fill out the *Wage Garnishment Worksheet (if applicable)***

You can use the *Wage Garnishment Worksheet* if you think that the amount you are being garnished is too much. The maximum weekly garnishment is calculated as the lesser of:

- The amount by which disposable earnings exceed 30 times the federal minimum hourly wage (currently \$7.25 an hour), or
- 10 percent of disposable earnings (after federal, state, and local taxes and retirement contributions).

The wage garnishment worksheet allows you to enter your gross salary and list your items that are exempt from (free from) wage garnishment, such as federal, state and local taxes, Social Security payments, State pension payments, payments from workers’ compensation, unemployment insurance, and public assistance or benefits, etc. to arrive at what you believe your garnishment should be.

### **STEP 3: Fill out the *Certification of Service***

The *Certification of Service* tells the court how you got the papers to the other party or parties and/or their attorneys and the date on which you did so.

### **STEP 4: Where to file**

The objection paperwork must be mailed or delivered to the Office of the Special Civil Part in the county where the case was filed against you. The information should appear on your wage garnishment order. There is no fee for filing any objection to a wage garnishment (execution) order.

### **STEP 5: Check your completed forms**

Check your forms and make sure they are complete. Remove all instruction sheets. Make sure you have signed the forms where you are asked to sign them.

#### **Checklist: You must have the following items:**

- \_\_\_\_\_ *Certification in Objection to Wage Garnishment*
- \_\_\_\_\_ *Wage Garnishment Worksheet* (when seeking reduction to wage garnishment)
- \_\_\_\_\_ *Certification of Service*
- \_\_\_\_\_ Any other supporting documentation

### **STEP 6: Mail or deliver your package of completed papers to the court**

You can deliver or mail your objection papers to the court. You must personally deliver or mail a complete copy to all other parties in the case by regular and certified mail, return receipt requested. If an attorney represents any other party in the case, you can personally deliver or send the copies to the attorney by regular mail.

You will receive a green receipt card that can serve as proof that you mailed the copies. Your local post office can tell you how to send certified mail, return receipt requested.

### **STEP 7: You will get a court date**

After you file your papers with the court, and if the *Certification of Service* is complete, a hearing will be scheduled within 7 days before a Judge to determine if the wage garnishment should be reduced or eliminated. The court will contact the parties advising of the exact date, time and the place to appear. You must appear in court on this date; if you do not, your objection may be dismissed.

Bring all the evidence (wage garnishment worksheet, any supporting documents, etc.) you need to support your objection with you to court on your court date.

If you need an interpreter or an accommodation for a disability for your hearing, contact the court before your court date.

## Instructions for Completing the Certification in Objection to a Wage Garnishment

1. On the top left lines of the form, enter your name, address and daytime phone number. Make sure to check the box if your address and/or phone number have changed since the initial filing. You can use a P.O. Box if that is the address you use for mail.
2. On the upper left side of the form, labeled *Plaintiff(s)* and *Defendant(s)*, enter the plaintiff's and defendant's names. You can find this information in the wage garnishment papers you received.
3. On the line labeled *County*, enter the county where the case is filed.
4. On the line labeled *Docket Number*, enter the docket number of your case. The forms you received will have the docket number on them.
5. In the section under, "*I object to the wage garnishment because,*" select the option(s) that best describes why are you objecting:

- Select the first option if you are not a defendant or judgment debtor in the case.
- Select the second option if you believe that you have more than one wage garnishment against you **for the same job AND your wages are being garnished for both at the same time.**

Note: there can be more than one wage garnishment against you if you have multiple jobs (one wage garnishment per each job). There can also be more than one wage garnishment against you if you have only one job and multiple judgments; but no more than one wage garnishment is allowed per job at the same time. When the first wage garnishment has paid off one judgment completely, your employer must then apply the next wage garnishment to start paying off the next judgment.

- Select the third option if you believe that the amount being garnished is more than allowed by law. (If you select this option, you must complete and attach the *wage garnishment worksheet*.) Your employer must apply the appropriate deductions to each of your paychecks. Generally, the amount taken can be up to 10% of gross wages or 25% of net wages. Using the *wage garnishment worksheet* can help you show the Court why you believe that the wrong amount is being garnished from your paycheck.
- Select the final option *Other* if none of the above options apply and/or if you have any other information that you want to provide to the Court to help it decide that the amount being garnished is incorrect, too much is being garnished or that no money should be garnished at all. Examples of reasons provided could be hardships, exempt income, or any other legal reason. Attach any supporting documentation that you believe the judge should see.

Note: These instructions are not a full statement of all the law that applies.

6. Select whether you will need Interpreting services or ADA accommodations, and list the language and/or accommodation.
7. On the line above *Date*, clearly print or type the date on which you sign this form. Sign your name on the line above *Your Signature* and clearly print or type your name on the line below your signature.

Review all steps for completion before submitting your objection paperwork to the Court and all parties (or their attorneys) on your case.

**NOTICE:** This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, active credit card number or information as to a person's military status.

**Your Information**       Check if new address/phone number

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

\_\_\_\_\_,  
Plaintiff,

v.

\_\_\_\_\_,  
Defendant(s).

Superior Court of New Jersey  
Law Division, Special Civil Part  
\_\_\_\_\_ County

Docket No: \_\_\_\_\_

Civil Action

**Certification in Objection to Wage  
Garnishment**

I object to the wage garnishment because (select those that apply)

- I am not a defendant or a judgment debtor in the case.
- More than one wage garnishment is being taken from my job at the same time.
- The amount taken from my paycheck is above the legal limit (attach the completed *wage garnishment worksheet*)
- Other (specify) \_\_\_\_\_

At the hearing will you need:

An interpreter                       Yes    No    Indicate language: \_\_\_\_\_  
An accommodation for disability    Yes    No    Indicate accommodation \_\_\_\_\_

I certify that the forgoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

I certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Your Signature

\_\_\_\_\_  
Print or Type Name

**Instructions for Completing the Wage Garnishment Worksheet**  
**(Complete this form only if money is already being taken from your paycheck**  
**and you believe more is being taken than allowed by law)**

1. For line #1, enter your gross salary in the box next to *Gross pay per pay period*. Your gross income is your income **before** any deductions.
2. For line #2, list the legally required deductions on your paycheck (a. through i.):
  - a. *Federal Income Tax* - enter the amount taken out for federal income tax, sometimes marked as U.S. Income Tax, Federal Withholding, or Federal Tax.
  - b. *Social Security (FICA or OASDI)* - enter the amount taken out for Social Security, sometimes marked as SSA tax, OASDI (Old-Age, Survivors, and Disability Income), FICA (Federal Insurance Contributions Act) or Social Security.
  - c. *Medicare* - enter the amount taken out for Medicare benefits. Typically, the amount appears as a Medicare deduction.
  - d. *State Income Tax* - enter the amount taken out for state taxes. This deduction is allowed for any state taxes that are legally required to be taken out of your paycheck. There may be situations where other states, such as Pennsylvania or New York, legally require withholding taxes from your pay. You may claim these deductions.
  - e. *Unemployment Insurance (SUI)*.
  - f. *Temporary Disability Insurance (TDI)*.
  - g. *Family Leave Insurance (FLI)*.
  - h. *Workforce Development Fund/Supplemental Workforce (WFD/SWF)* - enter the four other New Jersey payroll taxes. These are the four legally required deductions or taxes from your pay under New Jersey law. Some employers combine some or all of them. A wide variety of abbreviations and markings are used from employer to employer. This form gives you the ability to list the four taxes separately. You can enter them in combination if that is how they appear on your paycheck.
  - i. *Other (e.g. state pension, city tax)* - enter the total of any other legally required payroll deductions. Not all deductions from a paycheck are deductible for wage garnishment purposes. Union dues, health insurance, pension loans and voluntary retirement plans are not deductions for calculating a wage garnishment. However, a legally required pension plan, such as TPAF for teachers, is deductible. Mandatory city payroll taxes, such as for New York City or Philadelphia, are also legally deductible.

**Note: if you are filling the form out online the following calculations will be done automatically.**

3. For line #3, add the amounts you listed in line #2 (a-i), and enter the total in the box next to *Total allowable deductions*.
4. For line #4, subtract the *Total allowable deductions* (which is the amount in line #3) from your *Gross pay per pay period* (which is the amount you entered in line #1), and enter that amount in the box next to *Net Pay*. This is your net pay under federal law.
5. For line #5, *Exemption amount* - select the box that represents how often you are paid and enter the corresponding amount in the line provided. For example, if you are paid every 2 weeks, you would enter \$435.00 in the space provided. This amount cannot be garnished. Beyond that amount, the garnishment is generally 25% of your net pay or 10% of your gross pay, whichever is less.
6. For line #6, multiply your *Gross pay* per pay period (which is the amount you entered in line #1) by 10% (.10) and enter that figure in the space provided.
7. For line #7, multiply your *Net pay* (which is amount in line #4) by 25% (.25) and enter that figure in the space provided.
8. For line #8, subtract your *Exemption amount* (the amount entered in line #5) from *Net pay* (the amount entered in line #4). If zero or less, enter zero in the space provided. If more than zero enter the figure.
9. For line #9, compare the amounts in lines #6, 7 and 8 and enter the figure **that is the lowest out of these three. That is the amount that may be lawfully deducted.**

## Wage Garnishment Worksheet

(Complete this form **only** if money is already being taken from your paycheck and you believe more is being taken than allowed by law)

**Follow steps 1-4 to calculate net pay**

1. Gross pay per pay period	\$
2. Less amounts legally required to be deducted:	
a. Federal Income Tax	\$ _____
b. Social Security (FICA or OASDI)	\$ _____
c. Medicare	\$ _____
d. State Income Tax	\$ _____
e. Unemployment Insurance (SUI)	\$ _____
f. Temporary Disability Insurance (TDI)	\$ _____
g. Family Leave Insurance (FLI)	\$ _____
h. Workforce Development Fund/Supplemental Workforce (WFD/SWF)	\$ _____
i. Other (e.g. state pension, city tax)	\$ _____
3. Total allowable deductions (add lines a - i)	\$
4. Net pay (Subtract line 3 from line 1)	\$

**Follow steps 5-7 to calculate the total garnishment amount.**

5. Exemption amount (check the appropriate box that indicates how you are paid)	\$										
<table style="border: none;"> <tr> <td style="padding-left: 20px;"><b>Salary is paid:</b></td> <td style="padding-left: 20px;"><b>Exemption Amount:</b></td> </tr> <tr> <td><input type="checkbox"/> Weekly</td> <td>\$217.50</td> </tr> <tr> <td><input type="checkbox"/> Every two weeks</td> <td>\$435.00</td> </tr> <tr> <td><input type="checkbox"/> Twice per month</td> <td>\$471.25</td> </tr> <tr> <td><input type="checkbox"/> Monthly</td> <td>\$942.50</td> </tr> </table>	<b>Salary is paid:</b>	<b>Exemption Amount:</b>	<input type="checkbox"/> Weekly	\$217.50	<input type="checkbox"/> Every two weeks	\$435.00	<input type="checkbox"/> Twice per month	\$471.25	<input type="checkbox"/> Monthly	\$942.50	
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<input type="checkbox"/> Monthly	\$942.50										
6. Multiply line 1 - Gross pay by .10	_____ x .10 = \$										
7. Multiply line 4 – Net pay by .25	_____ x .25 = \$										
8. Subtract line 5 (Exemption Amount) from line 4 (Net Pay) line 4 – line 5 = _____ (If zero or less enter zero)	\$										
9. Compare lines 6, 7, and 8 and enter the figure <b>that is the lowest out of these three</b> in the space provided. This is the amount that may lawfully be deducted.	\$										



## Instructions for Completing the Certification of Service

1. You must make a copy of everything you are sending to the court and send it to all the other parties in the case. You must include all of your supporting papers. Be sure to send the papers to the other parties by regular and certified mail, return receipt requested, or deliver personally. If an attorney represents a party, send by ordinary mail or personally deliver a copy to that attorney.
2. In the line following, *I certify that on...* enter the date you sent the copy of all of your objection paperwork.
3. Select the method(s) you used to send the copy of all of your objection paperwork to every party in this case.
4. Under *List each party to the lawsuit*, enter the name and address of each party you served. If an attorney represents the party, enter the attorney's information and check the applicable box indicating how you sent that attorney a copy of your objection paperwork.
5. Date and sign the form. The Certification of Service is not valid until signed and dated. The person signing and swearing to the document must print or type their name under the signature. If signing as a guardian for a mentally or physically incompetent person, attach a copy of the authorizing document with the specific authority.

## Certification of Service

I certify that on \_\_\_\_\_, I sent a copy of all of the supporting documentation and forms in support of this Objection to the wage garnishment to the following: (check which method you chose, and if sent by both regular (ordinary) mail and certified mail, return receipt requested, check both):

regular (ordinary) mail       certified mail, return receipt requested       personally served

Each party to the lawsuit listed below was served:

Name \_\_\_\_\_ Name \_\_\_\_\_

Address \_\_\_\_\_ Address \_\_\_\_\_

\_\_\_\_\_

Check which method you chose to serve the party's attorney (if any).

regular (ordinary) mail       personally served

Name \_\_\_\_\_ Name \_\_\_\_\_

Address \_\_\_\_\_ Address \_\_\_\_\_

\_\_\_\_\_

Attorney for \_\_\_\_\_ Attorney for \_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_  
Your Signature

\_\_\_\_\_  
Print or Type Name