

# SMALL CLAIMS EARNINGS GARNISHMENT CHECKLIST – MILWAUKEE COUNTY

*To be used when you know the employer of the party who owes you the judgment (the debtor).*

## FILING AND SERVICE FEES

- \$96: filing fee
- \$15.00: garnishee fee
- Cost of mailing

## FORMS and COPIES NEEDED

- **Earnings Garnishment Notice (CV-421)** (Original, and two copies)
- **Earnings Garnishment (CV-422)** (Original, and two copies)
- **Earnings Garnishment - Exemption Notice (CV-423)** (Original, and two copies)
- **Garnishment Exemptions Worksheet (CV-426)** (Original, and two copies)
- **Earnings Garnishment – Debtor’s Answer (CV-424)** (Original, and two copies)
- **Poverty Guidelines for Earnings (CV-427)** (Original, and two copies)
- **Affidavit of Mailing** (Original only)
- **Earnings Garnishment – Objection to Debtor’s Answer and Demand for Hearing** (see Section B below)

## SECTION A: Filing the Earnings Garnishment

*Complete the following steps in order.*

- File original documents and all copies in **Room 104 (Clerk of Courts)**
- Mail a copy the “Garnishee’s Copy” of the documents, along with the \$15.00 garnishee fee to the debtor’s employer by Certified Mail.
- Mail a copy of the documents to the debtor by Certified Mail and regular mail **within 7 business days of service on the garnishee and at least 3 business days before the first pay day affected by garnishment.**
- Complete an Affidavit of Mailing, Small Claims after you have mailed the documents.
  - Sign it in front of a Notary Public. Bring a copy to your hearing date.
- OR: You may also serve the documents on the employer and the debtor via the Sheriff or a private process server in the county in which each the employer and the debtor are located.
  - Milwaukee County Sheriff’s Department (Room 102, Safety Building)

## SECTION B: Next Steps

- **You will NOT have a court date for an earnings garnishment.**
- If the debtor files an answer and the employer stops the garnishment, the employer must mail you a copy of the debtor’s answer. If you disagree with the debtor’s response, complete the Earnings Garnishment – Objection to Debtor’s Answer.
  - File the Objection in **Room 104 (Clerk of Courts)**;
  - A hearing date will be set at that time.
- Bring a notarized copy of the **Affidavit of Mailing, Small Claims or your proof of service** to your hearing date.
- Organize any items you want to share with the court that will support your answer. It is helpful to have 3 copies: a copy for yourself, a copy for the other party, and a copy for the court.
- Arrive to the courthouse early. Be sure to plan for travel/parking, going through security, and finding the right courtroom.
- If the matter is not resolved in front of a Small Claims Commissioner, you will have another date assigned for a hearing in front of the Judge.