

# **Claim of Exemption Wage Garnishment**



**LEGAL AID  
FOUNDATION  
OF LOS ANGELES**

## **How-To Guide**

### **Self-Help Legal Access Centers**

<b>Santa Monica</b>	<b>Inglewood</b>	<b>Torrance</b>	<b>Long Beach</b>
1725 Main St., Room 210 Santa Monica, CA 90401	1 East Regent St., Room 107 Inglewood, CA 90301	825 Maple Ave., Room 160 Torrance, CA 90503	275 Magnolia Ave., Room 3101 Long Beach, CA 90802

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This guide is designed to help you fill out the forms yourself. It is not intended to provide legal advice nor strategy as to how to complete the case. The information provided in this packet only presents options and examples. This is not a substitute for professional legal advice from an attorney.

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Before moving forward with completing a claim of exemption for the wage garnishment, read Employee Instructions (form WG-006) on the next page.

## EMPLOYEE INSTRUCTIONS

### -NOTICE-

#### IMPORTANT LEGAL NOTICE TO EMPLOYEE ABOUT EARNINGS WITHHOLDING ORDERS (Wage Garnishment)

The **Earnings Withholding Order** requires your employer to pay part of your earnings to the sheriff or other levying officer. The levying officer will pay the money to a creditor who has a court judgment against you. The information below may help you protect the money you earn.

### -NOTICIA-

#### NOTICIA LEGAL IMPORTANTE RESPECTO A LAS ÓRDENES DE RETENCIÓN DE SUELDO

La **Orden de Retención de Sueldo** requiere que su empleador pague una parte de su sueldo a un oficial de embargo. El oficial le pagará el dinero retenido a su acreedor que ha conseguido una decisión judicial en contra de usted. Pida usted que un amigo o su abogado le lea este papel oficial. Esta información le puede ayudar a proteger su sueldo.

### CAN YOU BE FIRED BECAUSE OF THIS?

**NO.** You cannot be fired unless your earnings have been withheld before for a different court judgment. If this is the first judgment for which your wages will be withheld and your employer fires you because of this, the California Labor Commissioner ([dir.ca.gov/dlse/DistrictOffices.htm](http://dir.ca.gov/dlse/DistrictOffices.htm)) can help you get your job back.

### HOW MUCH OF YOUR PAY WILL BE WITHHELD?

The Earnings Withholding Order (abbreviated in this notice as **EWO**) that applies to you contains Employer Instructions. These explain how much of your earnings can be withheld. Generally, the amount is about 20 percent of your take-home pay until the amount due has been withheld. The levying officer will notify the employee of an additional assessment charged for paying out money collected under this order, and that amount will also be withheld.

If you have trouble figuring this out, ask your employer for help.

### IS THERE ANYTHING YOU CAN DO?

**YES.** There are several possibilities.

1. See an attorney. An attorney may be able to help you make an agreement with your creditor or help you stop your earnings from being withheld. You may wish to consider bankruptcy or asking the bankruptcy court to help you pay your creditors. These possibilities may stop your wages from being withheld. An attorney can help you decide what is best for you. Take your **EWO** to the attorney to help you get the best advice and the fastest help. Read California Courts self-help website for information about finding an attorney ([selfhelp.courts.ca.gov/hire-lawyer](http://selfhelp.courts.ca.gov/hire-lawyer)).
2. Try to work out an agreement yourself with your creditor. Call the creditor or the creditor's attorney, listed on the **EWO**. If you make an agreement, the withholding of your wages will stop or be changed to a smaller amount you agree on. (See *item 4 on page 2 of this form for another way to make an offer to your creditor.*)
3. You can ask for an EXEMPTION. An exemption will protect more, or maybe even all, of your earnings. You can get an exemption if you need your earnings to support yourself or your family, **but you cannot get an exemption if:**
  - a. You use some of your earnings for luxuries and they aren't really necessary for support; **OR**
  - b. You owe money to an attorney because of a court order in a family case; **OR**
  - c. You owe the debt for past due child support or spousal support (alimony); **OR**
  - d. You owe the debt to a former employee for wages.

### HOW DO YOU ASK FOR AN EXEMPTION?

See the other side of this form for instructions about claiming an exemption.

### IS THE EWO RELATED TO PERSONAL DEBT?

If the EWO is being used to enforce a judgment for personal debt, the judgment creditor is required to verify your address before asking the levying officer to serve the EWO. The judgment creditor must give the levying officer a completed copy of *Declaration of Address Verification* (form WG-015/EJ-135) and must file a completed form WG-015/EJ-135 with the court within 10 business days of giving a copy of the form to the levying officer. If the judgment creditor doesn't take these steps, you can ask the court to stay (pause) the wage garnishment order until the address verification is complete. You can use *Application for Stay of Levy or Garnishment* (form WG-017/EJ-137) to ask the court for a stay.



## HOW DO YOU ASK FOR AN EXEMPTION?

WG-003

1. Call or write the levying officer for three copies each of *Claim of Exemption* (form WG-006) and *Financial Statement* (form WG-007). Or go to [courts.ca.gov/rules-forms/find-your-court-forms](https://courts.ca.gov/rules-forms/find-your-court-forms) to download copies of the forms. These forms are free.
  2. Fill out both forms. If an item on the form has a box  in front of it, only check the box if the item applies to your case.
  3. It is **your** job to prove with the *Financial Statement* form that your earnings are needed for support. Write down the details about your needs. For example, if your child has special medical expenses, tell which child, what illnesses, who the doctor is, how often the doctor must be visited, the cost per visit, and the costs of medicines. These details should be listed in item 6 on *Financial Statement*. If you need more space, write "See Attachment 6" in item 6 and attach a separate piece of paper labeled "Attachment 6" where you can explain your expenses in detail.
  4. You can use *Claim of Exemption* (form WG-006) to make an offer to the judgment creditor to have a specified amount withheld each pay period. Complete item 3 on the form to indicate the amount you agree to have withheld **each payday during the withholding period**. (Be sure it's less than the amount to be withheld otherwise.) If your creditor accepts your offer, he will not oppose your claim of exemption. (See item (1) in the "ONE OF TWO THINGS WILL HAPPEN" section below.)
  5. Sign *Claim of Exemption* and *Financial Statement*. Be sure *Claim of Exemption* shows the address where you receive mail.
  6. Mail or deliver two copies of each of the two forms to the levying officer. Keep one copy for yourself in case there is a court hearing. Do not use *Claim of Exemption* (form WG-006) or *Financial Statement* (form WG-007) to seek a modification of child support or alimony payments. These payments can be modified only by the family law court that ordered them.
- FILE YOUR CLAIM OF EXEMPTION AS SOON AS POSSIBLE FOR THE MOST PROTECTION.**

### ONE OF TWO THINGS WILL HAPPEN AFTER YOU ASK FOR AN EXEMPTION

- (1) The judgment creditor will not oppose (object to) your claim of exemption. If this happens, after 10 days the levying officer will tell your employer to stop withholding or withhold less from your earnings. The part (or all) of your earnings needed for support will be paid to you or paid as you direct. And you will get back earnings the levying officer or your employer were holding when you asked for the exemption.
- OR—
- (2) The creditor will oppose (object to) your claim of exemption. If this happens, you will receive *Notice of Opposition to Claim of Exemption* (form WG-009) and *Notice of Hearing on Claim of Exemption* (form WG-010), where the creditor explains why your exemption should not be allowed. A box in the middle of form WG-010 tells you the time and place of the court hearing, which will be about 10 days after the creditor files form WG-010 with the court. Be sure to go to the hearing if you can.

If the judgment creditor has checked the box in item 3 on *Notice of Hearing on Claim of Exemption*, the creditor will not be in court. You do not have to go to the hearing if you are willing to have the court make its decision based on your *Financial Statement* and the creditor's *Notice of Opposition to Claim of Exemption*.

If you go to the hearing, take any bills, paycheck stubs, canceled checks, or other evidence (including witnesses) that will help you prove your *Claim of Exemption* and *Financial Statement* are correct and your earnings are needed to support you or your family. And bring any evidence that *Notice of Opposition to Claim of Exemption* is wrong. For example, if the notice says the judgment was for wages for a past employee, you might be able to give evidence that the person was not an employee or the debt was not for wages. If the judge at the hearing agrees with you, your employer will be ordered to stop withholding your earnings or withhold less money. The judge can even order that the **EWO** end before the hearing (so you would get some earnings back).

If the judge does not agree with you, the withholding will continue unless you **appeal** to a higher court. The rules for appeals are complex, so you should see an attorney if you want to appeal.

If you have one court hearing, you should not file another *Claim of Exemption* about the same **EWO** unless your finances have gotten worse in an important way.

If your **EWO** is changed or ended, the levying officer must serve your employer with the changed **EWO** or a notice that the **EWO** has ended.

### WHAT HAPPENS TO YOUR EARNINGS IF YOU FILE A CLAIM OF EXEMPTION?

Your employer must continue to hold back part of your earnings for the **EWO** until they receive a notice signed by the levying officer to change the order or end it early. The levying officer will keep your withheld earnings until your *Claim of Exemption* is denied or takes effect. At that time your earnings will be paid according to the law that applies to your case.

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### REGARDING CHILD SUPPORT

If you are obligated to make child support payments, the local child support agency may help you to have an Order Assigning Salary or Wages entered. This order has the top priority claim on your earnings. When it is in effect, little or no money may be available to be withheld for an **EWO**. And, if the local child support agency is involved in collecting this support from you, it may agree to accept less money if this special order is entered.

### WHAT IF YOU STILL HAVE QUESTIONS?

If you cannot see an attorney, or don't want to see an attorney, you might be able to answer some of your questions by reading sections 706.050 and 706.105 of the California Code of Civil Procedure (available at [leginfo.legislature.ca.gov](https://leginfo.ca.gov) or your local law library). Other sections of the code, beginning with section 706.010, may also answer some of your questions.

Also, the office of the Wage and Hour Division of the U.S. Department of Labor may be able to answer some of your questions. The Wage and Hour Division's contact information is available at [dol.gov/agencies/whd/contact](https://dol.gov/agencies/whd/contact).

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name): <b>Print "Self-Represented"</b>	<b>FOR LEVYING OFFICER USE ONLY</b> (Levying Officer Name and Address)
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> <b>Print "Los Angeles"</b> STREET ADDRESS: <b>Print Court's Address</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>Print Court's City and Zip Code</b> BRANCH NAME:	
PLAINTIFF/PETITIONER: <b>Print Plaintiff's Name</b> DEFENDANT/RESPONDENT: <b>Print Your Name as it Appears on the Complaint</b>	LEVYING OFFICER FILE NUMBER: <b>Print Levying Officer's File #</b>
<b>CLAIM OF EXEMPTION</b> <b>(Wage Garnishment)</b>	<b>FOR COURT USE ONLY</b>
Instructions for completing this form: <ul style="list-style-type: none"> <li>• Read <i>Employee Instructions</i> (form WG-003) before completing this form.</li> <li>• If you check the box for item 3b or 3c, <b>you must attach</b> a properly completed <i>Financial Statement</i> (form EJ-165) to this <i>Claim of Exemption</i>. You can get a copy of form EJ-165 for free by asking the levying officer or going to <a href="https://courts.ca.gov/rules-forms/find-your-court-forms">courts.ca.gov/rules-forms/find-your-court-forms</a> or your court's self-help center.</li> <li>• If you check the box for item 3a, you <b>do not</b> need to complete form EJ-165. You also <b>do not</b> need to complete item 4.</li> <li>• You must give the levying officer this completed original form and one copy of the completed form. You should save at least one copy of the form for your records.</li> <li>• <b>Do not file this form with the court.</b></li> </ul>	
CASE NUMBER: <b>PRINT CASE NUMBER</b>	

1. My name is:  
**Print Your Full Name**
2. Please send all papers to  
 me  
 my attorney  
 at  the address shown above  another address (specify):

3. I am making this claim of exemption because (check a, b, or c):
  - a.  My earnings are below the legal minimum amount for an earnings withholding order.  
 (Your earnings cannot be withheld if you earn less than the legal minimum wage in California (Civ. Proc., § 706.050).  
 • If you are paid at least the legal minimum wage each week. "The applicable minimum wage is the greater of the state minimum wage or the hourly minimum wage each pay period."  
 • If you are paid on a piecework basis, your earnings are at least the legal minimum wage each pay period.  
 • If you are paid two or more times each pay period, your earnings are at least the legal minimum wage each pay period.  
 • If you are paid on a commission basis, your earnings are at least the legal minimum wage each pay period.)  
 (A completed *Financial Statement* (form EJ-165) is attached to this claim.)
  - b.  I need all my earnings to support myself or my family. A completed *Financial Statement* (form EJ-165) is attached to this claim.
  - c.  I need \$ \_\_\_\_\_ each pay period to support myself or my family. A completed *Financial Statement* (form EJ-165) is attached to this claim.

Review (a), (b), and (c). Check the box that explains why you are making a claim of exemption.

If you checked (b) or (c), also complete the *Financial Statement* (EJ-165) and attach behind this form.

SHORT TITLE: <b>Print Plaintiff's Last Name v. Your Last Name</b>	LEVYING OFFICER FILE NO.	COURT CASE NO.
	<b>Print Levying Officer File No. and Court Case # in Spaces Provided</b>	

4. I am willing for the following amount to be withheld from my earnings **each pay period** during the withholding period. I understand that **this amount will be withheld each pay period** if the judgment creditor accepts the **Exemption** (check one; you do not need to complete item 4 if you checked the box for exemption).

Indicate if you are willing to have none or some of your earnings withheld. If you indicate some, write the amount you are willing to be withheld

- a.  None
- b.  Withhold \$ \_\_\_\_\_ each pay period.



5. I am paid (check one)
- daily
  - every two weeks
  - monthly
  - weekly
  - twice a month
  - other (specify) \_\_\_\_\_

Check the box that shows how often you are paid



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

Date: Print Date  
Print Your Full Name  
(TYPE OR PRINT NAME)

Sign Your Name  
(SIGNATURE)

Print Levying Officer File No.

SHORT TITLE: <b>PRINT THE PLAINTIFF'S LAST NAME V. YOUR LAST NAME</b>	LEVYING OFFICER FILE NO.:	COURT CASE NO.:
		<b>PRINT THE CASE NUMBER</b>

## FINANCIAL STATEMENT

(Wage Garnishment - Enforcement of Judgment)

**NOTE:** If you are married, this form must be signed by your spouse unless you and your spouse are living separate and apart. If this form is not signed by your spouse, check the applicable box on the reverse in item 9.

1. The following persons other than myself depend, in whole or in part, on me or my spouse for support:

	NAME	AGE	RELATIONSHIP TO ME	MONTHLY TAKE-HOME INCOME & SOURCE
a.			Spouse	
b.	List the name, age, relationship and monthly income of each person that lives with you and rely on you, or your spouse for support in the appropriate sections.			
c.				
d.				
e.				

2. My monthly income

a. My gross monthly pay is: \_\_\_\_\_

b. My payroll deductions are (specify purpose and amount):

(1) Federal and state withholding, FICA, and SDI	_____	\$ _____
(2) _____	_____	\$ _____
(3) _____	_____	\$ _____
(4) _____	_____	\$ _____

My TOTAL payroll deduction amount is (add (1) through (4)): \_\_\_\_\_

c. My monthly take-home pay is (a minus b): \_\_\_\_\_

d. Other money I get each month from (specify source): \_\_\_\_\_ is \_\_\_\_\_

**LIST ANY OTHER SOURCES OF INCOME** \_\_\_\_\_

e. TOTAL MONTHLY INCOME (c plus d) \_\_\_\_\_

3. I, my spouse, and my other dependents own the following property:

a. Cash \_\_\_\_\_

b. Checking, savings, and credit union accounts (list banks):

(1) _____	_____	\$ _____
(2) _____	_____	\$ _____
(3) _____	_____	\$ _____

c. Cars, other vehicles, and boat equity (list make, year of each):

(1) _____	_____	\$ _____
(2) _____	_____	\$ _____
(3) _____	_____	\$ _____

d. Real estate equity \_\_\_\_\_

e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.) (list separately): \_\_\_\_\_

**DESCRIBE ANY OTHER PROPERTY YOU OWN AND TOTAL THE VALUE OF ALL OTHER PERSONAL PROPERTY IN (e)**

e. \$ \_\_\_\_\_

Print Levying Officer File No.

SHORT TITLE: <b>PRINT THE PLAINTIFF'S LAST NAME V. YOUR LAST NAME</b>	LEVYING OFFICER FILE NO.:	COURT CASE NO.:
		<b>PRINT YOUR CASE NUMBER</b>

4. The monthly expenses for me, my spouse, and my other dependants

- a. Rent or house payment and maintenance ..... a. \$ \_\_\_\_\_
- b. Food and household supplies ..... b. \$ \_\_\_\_\_
- c. Utilities and telephone ..... c. \$ \_\_\_\_\_
- d. Clothing ..... d. \$ \_\_\_\_\_
- e. Medical and dental payments ..... e. \$ \_\_\_\_\_
- f. Insurance (life, health, accident, etc.) ..... f. \$ \_\_\_\_\_
- g. School, child care ..... g. \$ \_\_\_\_\_
- h. Child, spousal support (prior marriage) ..... h. \$ \_\_\_\_\_
- i. Transportation & auto expenses (insurance, gas, repair) (list car payments in item 5) ..... i. \$ \_\_\_\_\_
- j. Installment payments (insert total and itemize below in item 5) ..... j. \$ \_\_\_\_\_
- k. Laundry and cleaning ..... k. \$ \_\_\_\_\_
- l. Entertainment ..... l. \$ \_\_\_\_\_
- m. Other (specify):

List your monthly expenses

Total your monthly expenses

n. TOTAL MONTHLY EXPENSES (add a through m):	n. \$ _____
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5. I, my spouse, and my other dependants owe the following debts:

CREDITOR'S NAME	FOR	MO. PAYMENTS	BALANCE OWED	OWED BY (State person's name)
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List any debts here.

6. Other facts which support this Claim of Exemption (i.e., unusual medical needs, school tuition, expenses for recent family emergencies, or other unusual expenses to help your creditor and the judge understand your budget) (describe): (If more space is needed, attach page labeled Attachment 6.)

List any fact(s) or additional information about your financial situation you want to share with the judge

7.  An earnings withholding order is now in effect with respect to my earnings or those of my spouse or dependants named in item 1 (specify each person's name and monthly amount):

Check this box if you are paying child or spousal support through an earnings withholding order and specify the persons you give support to and the amount

8.  A wage assignment for support is now in effect with respect to my earnings or those of my spouse or dependants named in item 1 (specify each person's name and monthly amount):

Check this box if you are paying child or spousal support through a wage assignment order and specify the persons you give support to and the amount

- 9.  My spouse has signed below.
- I have no spouse.
- My spouse and I are living separate and apart.

Check the box that applies

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

Date: PRINT DATE

PRINT YOUR NAME  
.....  
(TYPE OR PRINT NAME)

.....  
(TYPE OR PRINT NAME OF SPOUSE)

PRINT YOUR SIGNATURE  
.....  
(SIGNATURE)

.....  
(SIGNATURE OF SPOUSE)