

## Georgia Garnishment Ruling Modified by Judge, No Longer Applies to Wages

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Revising his September 8 decision that Georgia's garnishment statute is unconstitutional, U.S. District Judge Marvin H. Shoob has issued an order stating that his ruling does not apply to wage garnishment cases filed against a judgment debtor's employer. *Strickland v. Alexander*, No. 1:12-CV-02735-MHS (N.D. Ga. Oct. 5, 2015).

Judge Shoob's earlier ruling also enjoined Gwinnett County, where the case arose, from issuing any garnishment summons. Accordingly, the judge modified his injunction on the Gwinnett County Clerk, explicitly stating that his decision does "not apply to continuing wage garnishments filed against a judgment debtor's employer."

In response to the judge's October 6 ruling, the Gwinnett County Clerk issued a directive to the Court for the Clerk's office to begin issuing wage and support garnishment summons and accept funds sent to the court for wage and support garnishment actions. Other county courts, including Fulton County and Cobb County, had issued similar standing orders to stay garnishment cases following the September 8 ruling. The Fulton County has lifted its standing order to stay garnishment cases and is accepting monetary deposits into its registry.

Employers should continue to garnish as usual, keeping in mind to garnish only monies, such as wages, that are subject to garnishment, until instructed by a court otherwise. Further, employer who were instructed to not send funds or were returned funds due to a court's prior notice should resend any withheld funds to the courts immediately. If an employer receives a notice from a court regarding how to handle garnishments, the employer should comply with the notice in answering garnishments.

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