

INSTRUCTIONS

Garnishments are issued by a clerk or judge to collect a debt that is based on a court judgment against you. Wage garnishments are served by the Sheriff on your employer, who is responsible for taking a certain amount of money out of your pay.

If you are supporting a spouse, a dependent child under the age of eighteen (18), or a dependent child who is deemed disabled by the Social Security Administration, you may be entitled to a head of family exemption from a garnishment. Under Sections 513.440 and 525.030.1, RSMo, persons who are eligible for this exemption can limit the amount taken out of their pay.

If you qualify for a head of family exemption and the debt owed is not for the support of another person, ten percent (10%) of your disposable earnings may be withheld from your wages. See Sections 513.440 and 525.030.1, RSMo. "Disposable earnings" is defined as your pay minus any required deductions. Required deductions are federal, state, and local taxes and withholdings for Medicare and social security.

If you qualify for the head of family exemption and the debt owed is for the support of another person, fifty percent (50%) of your disposable earnings may be withheld from your wages. However, this amount can increase to fifty-five percent (55%) if the debt is for past-due support. See 15 U.S.C. 1673 (b)(2). Usually, debts of this kind are for child support or maintenance.

To claim the head of family exemption, you must complete the affidavit on page one. Return the completed affidavit to your employer for computing the garnishment percentage.

NOTE: When you receive notice of a garnishment, you should immediately check with your employer. If your employer is already taking out the correct amount from your pay, you may not need to file this affidavit.

If you have any questions about your rights regarding the garnishment, you should speak with an attorney.



IN THE 21ST CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

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|-----------------------------------|---------------------|--|
| Judge or Division: | Case Number: | |
| Plaintiff/Petitioner: | | |
| vs. | | |
| Defendant/Respondent: | | |
| Affiant's SSN (Last Four Digits): | | |

(Date File Stamp)

Affidavit for Head of Family Exemption of Wages Garnishment

I, _____, being of lawful age and being duly sworn on oath state that I am a resident of _____ County, Missouri, residing at _____ and that I am the head of a family and that I contribute to the support of my spouse and/or dependents and under the laws of the State of Missouri I am entitled to a head of family exemption from garnishment of wages.

I swear/affirm under penalty of perjury that these facts are true according to my best knowledge and belief.

Affiant's Signature