

# Individual Rights Before Wage Garnishing

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There are individuals unfortunate enough to find themselves in a position where they are contacted by a state or federal agency regarding an old debt, or even those with delinquent student loans, find themselves facing a wage garnishment through an employer. The process of having one's wages garnished to pay a debt can be embarrassing and financially devastating to individuals and their families, rest assured you are not alone. There are rules and guidelines available that may help you settle a debt without wage garnishments from your paycheck, but first such individuals must be certain of the validity of the claim. Student loan garnishments along with state garnishments can be frustrating and something to avoid if possible.

If an indebted individual finds a claim is questionable, then that individual must provide documentation or other evidence to the creditor or other agency filing a claim if :

1. The claimed amount due had been previously paid or settled in full.
2. The claimed amount is currently being paid in installments, made in a timely manner.
3. The claimed amount is incorrect because previous payments already submitted have not been credited to the account.
4. The claimed amount was discharged in a bankruptcy.

Sometimes a claimed amount due may be unenforceable or subject to discharge if:

1. The school or company claiming an owed amount has been closed or is no longer in business.
2. The Ability to Benefit is falsely certified by a school for an approved loan.
3. An unauthorized signature or forgery of the borrowers/debtors name is on the promissory note or disbursement checks.
4. Public Service Cancellations.
5. Unpaid refunds owed to the borrower by a school or business with the loan proceeds.
6. Death or permanent disability of the borrower/debtor.

Wage garnishments are only used as a last resort to collect debts after all other attempts to obtain the payments on a voluntary basis have failed. Creditors often make numerous attempts to try and convince the debtor to repay the debt voluntarily, most often creditors are more than willing to work out a reasonable payment plan that works well with the debtors financial situation to avoid wage garnishments. Only then, when a voluntary agreement can not be met, will the creditor issue the debtor a wage garnishment order to recover that debt.

After receiving a Notice of Intent to Garnish Wages, the borrower has 30 days to file a request of objection to the wage garnishment action. If the request is filed within those 30 days, the wage garnishment will be suspended until a decision is reached, ruling whether or not a wage garnishment should be pursued to enforce that debt. It's always important to know your rights as a borrower/debtor and to have all agreements documented. Before taking any action, it's also important to be informed of what rules and regulations apply in the state the borrower/debtor resides to avoid wage garnishments. Henry Byers, Retired IRS Manager and State Garnishment expert - focusing on IRS Levy and Garnishment Laws