
Civil Rights & Judiciary Committee

ESSB 5865

Brief Description: Concerning garnishment forms.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Lovick, Wagoner, Dhingra and Trudeau).

Brief Summary of Engrossed Substitute Bill

- Removes the statutory forms for a first and second answer to a writ of garnishment for a continuing lien on earnings, and directs the Washington Pattern Forms Committee to develop answer forms for use by parties in garnishment proceedings.

Hearing Date: 2/20/26

Staff: Edie Adams (786-7180).

Background:

A creditor may seek payment for money or property owed by a debtor through execution, attachment, or garnishment of the debtor's personal property.

Garnishment is a legal process by which a judgment creditor may obtain a debtor's funds or property that are in the possession of a third person, such as funds in a debtor's bank account or wages held by the debtor's employer. A creditor seeking to garnish a debtor's funds or property must apply to a court to issue a writ of garnishment. Once issued, the creditor must serve the writ on the third party holding the funds or property and mail a copy of the writ to the debtor. The third party must comply with the writ.

A creditor may serve an employer with a writ of garnishment called a "writ of continuing lien on

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earnings" that allows the creditor to garnish a portion of the debtor's wages each pay period for a limited time. The employer, called the garnishee, must provide an answer within 20 days after service of the writ.

The garnishment laws contain a number of statutory forms for use in the garnishment process, including answer forms for a writ for continuing lien on earnings that the judgment creditor must provide to the garnishee. The statutory answer forms include instructions to the garnishee and detail the information that must be provided, including:

- whether the judgment debtor was employed by the garnishee on the date the writ was issued;
- whether the garnishee is withholding the defendant's nonexempt earnings under a previous writ for a continuing lien on earnings;
- whether the defendant maintains a financial account with the garnishee;
- whether the garnishee has possession of any funds or personal property of the defendant;
- amount owed by the garnishee to the defendant; and
- a calculation of the amount to be withheld for each pay period based on a formula provided in the form.

The Washington Pattern Forms Committee was established by order of the Washington Supreme Court to create a central authority responsible for establishing and maintaining standardized forms for use in Washington courts. The Washington Pattern Forms Committee drafts and maintains forms, considers requests for the redrafting of adopted forms, and oversees all necessary redrafting of adopted forms.

Summary of Bill:

The statutory forms for a first and second answer to a writ for continuing lien on earnings are removed, and the Washington Pattern Forms Committee (Committee) is directed to develop a first and second answer form by December 31, 2026. A garnishee's first answer to a writ for a continuing lien on earnings may be substantially in the same form as the form developed by the Committee. A plaintiff must mail the garnishee a copy of the second answer form developed by the Committee or a substantially similar form. The garnishee must file a second answer in the form developed by the Committee, stating the total amount held subject to the garnishment or otherwise containing specified information.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains multiple effective dates. Please see the bill.