

Oneida Judiciary
P.O. Box 19
Oneida, WI 54155
(920) 496-7200

INSTRUCTIONS FOR FILING A WAGE GARNISHMENT ACTION ONEIDA JUDICIARY

1. This packet explains the wage garnishment process at the Oneida Judiciary.
2. Fill out the enclosed Petition. A few things to remember:
 - a. You must have a copy of the proof of judgment showing how much the debtor owes.
 - b. Post judgment interest will be included in accordance with section 204.5-6(d).
 - c. Please be precise and as accurate as possible with the information you provide.
 - d. If you do not know the Oneida Judiciary case number, leave it blank and the clerk of court will fill it in.
3. Wage garnishments are governed by Chapter 204 of the Oneida Code of Laws. **YOU DO NOT HAVE TO FILE A SEPARATE WAGE GARNISHMENT ACTION IN STATE COURT.** It will not be recognized, and you will not be able to claim the state court filing fee as an expense. Read Chapter 204 so you are aware of the Oneida Nation's laws.
4. File the original Petition form include a copy of the proof of judgment and your \$25 filing fee with your filing. (Your \$25 filing fee is required to be reimbursed by the Debtor and if a garnishment is enacted, the filing fee will be included in the total due to the Creditor.)
5. Upon filing the Clerk will mail a copy of your Petition along with the Debtor's answer form to the Debtor.
6. You must fill out the Subpoena of Information Form. For service, the Subpoena of Information Form must be emailed to:
 - a. Vicki L. Cornelius at VCORNEL3@oneidanation.org and
 - b. Theresa M. Skenandore at TSKENAND@oneidanation.org and
 - c. Whitney A. Wheelock at WWHEELLOC@oneidanation.org.

Note: The subpoena must be signed by an officer of the court or the clerk of court. It must be filed with the Court within 5 business days of receipt from HRD.
7. You will be notified when a hearing date is set. You may appear by phone at this hearing by contacting the court with arrangements in advance.

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ONEIDA JUDICIARY

Case No. _____

Petitioner/Creditor:

Enter the name, address and daytime phone number of the petitioner/creditor from the original case file.

First name Middle name Last name

Current Mailing Address

City State Zip Daytime Phone Number

vs.

Respondent/Debtor:

Enter the name, address, and daytime phone number of the respondent/debtor from the original case file.

First name Middle name Last name

Current Mailing Address

City State Zip Daytime Phone Number

Oneida Nation _____
Employer / Garnishee

PETITION FOR WAGE GARNISHMENT

Pursuant to Chapter 204 of the Oneida Code of Laws, the Petitioner files this Petition for Wage Garnishment and alleges as follows:

I am the Creditor in this action.

1. Reason for Claim:

2. Amount of Original Judgment: _____

a. Were any payments made? Yes or No

b. Is yes, what is the total amount still uncollected? _____

3. Court where judgment was obtained (attach proof of judgment):

4. Post judgment interest you are claiming, if any (please see section 204.5-6(d)):

5. Other costs you are claiming in addition to the balance on the judgment:

6. Summary of amounts claimed:

Judgment amount:	
Post Judgment Interest	
Filing Fee:	\$25.00
TOTAL:	

7.

Please make check payable to and remit payment to:
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JURISDICTION SUBMISSION STATEMENT: As required by Sec. 204.4-1 of the Wage Garnishment Law, the Creditor is submitting to the jurisdiction of the Oneida Nation in this particular action.

Dated this ____ day of _____, 20 ____

BY: Petitioner/Creditor or Petitioner’s Attorney/Advocate

Signature

Printed

Phone #

Oneida Judiciary

Tsi nu téshakotiya?tolétha?

Confidential Disclosure of Protected Information

Petitioner/Creditor

v.

Case No. _____

Respondent/Debtor

In #1 enter the name of each person whose protected information is needed for this case and the information to be protected.

GARNISHMENT CASES ONLY: Social Security Numbers are needed. If other information is not available leave blank from form.

In # 2 if it is not practical to redact a document, you may attach it to this form without redacting it.

Sign and print your name and date the document.

1. The following protected information is needed for this case or is required by law. It has been omitted or redacted from documents filed with the court.

A. Name: _____

Social Security Number: _____

Employee ID Number: _____

Enrollment ID Number: _____

Driver's License Number: _____

Financial Account Numbers: _____

B. Name: _____

Social Security Number: _____

Employee ID Number: _____

Enrollment ID Number: _____

Driver's License Number: _____

Financial Account Numbers: _____

See attached for additional parties

2. The following documents cannot be redacted and are attached:



Signature

Print or Type Name

Relationship to Case

Date

CONFIDENTIAL COURT RECORD

Oneida Judiciary

Tsi nu téshakotiya?tolétha?

#

Garnishment

#

Oneida Human Resources Department
HRIS/Record Staff Only

Date:
Case No:

#

Subpoena for Information

Pursuant to the Oneida Nation Code, 204.5-3, a notice of intent to garnish the wages of an employee of the Oneida Nation has been filed with the Oneida Judiciary. Under Oneida Nation Code, 803.24-1 (c), the Clerk of Court or an attorney admitted to practice in the Oneida Judiciary may issue and sign a subpoena. The creditor must fill in all below information that is available to the creditor.

Pursuant to this requirement, your office is commanded to provide confirmation of the included information of debtor employees. Fill in information for each named debtor and return the original copy of this subpoena within five business days of receipt of this subpoena. Failure to comply with this subpoena will delay the completion of the garnishment process and may subject your office to contempt for interference with the judicial process.

C. Debtor Name: _____

Social Security Number: _____

Employee ID Number: _____

Address: _____

Gross Salary: _____ Hourly Wage: _____

Average hours worked per week: _____

Tipped Employee: Yes or No

If yes, total tips for the past year: _____

Average weekly tips: _____

If worked less than 1-year, Adjusted Date of Hire: _____

Was employee on a leave of absence, layoff, furlough or any other leave, in the past year? Yes or No

If yes, how long was the leave: _____

D. Debtor Name: _____

Social Security Number: _____

Employee ID Number: _____

Address: _____

Gross Salary: _____ Hourly Wage: _____

Average hours worked per week: _____

Tipped Employee: Yes or No

If yes, total tips for the past year: _____

Average weekly tips: _____

If worked less than 1-year, Adjusted Date of Hire: _____

Was employee on a leave of absence, layoff, furlough or any other leave, in the past year? Yes or No

If yes, how long was the leave: _____

If more than two debtors, use additional form.

This subpoena for information is demanded on ____ day of _____, _____.

Signature (Clerk of Court / Attorney)

Print (Clerk of Court / Attorney)

ONEIDA JUDICIARY

For Official Use

Creditor: _____

Debtor: _____

Garnishee: Oneida Nation

Earnings Garnishment Debtor's Answer

Case No. _____

TO THE GARNISHEE:

1. My earnings are **completely** exempt from earnings garnishment or limited in amount subject to garnishment because:

- a. The judgment has been paid.
- b. The judgment has been discharged in bankruptcy.
- c. I have filed bankruptcy and enforcement of the judgment has been stayed.
Name of bankruptcy court: _____
Bankruptcy court file number: _____
- d. The judgment is void.

2. I request the Judiciary to lower the percentage deducted from my disposable earnings as a deduction of the maximum twenty percent (20%) would cause me undue harm because one (1) or more of the following apply:

a. I receive, am eligible for, or have received within **6 months** one or more of the following:

Check which applies. Attach a copy of the letter of approval or eligibility.

- Relief funded under public assistance
- Medical assistance
- Food Stamps
- Supplemental security income
- Relief funded under Wis. Stats. §59.53(21)
- Veterans benefits based on need under 38 USC 501-562 or Wis. Stats. §45.351(1)
- Any other public assistance

*****Must attach proof of assistance/benefits documentation.**

b. I am subject to child support orders that would leave me with less than fifty percent (50%) of my earnings

*****Attach a copy court order.**

- c. My household income is below the federal poverty level.
- d. The garnishment of 20% of my disposable income would result in the income of my household being below the federal poverty level.
- e. The garnishment of twenty percent (20%) of my disposable earnings would cause me undue harm for other reasons. Please explain:

I understand that if I claim a complete exemption, limitation or defense in bad faith, I may be held liable to the creditor for actual damages and costs.

► _____
Signature of Debtor

Name Printed or Typed

Date

Address

Telephone Number

ONEIDA JUDICIARY

For Official Use Only

Creditor: _____

Debtor: _____

Earnings Garnishment Percentage Deduction Notice

Garnishee: Oneida Nation

Case No. _____

To the debtor:

The creditor has been awarded a judgment against you or your spouse as indicated below. That judgment has not been fully paid. The creditor has now filed a garnishment proceeding against your earnings from the garnishee. This means that the creditor is seeking to take some of your earnings to satisfy part or all of the judgment against you or your spouse.

The total amount of the creditor's claim is as follows:

County of Judgment:	Case Number:	Date of Judgment:
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Unpaid balance on judgment: \$ _____

Post Judgment Interest: \$ _____

Filing costs of this earning garnishment: \$ 25.00

Total amount owed by the debtor: \$ _____

By law, your wages may be garnished in an amount not to exceed 20% of your weekly disposable earnings. Your "disposable earnings" are those remaining after social security and federal and state income taxes are withheld.

You may request a lower percentage be deducted from your disposable earnings if undue harm results from any of the following:

1. Your household income is below the federal poverty level. See the worksheet below to determine if you qualify for this deduction.
2. You receive relief funded under public assistance, relief funded under Wis. Stats. §59.53(21), medical assistance, supplemental security income, food stamps, or veterans benefits based on need under USC 501 to 562 or Wis. Stats. §45.35 (1), or have received these benefits within the past 6 months or are eligible but have not yet received these benefits.
3. At least 50% of your disposable earnings are assigned by court order for child support.
4. The garnishment of twenty percent (20%) of the debtor's disposable earnings would cause the debtor's household income to drop below the current federal poverty level.
5. The garnishment of twenty percent (20%) of the debtor's disposable earnings would cause the debtor undue harm for reasons not identified in this section.

Poverty Guidelines for Earnings
 July 1, 2022 through June 30, 2023
 (Guidelines based on gross income)

Size of Family	Weekly	Bi-weekly	Semi-monthly	Monthly	Annually
1	\$261	\$523	\$566	\$1,133	\$13,590
2	\$352	\$704	\$763	\$1,526	\$18,310
3	\$443	\$886	\$960	\$1,919	\$23,030
4	\$534	\$1,067	\$1,156	\$2,313	\$27,750
5	\$624	\$1,249	\$1,353	\$2,706	\$32,470
6	\$715	\$1,430	\$1,550	\$3,099	\$37,190
7	\$806	\$1,612	\$1,746	\$3,493	\$41,910
8	\$897	\$1,793	\$1,943	\$3,886	\$46,630
Each add'l family member	Add \$91 to above amount	Add \$182 to above amount	Add \$197 to Above amount	Add \$393 to Above amount	Add \$4,720 to above amount

Source: Federal Register / 87 FR 3315 / January 21, 2022

CV-427, 06/22 Poverty Guidelines for Earnings §812.34(3) Wisconsin Statutes