



Maricopa County Justice Courts

Additional Information on Writs of Garnishment

Wage Garnishments

The Arizona Court of Appeals has determined that the lower garnishment rates approved by Arizona voters as part of Proposition 209 have gone into effect for wages garnished after December 5, 2022. In other words, "For garnishments before December 5, 2022, the maximum earnings that may be garnished is 25% (which can be reduced to 15% by the judge after a showing of extreme economic hardship). For garnishments on or after December 5, 2022, the maximum earnings that may be garnished is 10% (which can be reduced to 5% by the judge after a showing of extreme economic hardship)." (Line 14 in the Garnishee's Nonexempt Earnings Statement form.) See *Silence v. Betts*, No. 1 CA-CV 23-0178 (Ariz. Ct. App. Jun. 27, 2024).

In addition, when calculating the amount to be withheld in the Garnishee's Nonexempt Earnings Statement form, the highest of the federal, state or local minimum wage should be used (line 16). The Arizona minimum wage, as of January 1, 2024, is \$14.35. Finally, the multiplier factors (line 15) should be doubled (60 for weekly; 120 for biweekly; 130 for semimonthly; and 260 for monthly).

The Plaintiff may have a different view. The Garnishee is encouraged to closely review their garnishment paperwork.

Bank Accounts/Non-Earnings Garnishments

Proposition 209 also significantly modified Arizona's property exemptions. Property exemptions are set by statute and protect certain types of property, up to certain dollar amounts, from unsecured creditors' collection efforts. The property exemptions are also used in bankruptcy cases to protect certain assets (in certain amounts) from being used to pay creditors.

These exemption amounts will be adjusted annually to account for cost-of-living increases. On January of each year beginning in 2024, each exemption amount will be recalculated by measuring the percentage increase of the consumer price index from the previous year.