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SENATE BILL 366
Non-Wage Garnishment Procedure

House Judiciary
Thursday, March 8, 2012

TESTIMONY

By: Sandy McCurdy, Clerk of the District Court
Johnson County - 10th Judicial District

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to appear before you today to speak on behalf of the Kansas Association of District Court Clerks and Administrators in regard to amending the statutes regarding non-wage garnishment procedure.

The change in non-wage garnishment procedure would create parallel procedures between wage and non-wage garnishments. Presently, non-wage garnishment answers are returned to the courts for further processing, which may delay payment of funds on the judgment to the judgment creditor by fourteen to forty-five days, while wage garnishment answers are sent directly to the judgment creditor. We have worked with the Kansas Bankers Association to include language that would alleviate the bank's liability concerns. The Senate Committee amended the bill to retain court involvement in issuing the order to pay; however, the answer and the payment process would no longer go through the Court, resulting in time and money savings for those involved.

The requested amendments would save the clerks the time now spent on filing the completed answers and mailing a copy to the judgment creditor and judgment debtor as well as steps involved with the garnishee paying directly into court. These amendments would also save the counties the cost of postage and paper. It is important to look for ideas such as this in difficult economic times.

The Senate passed this bill on a 40 to 0 vote. Thank you for allowing me the opportunity to appear before you today on these issues. We will be glad to answer any questions you may have.

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