

Garnishment Research Guide

Overview

This research guide includes information and resources on the topic of garnishment. *Black's Law Dictionary* defines garnishment as "a judicial proceeding in which a creditor (or potential creditor) asks the court to order a third party who is indebted to or is bailee for the debtor to turn over to the creditor any of the debtor's property (such as wages or bank accounts) held by that third party; a plaintiff initiates a garnishment action as a means of either prejudgment seizure or postjudgment collection."

Statutes & Codes

Texas Statutes: <https://statutes.capitol.texas.gov>

- Ch. 63 – Garnishment
<https://statutes.capitol.texas.gov/Docs/CP/htm/CP.63.htm>

Texas Rules of Civil Procedure - 657 et seq.

<https://www.txcourts.gov/rules-forms/rules-standards/>

Texas Civil Practice & Remedies Code Plus KFT 1728. A196 A2

- CPRC Title 3 Extraordinary Remedies, Ch. 63 Garnishment, p. 241-244

O'Connor's Texas Family Code KFT 1294. 03B4

- Texas Constitution, Art. 16 § 28, p. 1439. See also Withholding Earnings in Index.

Secondary Resources in Print

Dorsaneo's Texas Litigation Guide KFT 1730. T4

- Vol. 1, Ch. 3 Professional Responsibility

- Vol. 3, Ch. 42 Garnishment
- Vol. 19, Ch. 295 Attorney's Fees § 295.23 Garnishment Proceedings

The Texas Collections Manual KFT 1367. C6 T49

- Vol. 2, Ch. 27 – Post-Judgment Remedies – IV. Postjudgment Garnishment

Texas Practice Series KFT 1280. T4

- Volumes 11-14 (Methods of Practice), 15 (Foreclosure), 16 (Action) -- (also available electronically on Westlaw)

West's Texas Forms KFT 1268. W47

- Vol. 1A Cred. Rem. & Debt. Rights § 14:1 et seq. (see most current updates in softbound supplement to Volume 1A)
- Vol. 1A West's Texas Forms § 28:5, Procedures for Postjudgment Garnishment of Property for Debt.

West's Texas Digest KFT 1257. W48

- Vol. 12C, pp. 641, 644 et seq.

Texas Jurisprudence Forms: Pleading and Practice KFT 1730. A65 T482

- Volume 2, Ch. 36 – Attachment & Garnishment
- Volume 8, Ch. 153 – Justice and Other Inferior Courts §153.26 Writ of Garnishment

Texas Family Law Practice Manual KFT 1294.T4S7

- Vol. 3, Ch. 31 Enforcement - Property

CLE Materials

The 18th Annual Collections and Creditors' Rights CLE – KFT 1367. C6S7

- Ch. 8 – Post-Judgment Remedies

Advanced Family Law 2020 KFT 1294. S83

- Ch. 9 – Bring It Home to Me: Post-Judgment Collection

Online Resources

Protect Your Social Security from Garnishment
<https://texaslawhelp.org/article/protect-your-social-security-from-garnishment>

Post Judgment Remedies
<https://www.txs.uscourts.gov/sites/txs/files/PostJudgmentRemedies2014.pdf>

Texas Young Lawyers Association – Guide to Garnishments in Texas
<https://tyla.org/resource/garnishment-guide/>

State Bar – Guide to Garnishments in Texas
https://www.texasbar.com/AM/Template.cfm?Section=Free_Legal_Information2&Template=/CM/ContentDisplay.cfm&ContentID=52777

Texas Wage Garnishment Law (NOLO)
<https://www.nolo.com/legal-encyclopedia/texas-wage-garnishment-law.html>

Texas State Law Library Research Guide – Debt Collection: Collecting the Debt
<https://guides.sll.texas.gov/debt-collection/collecting-the-debt>

Collections and Creditors' Rights 2020
E-book available through The Texas State Law Library
<https://www.sll.texas.gov/>

Handling Your First (or next) Collections Case 2020
E-book available through The Texas State Law Library
<https://www.sll.texas.gov/>

Legal Assistance

Legal Lines – Ask Attorneys simple legal questions (free service)

- Tarrant County LegalLine Sign-up
<https://www.tarrantbar.org/>
- Dallas County LegalLine Sign-up
<https://www.dallasbar.org/index.cfm?pg=legalline>

Tarrant County Bar Association Lawyer Referral Service: 817-336-4101 (\$20 for the first 30 minutes)