

SENATE BILL REPORT

ESSB 5865

As Passed Senate, January 28, 2026

Title: An act relating to garnishment forms.

Brief Description: Concerning garnishment forms.

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

Brief History:

Committee Activity: Law & Justice: 1/13/26, 1/15/26 [DPS].

Floor Activity: Passed Senate: 1/28/26, 46-3.

Brief Summary of Engrossed First Substitute Bill

- Removes statutory forms related to a writ of garnishment.
- Requires use of a form developed by the Washington Pattern Forms Committee, or a substantially equivalent form.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5865 be substituted therefor, and the substitute bill do pass.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Holy, Ranking Member; Fortunato, Lovick, Salomon, Torres, Valdez and Wagoner.

Staff: Tim Ford (786-7414)

Background: Garnishment is a legal process by which a judgment creditor may recover funds owed by a judgment debtor by compelling third parties to divert to the creditor certain funds owned by or owed to the debtor, such as funds held in the debtor's bank accounts or the debtor's wages held by an employer.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Garnishment Forms. Separate forms are created in statute for different purposes related to garnishment. There is an answer form for the garnishee to complete for a continuing lien on earnings. The answer requires information including, but not limited to:

- whether the garnishee is withholding the defendant's nonexempt earnings under a previously served writ for a continuing lien;
- whether the defendant was employed by the garnishee on the date the writ of garnishment was issued, and the last day of employment;
- whether the defendant maintained a financial account with the garnishee;
- whether the garnishee has possession of any funds, personal property, or effects of the defendant;
- amount owed by the garnishee to the defendant at the time of service of the writ; or
- a calculation of the amount to be withheld for each pay period based on a formula of disposable earnings less any deductions—such as Social Security income or child support—or exempt amounts.

Washington Pattern Forms Committee. The Washington Pattern Forms Committee (WPFC) is the central authority for standardized court forms in the state of Washington. WPFC is a permanent committee established in 1978 by order of the Washington State Supreme Court to:

- implement the adoption of forms;
- consider requests for redrafting adopted forms; and
- oversee all necessary redrafting.

Summary of Engrossed First Substitute Bill: The statutory form for an answer to a writ of garnishment is removed. A garnishee is required to use a form developed by WPFC, or a substantially equivalent form.

Appropriation: None.

Fiscal Note: Requested on January 6, 2026.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill takes effect on May 1, 2027.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: The legislation does not change garnishment law. The current forms do not accurately reflect the forms that should be used.

In many cases, the calculations provided by employers to determine how much money could be legally garnished from an employee's paycheck to not match the actual amount that was garnished. Employers often did the math wrong, it was not their fault. The root

problem is the form as it provides only one column for employers to combine all wages during the 60 day garnishment window, even though employers are supposed to calculate exemptions on a weekly basis. When an employee's wages fluctuate week to week, the form yields inaccurate results. The State of Washington ignores the statutorily mandated form and uses a much better form developed by the Office of Financial Management.

This is a straightforward technical fix bill to the garnishment statute and it's a fix for a real-world problem.

CON: The pattern forms committee has a subcommittee that works just on garnishment forms. I've been a member of it, and the last time we had major changes to the garnishment forms was three years ago when the exemption amounts got bumped up and the language around those amounts changed significantly. We didn't actually meet until after the effective date of the legislation, and it takes time to get those forms out and approved.

Basically, the concern is that the statutory form should still be valid until the pattern forms becomes available so you don't have a period of time where you didn't have a valid form that parties can use.

Persons Testifying: PRO: Senator John Lovick, Prime Sponsor; Melissa Johnson, District & Municipal Court Judges' Association; Judge Andrew Biviano, District & Municipal Court Judges' Association.

CON: Kevin Underwood, Northwest Collectors Ass'n.

Persons Signed In To Testify But Not Testifying: No one.