

60-737. Same; garnishment attaching earnings; contents. This section must apply if the garnishment is to attach earnings of the judgment debtor.

(a) The answer of the garnishee must be substantially in compliance with the forms set forth by the judicial council.

(b) Within 14 days following the date of service upon a garnishee of an initial order of garnishment, the garnishee must complete the answer in accordance with the instructions accompanying the answer form and send the completed answer to each judgment creditor and judgment debtor at the addresses listed on the answer form. The garnishee must designate on the answer in the space provided on the answer form the name and case number for each judgment creditor who has a garnishment order in effect for the same debtor and the amount that is due each judgment creditor under the garnishment in accordance with the instructions accompanying the answer form. Only one answer needs to be completed for each judgment debtor by the garnishee and the garnishee may duplicate the completed answer in any manner the garnishee desires for distribution to each judgment creditor and judgment debtor. The answer must be supported by unsworn declaration in the manner set forth on the answer form. Once the garnishee has distributed the answer to the initial order of garnishment, no further answer is required. A party or the court may request a written explanation of the garnishee's computations of earnings withheld during any pay period, and the explanation must be submitted by affidavit within 14 days after such request. Service of the request must be in the same manner as process is to be served pursuant to K.S.A. 61-3001 through 61-3006, and amendments thereto.

(c) If there are other liens against the judgment debtor's earnings which by law have priority over garnishments, the garnishee must so indicate on the answer. In such event, the garnishment must remain in effect but no earnings of the debtor must be withheld under the garnishment order unless and until all liens having priority are released or satisfied or the earnings being withheld under all of such liens are less than the amount which is exempt under K.S.A. 60-2310, and amendments thereto.

History: L. 2002, ch. 198, § 10; L. 2010, ch. 85, § 2; July 1.