



## STATE OF ARKANSAS

Department of Veterans Affairs  
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**Asa Hutchinson**  
Governor

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Director

### ADMINISTRATION

ADVAP 2-25

January 1, 2012

### Writ of Garnishment

1. **GENERAL:** A Writ of Garnishment is a method of collecting debts once a judgment has been obtained against the debtor. A Writ of Garnishment is issued by the Clerk of a Circuit or District Court to someone who owes money to or has property of the debtor.

2. **SCOPE:** State employers, Garnishee, who are served with garnishments on their employees' wages are responsible for withholding, to the extent of the amount due upon the judgment and costs, any nonexempt wages due or that subsequently become due. Any office who receives a Writ of Garnishment on one of its employees should immediately forward the Writ to Human Resources. The balance after the deductions is the employee's disposable earnings which are subject to garnishment. These amounts may change from year to year. This information, along with other information regarding the Federal Wage Garnishment Law can be found in "The Federal Wage Garnishment Law", WH Publication 1324, published by the United States Department of Labor.

3. **PROCEDURE:**

a. The Human Resources Analyst will:

- 1) Record on the incoming writ or the envelope it was received in the date and the time it was received.
- 2) Prepare a letter to the Case Coordinator at the Attorney General's Office on the day you receive the writ. The letter will contain the receipt date of the writ and the amount of the disposable earnings, and the date we submit our next payroll.

- 3) Attach the original copy of writ to the letter, a copy of the employee's latest REM statement and forward to the Case Coordinator.
- 4) Upon receipt of the Answer to Writ of Garnishment, forward copy of the writ and answer from the Attorney General's Office, complete and forward Garnishment Order Form to OPM which shall deduct from defendant's wages the amount allowed by law during each succeeding pay period until the debt and costs are paid or until the expiration of the payroll.
- 5) Maintain garnishment files. Pursuant to Ark. Code Ann. § 16-110-415, a garnishment shall remain as a lien against a Defendant's wages until the total amount of the judgment is paid or satisfied or the employee terminates employment.

5. The Department also receives Orders of Withholding for student loan debts. They are very similar to Writs of Garnishment and are handled in basically the same way. One other document is an Internal Revenue Service Levy on Wages. This operates as a continuous garnishment until the debt is paid. They are processed somewhat differently from garnishments; however, complete instructions are sent from IRS with each levy. Any office receiving such a Levy or Orders of Withholding should forward it to Human Resources.

6. SUPERSESSION: This procedure supersedes ADVAP 10-4, July 30, 2001, in its entirety.

7. FORMS PRESCRIBED: Establish/Change Garnishment Order

By:

Nathaniel (Nate) Todd  
Director

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